

Cetaceans in captivity:
the laws currently in force already ban the transfer of cetaceans for commercial purposes,
both within France and abroad.

Today, the Conseil d'État ruled that the existing rules under EU and French law in the area of the protection of cetaceans prohibit their transfer or import for commercial purposes.

A voluntary organisation for the protection of cetaceans had petitioned the Conseil d'État to order the Ministry for the Environmental Transition to take the steps necessary to prohibit the movement, transfer or import of cetaceans for commercial purposes, either to a French park or outside the country, on the grounds that some orcas or large dolphins were liable to be sold to commercial entities in foreign countries.

The Conseil d'État pointed out that while the ban on the holding and captive breeding of these mammals, with the exception of marine sanctuaries or as part of scientific programmes, provided by [Act No. 2021-1539 of 30 November 2021](#) aimed at combating animal abuse and strengthening the relationship between humans and animals, will only come into effect on 2 December 2026, current law already prohibits the movement, transfer and import of such animals for commercial purposes.

Indeed, [EU regulations](#) and the rules applied for transposing them into French law, make the holding, transport, import and export of cetaceans subject to authorisation. Under these rules, export outside the European Union is not permitted if the plan involves the use of the animals chiefly for commercial purposes. As regards transfers within France or the European Union, permission is also subject to compliance with EU rules, which prohibit the sale and display of cetaceans for commercial purposes, and to animal welfare requirements, under which animals must be held in conditions that meet the biological requirements of the species (articles [L.214-1](#) and [R.214-17](#) of the French Rural and Maritime Fishing Code).

This means that the additional laws or regulations requested by the petitioner are not required.