



## DOLPHINARIA-FREE EUROPE

**Dolphinaria-Free Europe**  
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Ministère de l'environnement, de l'énergie et de la mer

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Dear Minister

I am writing on behalf of the Dolphinaria-Free Europe (DFE) coalition, a partnership working in Europe to protect whales, dolphins and porpoises (cetaceans) and whose members include eminent marine mammal scientists, conservationists and NGOs from around the world. It has come to our attention that a new law, updating legislation passed in 1981, is being proposed in France to address the keeping of cetaceans in captivity. This proposed legislation lays down the general characteristics and rules of operation of establishments holding or displaying live specimens of cetaceans in captivity.

While DFE welcomes efforts to address growing public concern and increasing evidence of poor health and welfare (Jett & Ventre, 2015; Small & DeMaster, 1995; Clubb & Mason, 2003) regarding the keeping of cetaceans in captivity, we have a number of concerns about what is being proposed. We strongly urge you to consider alternative or additional legislation that would in fact prohibit keeping cetaceans in captivity in France, while requiring the development of plans to phase out existing facilities and of regulations under existing statutes to improve the welfare of those animals currently held. Such legislation should prohibit captive breeding and imports of cetaceans, the development of new facilities, the expansion of existing facilities - except where this is required to drastically improve the health and welfare of existing residents - and, when appropriate and available, require working with existing facilities to transfer captives to rehabilitation, retirement and/or release programmes that comply with the standards of the Global Federation of Animal Sanctuaries<sup>1</sup> and IUCN release guidelines<sup>2</sup>.

Scientific investigations have found that captive cetaceans have lower survivorship than their wild counterparts (Jett & Ventre, 2015; Small & DeMaster, 1995). The largest captive facilities are still only a fraction of the size of the natural home ranges of cetaceans (Tyack, 2009). When denied adequate space, large, wide-ranging carnivores commonly develop problems such as abnormal repetitive behaviour (termed stereotypies) and have lower reproductive output than in the wild (Clubb & Mason, 2003).

In addition, unlike many zoo species, the majority of cetacean species in captivity are subject to intensive training to perform choreographed routines for entertainment purposes. The balancing of balls, spinning of hoops, "tail-walking", trainers being pushed and pulled through the water and trainers riding on the backs of cetaceans are not natural behaviours (WDC *et al.*, 2015). These common elements of performances in commercial dolphinaria do not provide any kind of meaningful public education. As cetacean experts, we would certainly welcome opportunities to appropriately educate the public, but keeping these animals in captivity for entertainment purposes does not achieve this goal (Roe & McConney, 2014).

<sup>1</sup> <http://www.sanctuaryfederation.org/gfas/for-sanctuaries/standards/>

<sup>2</sup> <https://portals.iucn.org/library/efiles/documents/2013-009.pdf>

As the newly proposed legislation refers only to orcas currently held at the time it is passed, we assume further orca imports would be prohibited. We would encourage you to also specifically prohibit breeding of orcas, in line with the Orca Protection Act<sup>3</sup> passed in California in September, which prohibits breeding and imports into the state and codified SeaWorld's announcement in March that it was ending its orca breeding programme. Furthermore, we strongly encourage you to make this a provision for other whale and dolphin species too.

While we see merit in improving water filtration requirements, increasing the minimum space requirements for orcas and bottlenose dolphins, including requirements for shade and prohibitions on the use of chlorine, night-time shows, public interaction programmes and "stranding" on pool "slide outs" during shows, among other things, we would welcome the implementation of these provisions as part of a phase-out plan for cetacean captivity in France and a prohibition of its expansion in any form. In addition, these improvements in standards for care, handling and conditions of currently captive cetaceans can be addressed through regulation under the existing statute implementing the EU Zoos Directive 1999/22 and do not require new legislation.

The EU Zoos Directive 1999/22 requires all animal species to be maintained in conditions that provide for their complex physical and behavioural needs. Furthermore, captive facilities must commit to meaningful public education and actions that benefit the conservation of species in the wild. None of the existing facilities in France meet these requirements and, in fact, it is impossible to meet the biological requirements of cetaceans in captivity under these conditions. Our investigations reveal that few zoos or aquaria are undertaking effective species conservation programmes or important scientific research (WDC *et al.*, 2015).

Numerous countries have recognised that captivity compromises the welfare and conservation of cetaceans. Countries such as India and Costa Rica and EU Member States Cyprus, Croatia and Slovenia have banned commercial dolphinarium outright. DFE strongly supports the passage of legislation to prohibit captive cetacean display and would welcome the opportunity to discuss this possibility in your country.

Heightened public awareness about the plight of marine mammals in captivity is reducing demand for seeing cetaceans performing in captivity. Recent public opinion poll data in Italy, the UK and Spain demonstrate that interest in visiting captive cetacean facilities is declining (96%, 86% and 77% of people questioned expressed they would not visit dolphinarium, respectively). If this trend continues, captive cetacean facilities will soon need to reconsider the future of the cetaceans they hold. DFE advocates the relocation of cetaceans currently held in captive facilities to seaside sanctuaries where they would receive life-long care, as well as rehabilitation for return to the wild for those who are good candidates for release. This latter alternative is achievable, evidenced by the successful rehabilitation and release of two bottlenose dolphins in Turkey in 2012 (Foster *et al.*, 2015) and three bottlenose dolphins in Korea in 2013 (Jang *et al.*, 2015). Given these facts, ending the captive display of cetaceans is the appropriate way forward.

Once again, DFE strongly urges you to develop legislation that prohibits the keeping of cetaceans in captivity, while developing a phase-out plan for those currently held, which may include stronger regulatory requirements for cetaceans currently in captivity in France.

Thank you for your consideration of our views on this important matter.

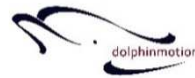
Respectfully

**Samantha Goddard**

Secretary for the Dolphinarium-Free Europe Coalition

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<sup>3</sup> [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160SB839](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB839)



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