

**Decree of 3 May 2017 laying down the general characteristics and operating rules  
of establishments displaying live specimens of cetaceans**

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Relevant public: Heads of establishments presenting live specimens of cetaceans to the public.

Subject: This decree lays down the general characteristics and operating rules of establishments presenting live specimens of cetaceans to the public.

Entry into effect: the text shall be in effect on the day following its publication.

Notice: this decree revokes the Decree of August 24 1981, regarding the operating rules, the control and the characteristics to be met by the installations keeping live cetaceans. It strengthens the conditions of facilities, maintenance and public display of orcas and dolphins held captive exclusively in fixed establishments. The reproduction of orcas and dolphins currently held in France is now banned. Thus, only orcas and dolphins currently held regularly can continue to be, without opening to new births.

References: this decree can be consulted on the Legifrance website (<http://www.legifrance.gouv.fr>).

The Minister of Environment, Energy and Sea, in charge of international relations on climate, the Minister of Agriculture, Agri-Food and Forestry, Government Spokesperson, and the Secretary of the State responsible for biodiversity,

Having regard to the amended Regulation (EC) No 338/97 from Council of 9 December 1996 on the protection of species of wild fauna and flora by regulating their trade;

Having regard to the Regulation (EC) No 1/2005 on the protection of animals during transport;

Having regard to the Directive 1999/22 / EC from Council of 29 March 1999 on the detention of wild animals in a zoological environment;

Having regard to the Environment Code, in particular Articles L. 212-1 to L. 212-11, L. 411-1 to L. 411-3, L. 412-1, L. 413-2 to L. 413-4, L. 413-6 and L. 413-7, L. 511-1 to L. 517-2, R. 213-6, R. 213-39 and R. 213-40, R. 411-1 to R. 411-4, R. 413-2, R. 413-9, R. 511-9, R. 512-1 to R. 512-45;

Having regard to the Rural Code, in particular Articles L. 214-1, L. 221-11 and R. 214-17;

Having regard to the amended Decree of 2 February 1998 on water collection and consumption as well as emissions of all kinds from installations classified for the protection of the environment, subject to authorization;

Having regard to the amended Decree of 25 March 2004, defining the general operating rules and general characteristics of fixed and permanent zoological establishments' facilities presenting live specimens of local or foreign fauna to the public;

Having regard to the opinion of the National Council for the Protection of Nature dated 10 March 2017;

Having regard to the opinion of the Higher Council for the Prevention of Technological Hazards dated 7 March 2017;

Having regard to the comments made during the public consultation, carried out from 7 February 2017 to 1 March 2017 pursuant to the Article L. 123-19-1 of the Environment Code,

Hereby decree:

### **Article 1**

In order to protect species, improve animal welfare and eliminate animal suffering, captive possession of cetacean specimens is prohibited, with the exception of specimens of the species *Orcinus orca* and the species *Tursiops truncatus* regularly detained on the date of entry into effect of this decree, within duly authorized establishments in the national territory.

### **Article 2**

I. - Pursuant to Article R. 413-9 of the Environment Code, this decree sets out the characteristics, general operating rules of establishments keeping or displaying to the public specimens of the species *Tursiops truncatus* and *Orcinus orca* within the 2140 heading of facilities classified for the protection of the environment and also methods of animals identification.

II. - It applies without prejudice to the aforementioned Decree of 25 March 2004.

III. - Articles 7 to 11 shall not apply to establishments installed at sea.

## Chapter I: General organization of establishments

### Article 3

I. - The establishment has a wildlife veterinarian and a scientific officer. Where appropriate, one of them may be the holder of the certificate of capacity for the presentation to the public of the species of cetaceans kept in the establishment.

II. - A specific team of carers is attached to each species held in the establishment.

Each specific team of carers is composed of caregivers in sufficient number according to the hosted animals and is under the responsibility of the holder of the certificate of capacity.

Each specific team of carers is permanently composed of a minimum of three carers per group of specimens according to Article 12 of this Decree, plus, in the case of the species *Orcinus orca*, one additional carer per animal or, in the case of the species *Tursiops truncatus*, one additional carer per group of three animals.

III. - The specific team of carers is permanently under the direct responsibility of a confirmed caregiver who has been actively involved in the care and training of cetaceans for two complete years.

The other carers will have received internal training at the establishment specific to the hosted species and it will enable them to acquire sufficient knowledge about the biology and physiology of the species under consideration.

The training of personnel in contact with cetaceans is specific to the species held.

Before a new carer is brought into contact with an animal, he must know the biology and physiology of the species and he must be supervised by a confirmed caregiver.

### Article 4

Within the establishment there must be a plan of on going training to upgrade specific knowledge about the hosted species. It is presented to inspection services upon their request.

## Chapter II: Origin and Traceability of Hosted Animals

### Article 5

Cetaceans kept and displayed to the public must:

- have the certificate required under Article 8.3 of Regulation (EC) No 338/97;
- be identified by microchip in accordance with Article L. 413-6 of the Environment Code in order to ascertain their origin, their follow-up and that of their possible descendants.

Access to any proof of origin of the animals kept, their ancestors and their descendants, their registration and their role in the breeding program as well as their movements are made available to the inspection services upon their request.

## Chapter III: Hosting Facilities

### Article 6

Establishments keeping cetaceans have facilities allowing the animals to express their physiological and behavioural needs, to receive veterinary care when appropriate, to avoid the proximity of visitors and their congeners by ensuring the safety of people and animals.

The facilities in which the animals are kept must enable them to:

- frolic and jump without the risk of touching the bottom of the basin;
- isolating themselves from the public or their fellow beings;
- be isolated in case of need (sick animals, quarantine...);
- avoid light radiation in case of strong sunlight.

In accordance with the requirements of Article 11 of the amended Decree of 25 March 2004, cetaceans

shall not be kept individually, except temporarily for medical reasons, health or social conflicts, and after advice from the holder of the certificate of capacity of the establishment.

## **Article 7**

I. Cetaceans shall be kept in basins adapted to their species according to the requirements of this Chapter. For specimens of the species *Orcinus orca*, the establishment has at least 5 basins all interconnected with one another and for specimens of the species *Tursiops truncatus*, it has at least 3 basins all interconnected with one another.

All the basins are linked together by doors that allow two animals to cross easily. The use of a fully submerged access tunnel to pass from one basin to another is prohibited.

The minimum total available space for each species of hosted cetacean must take into account the number of specimens and the average adult size of the species for the species concerned.

The total area of the interconnected basins represents:

- for the species *Orcinus orca*, at least 3 500 m<sup>2</sup> and each specimen of *Orcinus orca* has a minimum area of 800 m<sup>2</sup>;
- For *Tursiops truncatus*, at least 2 000 m<sup>2</sup> and each specimen of *Tursiops truncatus* has a minimum area of 200 m<sup>2</sup>.

The minimum depth of the basins on half of the total area is 11 m for *Orcinus orca* and 6 m for *Tursiops truncatus*.

Whenever possible, all the basins are made available to the animals.

In the case of indoor basins, the height above the water level is greater than 5 meters and no cetaceans can be kept exclusively indoors. Animals should always have access to outdoor basins with a larger area than the indoor basins.

II. - The configuration of the basins and the filtration of the water must prevent the formation of areas of stagnant water and the accumulation of organic waste. Rounded shape of the basins is preferred and right angles are prohibited. The devices sucking or discharging water into the basins must not present a risk of injury to animals and persons.

III. - The design and equipment of each basin are adapted to its function.

In the case where basins keeping cetaceans are equipped with transparent walls, facilities are set up to allow the animals to evade away from the sight of the public at any time. In all basins, underwater observation of cetacean behaviour is possible. The resistance of the glazing of the basins is adapted to the pressure of the water and is checked annually by the operator.

Particular attention is brought, from their conception, to the enrichment of the basins, including the installation of currents of water, waves, cascades or any other physical or hydraulic process.

A platform or beach should be available to allow voluntary grounding of animals for medical training. This area is equipped with a non-abrasive coating and allows an easy return of the animal in the water.

The materials used in the design and sealing of basins must ensure the safety of persons and cetaceans.

Alarm equipment that operates continuously alerts the competent personnel immediately if there is a sudden change in the water level of the basins.

Public or technical aisles in the vicinity of the basins, which may be subjected to splashing, are equipped with a non-slip coating preventing persons from falling. The majority of the coating of the basins is smooth, moderately abrasive areas may be reserved to allow cetaceans to desquamate voluntarily.

Any blunt structure or release of toxic substances likely to come into contact with animals is prohibited.

The objects introduced into the basins must be robust and of sufficient size to prevent any risk of ingestion by an animal.

IV. - Each establishment must have an isolation basin equipped with a lifting platform or with a device allowing the quick drying of a cetacean, either by emptying or by raising the bottom, in order to allow a veterinary access to the animals, secured for the animal and the personnel.

## **Article 8**

The head of the establishment ensures that the water and electricity supply of all the basins and facilities is guaranteed at all times and that their supplies are reliable and sufficient to guarantee the needs of the animals. With the objective of reducing water and energy consumption, it favours recycling and the use of innovative techniques.

## **Article 9**

I. - A proportionate supply, a renewal and a treatment of water adapted to the hosted cetaceans are put in place in order to guarantee living conditions adapted to their physiological needs.

Regular maintenance of the basins is carried out in order to avoid the development of undesirable algae.

II. - In the event of pumping water at sea or in the groundwater, analyses are carried out periodically to

detect any presence of critical elements harmful to hosted animals such as hydrocarbons. In case of proven presence, the pumping is stopped immediately.

III. - Before being conveyed into the basins, the water is filtered beforehand by a suitable system. A pre-filter is installed to mechanically retain suspended objects such as leaves, pebbles, etc.

Properly sized filtration systems are installed, regularly maintained and monitored monthly by competent persons. Waste from pre-filters and filters are managed in suitable treatment channels.

The head of the establishment sets up alternative systems for the treatment or recycling of the waters of the basins in order to avoid the chemical treatment of the water. Where the use of chemicals is necessary, dosage should not cause discomfort or impair the health of the animals.

The use of chlorinated products is prohibited. However, the establishment has a device for neutralizing the chlorine potentially present in the drinking water used. At least two analyses are carried out per day to control the level of chlorine in the basins.

IV. - The water supply system for the basins containing the cetaceans is separated from the sewage network and from the rainwater and run-off network.

## Article 10

The chemical and bacteriological characteristics to be met by the waters of the basins and the frequency with which they are analysed are given in the following table:

| PARAMETER                      | VALUE TO SATISFY                       | NOTES                                                        | FREQUENCY OF ANALYSIS          |
|--------------------------------|----------------------------------------|--------------------------------------------------------------|--------------------------------|
| pH                             | Between 7.2 and 8.5                    |                                                              | At least two analyses per day  |
| Salinity                       | Included between 22 g / L and 40 g / L |                                                              |                                |
| Residual oxidant (ozone, etc.) | No remanence                           |                                                              |                                |
| Suspended Materials (MES)      | <20 mg / L                             |                                                              |                                |
| Nitrates                       | <50 mg / L                             |                                                              |                                |
| Ammonia                        | <0.5 mg / L                            |                                                              |                                |
| Intestinal Enterococci         | <100 CFU / 100 mL                      | UFC: colony forming unit. Evaluation at the 95th percentile. | At least one analysis per week |
| Escherichia coli               | <250 CFU / 100 mL                      | UFC: colony forming unit. Evaluation at the 95th percentile. |                                |

In addition, analyses are regularly carried out, either by an automatic system which includes an alarm if too high or too low parameters are detected, or by the carers with a minimum frequency of twice a day, by colorimetry for the pH measurement. In case of anomaly, all measures will be taken to return to normal. The results of all these analyses are presented upon request to the inspection services.

## Article 11

I. - The quantity and quality of lighting, the temperature and other physicochemical parameters of the water and air of the installations where the cetaceans are kept are regularly checked so that the animals do not suffer from excessive heat, or too low temperatures, or physico-chemical imbalances of water according to the physiological data of the species hosted.

The head of the establishment will ensure that there is never a sudden change in all these parameters (including during transportation).

The renewal of all ambient air in buildings equipped with a basin is designed to ensure an air quality adapted to the health of animals and people.

All arrangements are made to ensure a renewal of constant fresh air in indoor facilities to reduce odours, dust and fumes from harmful gases.

In regions where year-round water temperature is not adequate, the basins must be equipped with a heating or cooling system.

For specimens of the species *Orcinus orca*, the water temperature of the outer and inner basins is between 10 ° C and 25 ° C and for specimens of the species *Tursiops truncatus*, this is maintained between 10 ° C and 32 ° C.

II. - Natural lighting (bay windows) is mandatory for buildings equipped with indoor basins. Artificial lighting inside the buildings and inner basins respect the natural photoperiod and emit a luminous spectrum with an intensity as close as possible to the natural light. In all cases, they allow for routine health checks and cleaning of facilities.

## Chapter IV: Maintenance and conduct of animal husbandry

### Article 12

I. In an establishment, specimens of the same species are kept in groups of at least 3 specimens for the species *Orcinus orca* and at least 6 specimens for specimens of the species *Tursiops truncatus*.

### Article 13

I. – The food distributed to cetaceans is safe and of a quality corresponding to the standards applicable to the manufacture of products intended for animal consumption.

II. - The holder of the certificate of capacity ensures that the animals have a diet appropriate to their species. It determines the choice and amount of food required for each individual. The choice of food should be made by ensuring that the selected species are available in sufficient quantities throughout the year. The diet of each individual and its nutritional value are adapted to its characteristics of species, age, size, weight, sex, in order to meet its needs and to maintain its good health. The food is varied so that the animal doesn't get used to a single food.

Mineral and vitamin supplements are provided to compensate for the loss of these elements related to the thawing of food. The weight of each animal is checked monthly by means of a weighing and recorded.

III. - The food is distributed individually under the supervision of a confirmed carer.

The distribution of food is regular throughout the day and takes into account the social organization of each group.

IV. - The storage, preparation and handling of food is carried out in such a way as to avoid any chemical contamination (cleaning products) and bacterial contamination. The personnel avoids to a maximum human bacterial contamination when handling fish (hand washing and wearing gloves). These provisions are specified in the establishment's rules of procedure.

V. - For health reasons, all food is placed in a deep freeze cell and then stored in a freezer at a temperature less than or equal to -18 degrees Celsius. Before distribution to animals, the food is thawed in a positive cold room at + 4 degrees Celsius. Defrosting of food in open air or under water at ambient temperatures above 4 degrees Celsius and the thawing of defrosted products are prohibited.

If they are not used within 24 hours of defrosting, thawed products are no longer usable.

VI. - Analyses guaranteeing the food quality of the products are carried out on each batch of fish (or molluscs) by an approved laboratory. The analysis results, the recording of the inputs and outputs of food batches and the permanent recording of freezer temperatures are made available to the inspection services.

### Article 14

The transport of animals between establishments is planned between the holders of the certificate of capacity or the zoological officer for countries other than France and the veterinarians of the two establishments concerned. It is carried out, in accordance with Regulation (EC) No 1/2005 on the protection of animals during transport, after assessment of the animal's health by the veterinarian of the establishment of departure and after obtaining the certificate provided for this purpose by the aforementioned Regulation (EC) No 338/97 of 9 December 1996.

It is carried out using a sling in a watertight box filled with water, open on the top and protected so that the animal does not injure himself against the walls. It will be ensured that water used for transport is of

similar temperature to that of the basin in which the animal lived.  
The duration of transport shall not exceed twenty-four hours.  
A veterinarian will be present throughout the journey and at least one confirmed caregiver will accompany him.

### **Article 15**

Before any new introduction, the holder of the certificate of capacity present in the establishment must collect all pertinent information such as behavioural profile, preferences, aversions, to ensure optimal introduction of the animal into its new environment and adaptation.  
Animals newly introduced into the establishment or into a new group must be able to adapt progressively to their new environment without compromising their well-being or the safety of persons or other animals.

### **Article 16**

The holder of the certificate of capacity is required to collect all the scientific and zootechnical information necessary for the respect of the conditions of maintenance, breeding and display to the public of the hosted animals.  
Cetaceans are examined daily by the team of carers in charge of the species and under the responsibility of a confirmed healer. Any knowledge of behavioural abnormalities or a demonstrated decline in welfare shall be communicated to the holder of the certificate of capacity. The factors causing or encouraging behavioural abnormalities are then immediately sought and corrective measures are implemented quickly.

### **Article 17**

Animals should not be subject to boredom or frustration.  
An enrichment plan is drafted and implemented in each establishment. Its objective is to ensure the well-being of cetaceans hosted by the provision of stimuli in accordance with the specific needs of the species. This enrichment plan specifies in particular:

- management of the group to reduce stress, and respect the balance of social relations;
- management of rest periods;
- monitoring of physical exercise during training sessions and presentations;
- monitoring the interest and attention of animals in their activities during the training sessions for presentations to the public;
- the considered stimuli (activities of play with the introduction of varied objects adapted to each species, water games [waves ...], activities of exploration, affiliation or search for food ...), the number of stimuli introduced, frequency of presentation of stimuli, alternation, duration of introduction into the cetacean environment.

This plan will promote multifactorial enrichment (visual, sound, social, food, interactive...) in compliance with the provisions of the aforementioned Decree of 25 March 2004.  
It shall be regularly examined by the scientific and technical committee set up in accordance with Article 21 of this Decree.

### **Article 18**

- I. - Animal training is only permitted if it contributes to their well-being, if it is included in presentations to the public or educational programs, if it helps to establish secure contacts between people and animals and is used in the development and implementation of scientific protocols and veterinary examinations. It involves physical exercises; a mental stimulation adapted to each individual and participates in the enhancement of cooperative behaviours spontaneously emitted by the animals.
- II. - The physical abilities of each animal are evaluated before considering a training by means of an individual protocol validated by the confirmed caregivers and taking into consideration its age, character and general state.  
A specific individual training program is developed, including objectives, proposed cognitive challenges, methods of achieving and maintaining acquisitions, criteria for success, and emergency procedures. It shall be regularly discussed by the scientific and technical committee set up in accordance with Article 21.
- III. - Before each training session and each presentation to the public, the participation of each animal is assessed as well as its degree of participation according to its physiological and psychological state.
- IV. - Methods of training of cetaceans should not affect the safety of personnel and the public.

## Chapter V: Animal health surveillance, disease prevention and care

### Article 19

I. - In accordance with the requirements set out in Chapter 5 of the aforementioned Decree of 25 March 2004, animal care is carried out by minimizing sources of stress, discomfort and injury. They are carried out by the veterinarian attached to the establishment or under his responsibility by the holder of the certificate of capacity.

II. - Voluntary medical training is regularly practiced with each animal so that it cooperates voluntarily with the care and veterinary examinations and to ensure optimal health monitoring of each animal without the stress of the capture. Restraint will only be used in second intention.

III. - In addition to the health record which must be kept and updated in accordance with the provisions of Chapter 5 of the aforementioned Decree of 25 March 2004, the head of the establishment must notify the prefectural services of the death of any hosted animal under 48h, as well as the autopsy conclusions and the analyses results that will have to be transmitted when obtained.

### Article 20

It is strictly forbidden to use chemicals or medicines to improve the physical performance of animals or to inhibit their natural behaviour.

## Chapter VI: Scientific and Technical Committee

### Article 21

I. Each establishment presenting live cetacean specimens to the public must have a scientific and technical committee responsible for animal welfare, public information and conservation of animal species.

This committee includes at least the holder of the certificate of competency, the veterinarian of the establishment, the scientific officer of the species of cetaceans displayed in the establishment and at least two specialists outside the establishment designated for their scientific expertise in cetaceans.

II. - This structure aims in particular to:

- give an opinion on the welfare of hosted cetaceans and on the means to be implemented to improve it;
- provide and acquire knowledge on animal welfare through the provision of expertise and documents to be distributed within the committee and to the persons concerned during seminars or information days, give an opinion on the actions to be carried out within the institution in terms of research, conservation of species and information to the public.

III. - This structure meets at least twice a year and produces a detailed report of the discussions and resolutions voted.

## Chapter VII: Presentation to the Public

### Article 22

I. The program for the public presentation of cetaceans shall be prepared under the responsibility of the head of the establishment, after obtaining the opinion of the holder of the certificate of capacity of the establishment.

It shall be set up after the opinion of the scientific and technical committee set out in Article 21 of this decree.

II. - Under no circumstances does this program allow nocturnal presentations to the public, those with light or sound effects that can cause stress to animals, direct contacts between the public and animals,

and public immersion in the basins of cetaceans.

The music and the sound levels are adapted so as not to disturb the well-being of the hosted cetaceans during the presentations to the public, but also during work conducted on basins hosting animals or adjacent structures.

The grounding of animals in the context of public presentation is prohibited.

No accessories may be used during the presentations to the public unless accompanied by an explanation to the public about the needs and abilities of the animal. The use of artificial accessories is limited and natural-looking accessories are preferred.

### **Article 23**

I. - Before and during each presentation to the public, the state of health and behaviour of each animal is controlled and is compatible with its presentation to the public and the safety of persons. If this is not the case, the animal is not presented to the public or is removed from the presentation if necessary and isolated from the public.

II. - The duration and frequency of participation of an animal in a presentation to the public is adapted to each individual and defined under the responsibility of the holder of the certificate of capacity. Each animal participating in a public presentation must have a minimum of 12 continuous hours over a 24-hour period without presentation to the public. During the remaining time, a maximum of 5 presentations will be made to the public outside the training sessions. Periods of break of at least 30 minutes will be regularly set up to ensure that the cetaceans have a rest.

III. - An animal showing a momentary behaviour likely to prejudice the safety of the public does not participate in the performances.

IV. - No food restriction will be applied prior to an animal's participation in a presentation to the public.

## **Chapter VIII: Public Information on Biodiversity**

### **Article 24**

The information specified in Article 58 of the aforementioned Decree of 25 March 2004 is supplemented by information on the origin of each hosted animal.

### **Article 25**

I. - Establishments keeping cetaceans should promote information and public awareness and must have a written education strategy, which defines their educational choices according to the audience they receive. This document is validated by the scientific and technical committee of the establishment set up in accordance with Article 21.

II. - Each presentation to the public must include clear educational oral messages adapted to the public. It shall specify in particular the origin of the animals presented, the composition of the group presented, the size of the wild population, biology, natural habitat, conservation of biological diversity, conservation and research actions as specified in Article 26 and implemented by the establishment for that species. Each presentation to the public also has an awareness message on promoting the environmental, ecological and cultural values of biodiversity. In particular, it informs the public about the impact of our daily habits, the respect for the marine environment and the conservation of biodiversity. It provides recommendations on the behaviour to be respected by every person to not harm the species presented and its environment and informs on the daily actions which preserve the environment and contribute to the conservation of nature and sustainable development.

III. - In order to ensure the quality of the content of the pedagogical messages given during the presentations to the public, they shall first be validated by the scientific and technical committee as defined in Article 21 of this decree.

IV. - Dedicated facilities are available in the establishment to allow educational activities.

V. - Where the establishment hosts school groups, the head of the establishment shall establish, where appropriate in collaboration with teachers, activity programs and educational materials for pupils, adapted to their level of schooling.

## **Chapter IX: Participation in conservation and research on animal species**

## **Article 26**

- I. - For the purposes of this decree, "conservation" means all measures which contribute to the preservation of cetaceans, both in the natural environment and in the zoological park.
- II. - Establishments keeping cetaceans must contribute to the conservation of cetaceans through the implementation of conservation programs but also through their participation in programs managed by other institutions. They ensure the genetic quality of the populations hosted through exchanges of animals in the framework of the breeding programs in which they participate. Personnel participate in seminars and programs for the conservation of cetaceans in the wild.
- III. - Establishments keeping cetaceans must actively participate in research programs whose results contribute to a better knowledge of these species. They welcome as much as possible researchers or trainees within their establishment. The presence of cetaceans in zoos should contribute to the development of research programs essential for data acquisition and better knowledge of their biology, physiology, ethology and cognition.
- IV. - Establishments keeping cetaceans must participate in the exchange of information on conservation and research on cetaceans through participation in national or international symposiums and the publication of scientific articles or general disclosure.
- V. Establishments keeping cetaceans must quantify the resources allocated to conservation activities and research every year and must present to the scientific and technical committee of the establishment set up in accordance with Article 21:

- any change in their cetacean population;
- their financial and technical involvement in the conservation of cetaceans in the natural environment;
- the list of conservation programs in the natural environment in which they participated or conducted;
- the list of research programs in which they participated or conducted;
- the list of training activities on conservation and research on cetaceans, including the number of workshops organized by the establishment itself, the number of trainees received and the list of symposiums, conferences or training in which the personnel participated.

## **Article 27**

Unless they are used for the establishment's own knowledge transfer or conservation purposes, the head of the establishment must make the dead animals available to the scientific or pedagogical institutions, it is important that all elements are kept in heritage archives and collections. These bodies must not be a source of disease transmission to other animals or to persons.

## **Article 28**

Establishments keeping cetaceans must establish technical collaboration with rescue and care centers for stranded cetaceans in France when these exist.

## **Article 29**

- I. - Actions undertaken pursuant to this Chapter shall be consistent with the rules aiming to ensure the welfare of the animals and with breeding activities.
- II. - The means used by establishments to comply with the provisions of this Chapter shall be proportionate to their size and volume of activity in this sector.

# **Chapter X: Prevention of risks and accidents**

## **Article 30**

- I. - The impact assessment shall specify, inter alia, that the operation of the facility is compatible with the approved outlines, plans, programs and other approved guidance and planning documents, in particular with regard to the quality and quantity objectives of the waters concerned in Articles L. 212-1 and following of the Environment Code.
- II. - Heads of establishments keeping cetaceans take all measures to prevent the intrusion of unauthorized persons around and into the basins.

III. - Heads of establishments keeping cetaceans take all measures to prevent flooding of their hosting facilities and their consequences on animals.

IV. - The head of the establishment keeping cetaceans must ensure the quality of the training of personnel in contact with cetaceans or cetacean equipment and facilities. A training plan for such personnel should be established and training should be carried out. Personnel working in facilities hosting cetaceans are equipped with non-slip shoes, slippers or boots. When using toxic products, personnel should wear appropriate protective equipment (gloves, masks, goggles...).

V. - An emergency procedure must be established in the event of an accident with a cetacean. It also specifies precise precautions in the event of leakage of water or breakage in basins hosting cetaceans. According to Article 9 of the amended Decree of 25 March 2004, in the event of a serious incident between a cetacean and a visitor or a personnel member, the head of the establishment must inform the prefect of the department.

VI. - All equipment and facilities hosting cetaceans must be regularly checked by qualified personnel of the establishment and under the responsibility of the head of the establishment and / or by contractors. All checks, inspections and maintenance of cetacean equipment and facilities are recorded in the company's safety register, which is made available to inspection officers.

VII. - The establishment keeping cetaceans employs certified underwater divers (professional scuba divers, Class 0 mention B). All diving equipment is subject to annual maintenance according to the current regulation and is regularly checked.

## Chapter XI: Transitional Provisions

### Article 31

This decree shall apply from the day following its publication.

However, establishments duly authorized on that date have six months to comply with the requirements of this decree, with the exception of those of Article 7 for which a period of three years is granted in order to allow construction work.

## Chapter XII: Final Provisions

### Article 32

The Decree of 24 August 1981 on the operating rules, control and characteristics to be met by facilities keeping live cetaceans is hereby revoked.

### Article 33

The Director of Water and Biodiversity, the Director-General for Risk Prevention and the Director-General of Food shall be responsible for the implementation of this Decree, which shall be published in the Journal Official of the French Republic.

Dated this 3 of May, 2017.

The Minister of Environment, Energy and Sea, in charge of international relations on climate,

Ségolène Royal

The Minister of Agriculture, Agri-Food and Forestry, Government Spokesperson,

Stéphane Le Foll

The Secretary of State for Biodiversity,  
Barbara Pompili