

PETITION TO THE EUROPEAN PARLIAMENT

For EU-Wide Diagnostic, Treatment, and Rehabilitation Standards for Distressed, Stranded, and Orphaned Cetaceans in European Waters

Template and Instructions for EU Citizens

Prepared by Stranded No More

strandednomore.org/hartwin

Why This Petition

In Europe, the primary legislation that authorities cite to avoid interfering with whales is the EU Habitats Directive (Council Directive 92/43/EEC). It is the European equivalent of the US Marine Mammal Protection Act, but it is structured differently and is often interpreted strictly to mean "let nature take its course."

Under the Habitats Directive, all cetaceans (whales, dolphins, and porpoises) are listed in Annex IV, designating them as species in need of strict protection. Article 12 of the Directive strictly prohibits all forms of deliberate capture or killing in the wild, deliberate disturbance (especially during migration or breeding), and the keeping, transport, and exchange of these animals.

When authorities in the Hartwin case claimed they legally could not intervene, they pointed to Article 12. They interpreted "strict protection" to mean that approaching a whale to diagnose it, treating it with medication, or guiding it to safety constitutes illegal "capture," "disturbance," or "transport" under EU law.

The Habitats Directive does have an exception clause. Article 16 allows Member States to grant derogations (legal exceptions) to the strict rules of Article 12. However, because Article 16 leaves the decision up to individual national governments, local authorities routinely refuse to issue these exceptions for large cetaceans, citing cost, logistics, or a philosophical belief that wild animals should be left alone to die.

Between January and August 2026, a juvenile humpback whale designated Hartwin crossed the waters of eight European states. He was visibly sick for months, was diagnosed by none of them, was treated by none of them, and died of a treatable bacterial infection with suspected sepsis. The necropsy found four massive abscesses along his spine, one of them 110 centimetres long. The scientist who examined his body said he must have suffered enormous pain. Non-invasive diagnostic methods existed. Treatment methods existed. The law permitted their use. Nobody acted. The full case is documented in the Hartwin Critical Brief at strandednomore.org/hartwin.

This petition targets the exact legal friction between Article 12 (do not touch) and Article 16 (exceptions allowed) that European authorities use to justify watching whales die.

How to File This Petition: Step-by-Step Instructions

Any citizen of the European Union, or any person residing in an EU member state, can file this petition. You do not need to belong to any organisation. You can file it as an individual. It takes approximately 15 minutes.

Every individual petition counts. The PETI Committee consolidates petitions on the same topic. Multiple petitions from citizens in different EU countries signal an EU-wide issue and make it far more likely that the Committee will act. If 50 people from 10 countries file the same petition, that is 50 formal legal documents that the European Parliament is obligated to examine.

Step 1: Go to the European Parliament Petitions Portal

Open your browser and go to: <https://www.europarl.europa.eu/petitions/en/home> — Click "Submit a petition."

Step 2: Create an EU Login Account (if you do not have one)

You will be asked to log in with an EU Login account. If you do not have one, click "Create an account." You need only an email address and a password. It takes 2 minutes. This is the standard EU institutions login system, used across all EU services.

Step 3: Fill in your personal details

Enter your name, address, nationality, and email. If you do not want your name to be made public, you can request confidential treatment in the form.

Step 4: Enter the petition details

Title: Copy the petition title from page 3 of this document. Text: Copy and paste the full petition text from pages 3-4 of this document into the form. You may submit in any official EU language.

Step 5: Attach supporting documents

You can attach the Hartwin Critical Brief PDF. Download it from strandednomore.org/hartwin and upload it as an attachment. This is optional but strengthens the petition.

Step 6: Submit

Review your submission and click Submit. You will receive a confirmation email. The PETI Committee will examine your petition and decide on admissibility (it will be admissible because it concerns EU law). You may be contacted for further information.

Step 7: Share the petition number with SNM

Once your petition is accepted, you will receive a petition number. Please share the link or number with Stranded No More at strandednomore.org so that we can promote it and encourage others to co-sign or file their own. The more petitions filed on this topic from different EU countries, the stronger the signal to the Parliament.

Important: You can also submit by post if you prefer not to use the online portal. Print the petition text, sign it, and mail it to:

Committee on Petitions, European Parliament, Rue Wiertz 60, B-1047 Brussels, Belgium

Petition Text (English)

Copy everything below this line and paste it into the petition form.

Title: Petition for EU-wide standards for diagnostic assessment, medical treatment, rehabilitation, and release of distressed, stranded, and orphaned cetaceans in European waters

To the Committee on Petitions of the European Parliament,

I submit this petition under Article 227 of the Treaty on the Functioning of the European Union concerning a systemic failure to protect strictly protected cetaceans in distress across EU member states, and requesting that the European Parliament act to close the legal gap between Article 12 and Article 16 of the Habitats Directive (92/43/EEC) that currently allows European governments to watch protected whales suffer and die from treatable conditions without providing any form of diagnosis, treatment, or assistance.

The Legal Problem

Under the Habitats Directive, all cetaceans are listed in Annex IV as species requiring strict protection. Article 12 prohibits all forms of deliberate capture, killing, and disturbance of these species. Article 16 allows Member States to grant exceptions (derogations) from Article 12 for purposes including research, conservation, and preventing serious damage.

In practice, European authorities interpret Article 12 as a prohibition on any interaction with a cetacean in distress, including non-invasive veterinary diagnostics and remote pharmaceutical treatment. They treat "strict protection" as meaning "do not touch under any circumstances." When exceptions under Article 16 would permit intervention, national authorities routinely decline to issue them, citing cost, logistics, or a belief that wild animals should be left to die without interference.

The result is a legal framework that protects whales from being harmed by humans but offers no mechanism for helping them when they are sick, injured, stranded, or orphaned. A whale dying of a treatable infection in European waters receives less medical attention than a hedgehog found injured on a German road.

The Hartwin Case

Between January and August 2026, a juvenile humpback whale (*Megaptera novaeangliae*, Annex IV) designated "Hartwin" crossed the waters of eight EU/EEA states: the Netherlands, Belgium, the United Kingdom, Norway, Denmark, Germany, and Poland. The animal was documented in 35 separate sightings by citizens across 6,266 kilometres. Its condition deteriorated visibly and progressively over seven months.

None of the eight states conducted a veterinary examination, collected a diagnostic sample, or administered any treatment. German authorities stated there was "no legal basis to interfere with the whale's life," citing the disturbance prohibition of BNatSchG §44, the domestic implementation of Article 12. They ignored BNatSchG §45(5), which explicitly permits veterinary intervention on sick strictly protected animals. The Danish Beredskabsplan for Havpattedyr (2024) explicitly excludes all veterinary intervention for cetaceans over four metres in length.

The whale died on 12-13 August 2026. The necropsy (Deutsches Meeresmuseum, 15 August 2026) found bacterial infection with suspected sepsis, four pus-filled abscesses along the spine (the largest 110 cm), chronic osteomyelitis eroding the vertebral bone, an empty stomach, and a blubber layer of only 6 cm. The probable cause of death was a treatable bacterial infection.

Non-invasive diagnostic methods existed throughout: blow sampling via drone collects exhaled breath condensate without physical contact (O'Mahony et al., 2024, Molecular Ecology Resources). Treatment methods existed: antibiotic darting delivers medication from a boat via ballistic syringe without capture (Gulland et al., 2008, NOAA; NOAA 2020 right whale calf intervention). Successful antibiotic-only treatment of vertebral osteomyelitis in a cetacean has been published (Alexander et al., 1989, Journal of Wildlife Diseases). None of these methods constitute "capture," "disturbance," or "transport" under any reasonable interpretation of Article 12.

Three months before Hartwin's death, another humpback whale ("Hope") died in the same waters under the same institutional framework. The same institutions, experts, and protocols produced the same outcome. This is a systemic failure.

What I Ask the European Parliament to Do

1. Clarify or amend Article 16 for cetaceans in distress. Demand an EU-wide, standardised exception under Article 16 that explicitly exempts distressed, sick, stranded, and orphaned cetaceans from the strict non-interference rules of Article 12, provided that intervention is conducted by qualified veterinary professionals using methods documented in the peer-reviewed literature.

2. Redefine rescue as conservation, not capture. Demand that veterinary intervention, non-invasive diagnostics, pharmaceutical treatment, transport for rehabilitation, and guided release are legally classified as "conservation and rescue measures" under the Habitats Directive, not as illegal "capture," "disturbance," or "transport." A blow sample collected by drone, an antibiotic dart delivered from a boat, and acoustic guidance back to open water are acts of conservation, not acts of disturbance.

3. Mandate action, not just observation. Request that the European Commission issue binding guidance to all Member States stating that allowing a treatable Annex IV species to suffer and die from preventable causes, where non-invasive diagnostic and treatment methods are available and unused, constitutes a failure of the Member State's conservation duties under the Habitats Directive. Observation without diagnosis is not strict protection. It is strict abandonment.

4. Require minimum response capabilities. Call on the Commission to propose binding requirements for all coastal EU member states to establish: mandatory non-invasive diagnostic assessment within 48 hours of a confirmed sighting of a distressed large cetacean; pre-positioned blow sampling and antibiotic darting equipment at designated coastal stations; trained veterinary response teams with standing authorisation to act under Article 16 derogations; and a cross-border coordination framework activated automatically when a cetacean in distress crosses from one member state's waters into another's.

5. Investigate the Danish protocol. Call on the Commission to investigate whether the Danish Beredskabsplan for Havpattedyr (2024), which explicitly excludes veterinary intervention for all cetaceans over four metres, is compatible with Denmark's obligations under Articles 12 and 16 of the Habitats Directive. A national protocol that categorically excludes an entire size class of strictly

protected animals from any form of veterinary assessment or treatment is not a "strict protection system." It is a system for producing dead specimens.

Supporting Evidence

The full case is documented in: Stranded No More, *The Case of the Humpback Whale Hartwin: A Critical Brief*, Version 1.0, August 2026. Available at: strandednomore.org/hartwin

[Your name]

[Your address]

[Your nationality]

[Date]

End of petition text. Everything above this line should be pasted into the petition form.