

RESOLUTION 9.17
COMMERCIAL WHALE WATCHING ACTIVITIES IN THE ACCOBAMS AREA

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 II of the Agreement, according to which the Parties shall prohibit and take all necessary measures to eliminate any deliberate taking of cetaceans, including harassing or attempting to engage in such conduct,

Recalling Section 2 of Annex 2 to the Agreement, according to which, when necessary, Parties shall develop guidelines and/or codes of conduct to regulate or manage activities that create direct and indirect interactions between humans and cetaceans, such as tourist activities,

Aware that ACCOBAMS Resolution 4.7 sets forth Guidelines for Commercial Cetacean Watching Activities in the ACCOBAMS Area and that Annex 2 to Resolution 6.20 provides regulations governing use of the collective certification mark “High Quality Whale-Watching®” and the Guidelines for acquiring a label for whale-watching operators in the Pelagos/ACCOBAMS Area,

Recognising the 10th anniversary of the “High Quality Whale-Watching®” implementation, and noting the efforts of MIRACETI in France and CIMA Foundation in Italy to implement HQWW at the national level,

Aware that there is a need to revise the regulations governing the use of the collective certification mark “High Quality” “Whale Watching®” (HQWW) with the objective of simplifying the implementation at the national level and facilitating replication in other geographical areas,

Recalling that the ACCOBAMS Resolution 8.19 acknowledges the “Guidelines for the Management of Cetacean Watching Activities in the ACCOBAMS Area”,

Taking into consideration Recommendation 16.11 of the Scientific Committee on “Commercial whale watching activities in the ACCOBAMS area”,

1. *Reiterates the need for legally enforceable whale watching regulations to be in place and fully implemented by all of the ACCOBAMS Parties, in line with previous ACCOBAMS Resolutions 4.7, 6.20, and 8.19;*
2. *Requests the Secretariat, in collaboration with the Scientific Committee and Sub-Regional Coordination Units, to carry out the analysis of existing national legislation related to whale watching, which should be done in coordination with the Pelagos Working Group “Lois”;*
3. *Requests Parties to encourage, when possible, whale watching operators to continue testing the relevant digital application(s) that incorporate the common procedure for data collection;*
4. *Requests Parties to collect, when possible, detailed information from whale watching operators on their activities;*

5. *Requests* the Secretariat to include a new specific section on National Reports;
6. *Encourages* the Secretariat and the Scientific Committee to further collaborate with relevant organisations on issues related to whale watching activities;
7. *Encourages* Parties to implement pilot studies to define the whale watching carrying capacity in geographical areas where commercial whale watching is intensively practised;
8. Takes note of the updated regulations governing the use of the collective certification mark “High Quality Whale Watching®” (HQWW), as provided in the [Annex](#);
9. *Decides* that the present Resolution amends Resolutions 4.7, 6.20 and 8.19.

ANNEX

Regulations for the Use of the Collective Certification Mark High Quality Whale-Watching® by Authorised Operators under the ACCOBAMS and Pelagos Agreements



Created on 1st September 2014

Updated on September 2025

Introduction

Whale-watching activities are increasing worldwide. If well managed, and within a well-defined framework, they are a wonderful vector for environmental education, contribute to the local economy and can promote research on cetaceans and their conservation. However, in the absence of a robust framework, they can grow too fast, increasing pressure on the environment and disturbing animals, and give rise to serious repercussions for the populations concerned.

Since 2004, several studies have shown that such activities are increasing particularly in north-western Mediterranean regions. Aware of these challenges, many whale-watching operators from the Pelagos Sanctuary have come together at the initiative of the Pelagos Agreement and the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area (ACCOBAMS), with the support of several Non-Governmental Organisations (NGOs). This collaboration has led to the creation of a consultative and voluntary management tool to ensure the sustainability of these activities – a certification for whale-watching operators that are involved in initiatives fostering quality and environmental responsibility.

In addition, it is important to note:

- That ACCOBAMS Resolution 8.19 set out Guidelines for the observation of cetaceans for commercial purposes in the ACCOBAMS area;
- That by virtue of Article II, paragraph 1 of ACCOBAMS, the Parties prohibit and take all necessary measures to eliminate any deliberate taking of cetaceans, including disturbing them or attempting to perform such activities;
- That pursuant to Section 1.c) of Annex 2 to ACCOBAMS, the Parties require that impact assessments 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 tourism and cetacean-watching, as well as establishing the conditions under which such activities may be conducted;
- That Resolution 4.5 of the Pelagos Agreement on the creation of a certification for marine mammal-watching activities for commercial purposes in the Pelagos Sanctuary has been adopted by the State Parties;
- That Article 8 of the Pelagos Agreement on the protection of marine mammals in the Mediterranean provides that "In the Sanctuary, the Parties regulate the watching of marine mammals for the purposes of tourism";
- That the Pelagos Sanctuary provides unique potential for tourists to watch marine mammals and for such watching to become an exceptional awareness-raising and educational tool;
- That cetacean-watching activities for commercial purposes, where properly conducted, should be encouraged since they contribute to educating the general public and raising awareness of cetaceans and their habitat, and also have other potential benefits including economic benefits;
- That such activities, if carried out in an inappropriate way, may lead to detrimental disturbance of marine mammals; and lastly
- That paragraph 130 of the document "The Future We Want", adopted in 2012 by the Rio Conference on sustainable development (Rio +20) highlights the necessity of supporting activities related to the sustainable development of tourism and capacity-building in this regard, which foster knowledge of the environment, preserve and protect the environment, respect wildlife, flora, biodiversity, ecosystems and cultural diversity, and improve living conditions and sources of income for local populations by protecting their economy, as well as the natural environment overall.

Project objectives

In this context, and to meet the requirements of the Parties, ACCOBAMS and Pelagos Agreement wish to promote good practices for cetacean watching for commercial purposes.

The collective certification mark “*High Quality Whale-Watching®*” is voluntary and participative, and acts as an incentive to ensure that good practices and responsible methods are implemented by operators involved in whale watching at sea, as well as their crews.

This initiative is based on the Regulations for the Use of the Collective Certification Mark “*High Quality Whale-Watching®*” by Authorised Operators under the ACCOBAMS and Pelagos Agreements (hereinafter referred to as “Regulations”), and can be adapted to all professional operators organising whale watching at sea for commercial purposes. It is intended to serve as a common reference framework, which may be transposed by each country or territory into their respective “Cahier des charges” or equivalent national implementation document.

Regulatory framework

These Regulations have been prepared using the Intellectual Property Code, which defines the status of a collective mark.

Marine whale-watching operators applying to use the collective certification mark “*High Quality Whale-Watching®*”, hereinafter also referred to as the Mark, undertake to comply with the regulations in force.

The law to be applied to these Regulations is Monegasque law. French is the official language of the Regulations. Any translation of the Regulations that has not been approved by ACCOBAMS has no legal value and may only be considered to be a working document.

Disputes relating to these Regulations will be brought before the competent Monegasque Courts.

Article 1 - Owner

The basic collective certification mark represented by the “*High Quality Whale-Watching®*” logo (designed by *Souffleurs d'Ecume* and offered to ACCOBAMS in a copyright assignment agreement signed on 18/07/2014), reproduced below and described in Article 4.2 is owned by ACCOBAMS, located at Les Jardins d'Apolline – Bât. C 1, Promenade Honoré II, 98000 MONACO:



The Mark has been filed with the Intellectual Property Department (Business Development Agency - 98000 MONACO). Once registered, it is protected for 10 years as from the date at which the application was filed.¹

¹ The “*High Quality Whale-Watching®*” collective trademark has been registered by ACCOBAMS with the International Bureau of the World Intellectual Property Organization in September 2014, renewed in May 2024, valid until September 2034.

Article 2 - Scope

Article 2.1 - Date of implementation

These Regulations enter into force as from their registration on the national brand register.

Article 2.2 - Users of the Mark

The High Quality Whale-Watching project applies to any operator offering trips out of a harbour to watch cetaceans in their natural environment.

Article 3 - Obtaining the Regulations

The Regulations are available free of charge and can be downloaded from the ACCOBAMS website (<https://accobams.org>) and from the Pelagos Agreement website (<https://pelagos-sanctuary.org>).

Article 4 - Conditions of use

Article 4.1 - Conditions for the use of the Mark

A general condition regarding the reproduction of the Mark and applying to all users:



Article 4.2 - House style

Operators authorised to use the collective certification mark "High Quality Whale-Watching®" may reproduce, affix or use the "High Quality Whale-Watching®" logo on any media for advertising or institutional communication.

Use of the logo must comply with the following house style specifications:

- Use of colour:



Pantone colour reference:

Black = 426C

4-colour offset colour references:

Cyan = 100% Cyan = 54%

Magenta = 100% Magenta = 50%

Yellow = 100% Yellow = 45%

Black = 100% Black = 11%

- **Use of the logo in other colours**

In order to meet users' aesthetic requirements, the logo may be used in the following ways:

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Cyan = 76%	Cyan = 36%								
Magenta = 6%	Magenta = 3%								
Yellow = 41%	Yellow = 20%								
Black = 0%	Black = 11%								

Article 4.3 - Penalties regarding the conditions for the use of the Mark

ACCOBAMS reserves the right to take any necessary measure to guarantee the proper use of the collective certification mark "High Quality Whale-Watching®".

For whale-watching operators authorised to use the collective certification mark "High Quality Whale-Watching®", non-compliance with the conditions for use of the Mark and the visual identity guidelines will lead to the withdrawal of the authorisation to use the Mark, once the user has been invited to submit their remarks. Withdrawal of authorisation will lead, *ipso jure*, to the termination of the agreement authorising use of the Mark.

As a reminder, any infringement or wrongful or fraudulent use of the collective certification mark "High Quality Whale-Watching®", whether the fault of the Mark holder or a third party, will entitle ACCOBAMS to take any legal action deemed appropriate, including brand infringement action, without prejudice to criminal proceedings being initiated.

Article 5 - Procedures for obtaining authorisation to use the Mark

Article 5.1 - Conditions on access to the Mark and identification

The collective certification mark "High Quality Whale-Watching®" may be requested by any operator offering trips to watch cetaceans in their natural environment. In order to benefit from the Mark, operators must first follow a training programme organised by a Certifying Partner or Certifier recognised by ACCOBAMS, in accordance with the terms of Article 5.2.

Operators also undertake to be up to date with payments of mandatory contributions, confirm that they hold the insurance policies required for their activities, and undertake to provide their services in full compliance with the regulations in force (according to National license regulations), particularly as regards passenger safety.

Article 5.2. - Undergoing training

High-quality whale-watching activities require a considerable level of skill. For this reason, the training of whale-watching operators' management and crew is an essential clause regarding the use of the Mark. This training is aimed at:

- giving added value to the operators' trips;
- promoting high quality service and an ecologically sustainable approach as regards the general public;

- restricting the impacts of activities on cetaceans and helping to protect them;
- ensuring that whale watching has a sustainable future.

The training programme will include topics like marine ecology, marine mammal biology (including description and identification of the marine mammals that can be observed), marine biodiversity (including description and identification of the species that can be observed), anthropogenic pressures, the legislation framework (including ACCOBAMS and Pelagos Agreement), conservation measures (including the Code of Good Conduct), satisfaction questionnaires, promotion and communication of the Mark, and contribution for research and conservation.

In order to complete the training programme and receive a certificate, the candidates must attend the relevant sessions, according to their profile, and pass the final exam.

It is recommended to organise refresher sessions for certified operators at least every five years.

In order to use the collective certification mark “*High Quality Whale-Watching®*”, the crew of the boat must be composed of personnel (at least one captain and one guide) who have passed the course.

Article 5.3. – Compliance with the Code of Good Conduct

In order to obtain the right to use the collective certification mark “*High Quality Whale-Watching®*”, operators under the ACCOBAMS and Pelagos Agreements undertake to comply with the ACCOBAMS-Pelagos Code of Good Conduct, as presented in [Appendix 1](#).

Article 5.4 - Procedure for trips at sea

Operators are encouraged to organise **nature-oriented trips** rather than excursions focusing solely on cetaceans. The aim is to restrict pressure on the animals whilst ensuring public awareness and satisfaction.

“Big-game” fishing combined with whale watching within a single package is not allowed (the fishing techniques are incompatible with the Code of Good Conduct). To qualify as a mark-holder, entities offering both activities must organise them separately, on different excursions.

Cetacean feeding and swimming with cetaceans are prohibited under the Mark, both for safety reasons and so as not to disturb the animals.

Using detection systems to find cetaceans is forbidden since they can lead to an increase in pressure and an intensification of activities.

Article 5.5 - Raising passengers' awareness

In compliance with the Code of Good Conduct, the operator undertakes to disseminate a high-quality message on board using common content comprising:

- a description and identification of marine mammals and other species that can be observed (including the most recent relevant IUCN Assessment);
- biological and ecological aspects on the cetaceans and ecosystems of the relevant local regions (Adjacent Atlantic, Mediterranean Sea and Black Sea);
- a presentation of ACCOBAMS and, when relevant, local protected sites (MPAs, the Pelagos Sanctuary, Natura2000 sites, PSSAs, etc.) underlying call to actions for conservation;
- the main existing threats to marine mammals and in particular those related to whale watching that do not comply with the Code of Good Conduct;
- the significant role of the certified operators for research and conservation;
- activities that are forbidden by the Mark (art. 5.4).

Operators awarded the Mark also undertake to make available to their passengers awareness-raising documents provided by ACCOBAMS and/or the Pelagos Agreement.

At the end of each trip, a customer satisfaction questionnaire, provided by Certifying Partners, should be visible and available to passengers, in accordance with Article 6.a.

Information collected from satisfaction questionnaires and relating to single operators shall not be disclosed by the Certifier or by members of the National Committee.

Article 5.6. - Participation in research and conservation programmes

Owing to their presence at sea and their knowledge of the marine environment, operators can make a significant contribution to research and conservation, thus helping to protect the environment and the species that are at the core of their business. This collaboration may also be promoted to passengers.

The cooperation takes the form of observation sheets, whose format will be defined by the Certifying Partners, filled in by the operators and intended to enrich scientific databanks. It may also be extended, as part of specific research programmes (joining working groups, hosting scientists on board, etc.).

All forms completed during the year are to be sent, by December each year, by the operator to the Certifier that has granted them the right to use the collective certification mark "*High Quality Whale-Watching®*".

Information and data collected from observation forms shall be used by the Certifier or by the ACCOBAMS and Pelagos Agreements Secretariats only for scientific purposes consistent with the objectives of the Agreements.

Article 6 - Monitoring and penalties

Compliance with these Regulations by whale watching operators is a guarantee of credibility for the collective certification mark "*High Quality Whale-Watching®*". In order to assess such compliance, the following will be put in place:

- a) Satisfaction questionnaires for passengers using the operator's service
- b) Visits on board during trips
- c) A National Committee

Satisfaction questionnaires for passengers

Questionnaires, for which a model form will be provided, will be made available to passengers via a QR code, allowing them to express their feedback about their trip and the operator's compliance with the conditions of these Regulations.

Assessment visits and reports

A representative of the Certifier will be mandated to go on board operators' vessels during their trips out to sea, with the aim of assessing compliance with these Regulations (Assessment Visit). A report will be produced after the visit.

The choice of operators to be visited each year will be made partly according to questionnaires returned, partly according to the recommendations of previous National Committees, and partly on a random basis. Each operator will be visited at least once every three years.

National Committee

Each year, a National Committee will meet to assess compliance with the Regulations by operators. The National Committee will thus be the guarantor of the credibility of the collective certification mark "*High Quality Whale-Watching®*" with regard to the general public. Thus, each National Committee will be composed at least of:

- A representative from the Secretariat of ACCOBAMS,
- The National Focal Point of the ACCOBAMS Agreement,

- A representative from the Permanent Secretariat of the Pelagos Agreement, when activities are conducted in the Pelagos Sanctuary,
- The National Focal Point of the Pelagos Agreement, when activities are conducted within the Pelagos Sanctuary,
- Relevant representatives from the Certifying Partners,
- At least one certified operator, identified at random in the country concerned.
- The representative of one or more entities relevant to the area under consideration, if applicable (e.g., associations, coast guard, MPAs managers, etc.).

In issuing its opinion, the National Committee will examine each inspection report produced since the last Committee Meeting (the procedure is anonymised by blanking out the name of the operator concerned). The opinion of the National Committee, noted on said inspection report, will be issued in line with the provisions set out in Article 6.1., by consensus or, failing this, by show of hands.

The National Committee will also define a list of operators to be inspected for the next season, in accordance with the provisions of point b) of this Article. If necessary, the National Committee may recommend an additional inspection visit for one or more operators during the current season, and, if applicable, decide to hold a further meeting.

Article 6.1 - Penalties applied for non-compliance with the Regulations

In the event of non-compliance with the commitments made in this document, sanctions may be applied. The table below summarises the procedure and categorises non-compliance into three levels of severity: minor, moderate, and major violations.

- A **minor violation** refers to a low-impact, unintentional or isolated deviation from the regulations that does not compromise the objectives of the certification system;
- A **moderate violation** is a more significant or repeated misbehaviour that may affect the quality or credibility of the certified whale-watching activity;
- A **major violation** involves serious or intentional non-compliance that clearly undermines the principles and requirements of the certification system.

The specific types of violations and the corresponding sanctions are detailed in the Terms of Reference (“Cahier de Charge”), which may vary slightly between countries to ensure compatibility with national legislation and effective implementation of the certification system. Each National Committee is responsible for defining its own Terms of reference, applicable within its area of competence.

Extent of Violation	Examples of Possible Violations (<i>the following list is non-exhaustive and is provided for illustrative purposes only</i>)	Description of penalty
Minor Violation	Delay in providing requested information to the Certifying Partner or the National Committee; Occasional omission of required reporting forms; Use of outdated educational material during excursions.	Warning by e-mail, plus a reminder of the Regulations, from the Certifying Partner.
Moderate Violation	Absence of trained personnel onboard; Lack of information provided during the briefing; Occasional approach of cetaceans in a way that does not fully comply with the code of conduct; Non-compliance with speed limits around	Recommendation by letter, plus a reminder of the Regulations, from the Certifying Partner. A third minor violation, if committed in consecutive years, will be considered equivalent to a serious violation. A second moderate violation, if

	cetaceans and duration of the sighting; Failure to report trip data.	committed in consecutive years, will be considered equivalent to a serious violation
1st major Violation (serious) or repeated moderate violation	Intentional disturbance or harassment of cetaceans (e.g., chasing or encircling animals, feeding animals, use of detection systems, etc.); Violations in the forbidden zone; A repeated moderate violation.	Warning by certified e-mail or registered letter with acknowledgment of receipt from the Certifying Partner, possibly with a suspension from using the collective certification mark " <i>High Quality Whale-Watching®</i> " for a period of 1-2 years according to the seriousness of the violation.
Critical Violation	A particularly serious event to be assessed by the National Committee.	Withdrawal of permission to use the collective certification mark " <i>High Quality Whale-Watching®</i> ", possibly with a prohibition from re-applying for a period of one to five years, depending on the seriousness of the violation. The head of the company must undergo a new training course if the company intends to reapply for award of the Mark after the suspension period.

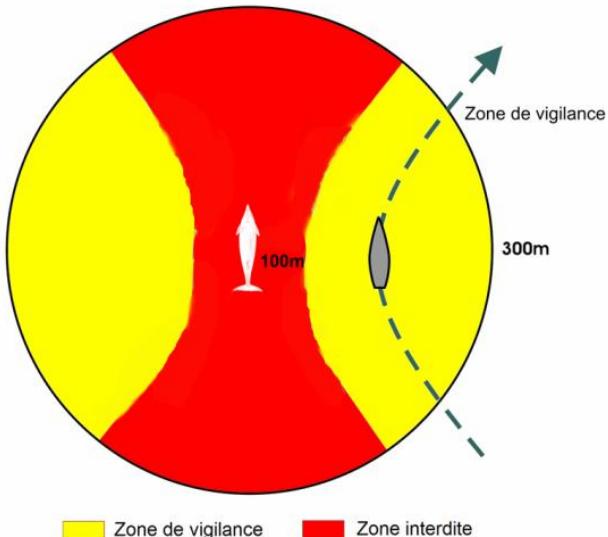
Mark holders for whom no violation has been recorded over the past three years are considered to have never been assessed as having committed a violation.

Appendix 1
Code of Good Conduct of ACCOBAMS/Pelagos for whale watching

Whale-watching can be a source of serious disturbance if badly done. The following rules allow our impacts on the vital behaviour of dolphins and whales (hunting, repose or inter-individual socialisation) to be mitigated. Whether one is an amateur sailor, fisherman, whale watching operator or other user of the marine domain, these rules, set out below, apply equally inside and outside the Pelagos Sanctuary.

The pie chart defines two areas that are essential when approaching cetaceans: the area of vigilance (yellow) and the forbidden area (red).

Distances et zones d'approche d'un cétacé



1. Area of vigilance (yellow)

The area of vigilance (**300 m**) defines the sector in which the disturbance caused by your boat (presence, noise and exhaust fumes) is strongly felt by the animals. When you enter this area, your behaviour must respect strict rules to limit this disturbance:

- the boat's speed must be constant and attuned to the speed of the slowest animal. It must not be more than 5 knots;
- any approach must be made according to a trajectory that gradually draws parallel to the animal's path (green arrow in the pie chart). The boat thus positions itself alongside the cetaceans, moving in the same direction;
- any sudden change of speed or direction is forbidden;
- to mitigate acoustic disturbance, sounders and sonar must be switched off;
- be even more careful, and limit your distance of approach if you remark the presence of new-born animals;
- you must immediately leave the area of vigilance if the animals are disturbed: for example, flight behaviour (acceleration, changing direction, trying to get away from the observer) must be considered as a sign of disturbance;
- observation time is limited to half an hour;
- if many boats are present, only one is tolerated within the area of vigilance. Observation time is then shortened to a quarter of an hour and the other boats have to wait patiently 300 m away. Radio contact between the various boats will enable the watching to be coordinated;

- when the observation is over, the boat must gradually leave the site, taking a path that clearly signals that it is leaving. The speed will remain moderate for a distance that is sufficient to avoid the risk of collision.

2. Forbidden area (red)

The forbidden area defines the sector which your boat must never enter (except when the cetaceans approach the boat of their own accord). This distance is **100 m**. Any nearer than this and the cetaceans will see your presence as a danger or an intrusion into their vital space, and their behaviour will become greatly disturbed by it.

Also, the boat must not enter the sector in front of the animals (reduced field of vision). Neither must it approach them from behind, since the boat may then be seen as a pursuer.

When the boat reaches the outside limit of the forbidden area, its relative speed must be reduced to zero and its engine put into neutral gear.

It is forbidden to enter groups, for this will cause social disturbance.

3. Special case when the animals come to the boat of their own accord

When cetaceans voluntarily approach the boat, the passengers must not try to touch them directly or with an instrument, bathe near them or feed them. Most of the above rules also remain in force, particularly the ban on entering groups, and keeping to a slow, regular pace.

4. Generally speaking...

Once the cetaceans are spotted, or at 1,000 m distance, particular vigilance and a speed limited to 10 knots are compulsory: other animals may be present in the sector and the risk of collision cannot be ruled out. Furthermore, a greater speed would be likely to disturb the animals, even at this greater distance.

Generally speaking, whale watching is not recommended within the 5-mile coastal strip, since the cetaceans there are already greatly disturbed by human activity.

An operator must accompany his trip with an educational talk on cetaceans and the marine environment. This must be given by a qualified, trained guide. He must be able to identify the species encountered, determine their activity phases and notice possible disturbance.

5. In short

- Slow pace and calm, constant advance the moment the cetaceans are spotted, especially within the 300m area;
- No approach closer than 100m;
- Length of observation limited to 30 minutes, 15 minutes if other boats are waiting;
- Only one boat within the 300 m area;
- Never try to touch, feed or swim with a cetacean.