



2.5.2017

NOTICE TO MEMBERS

Subject: Petition No 1073/2016 by Chris Butler-Stroud (British), on behalf of ‘Whale and Dolphin Conservation’ (WDC), bearing 267,007 signatures, on the inclusion of the topic of Japan’s alleged violations of the International Whaling Moratorium in the current free trade negotiations between the EU and Japan

1. Summary of petition

The petitioner states that Japan’s whaling activities are in contravention of international law and the International Court of Justice’s judgment of March 2014. The latter requires that Japan immediately rescind its unilateral Antarctic special whaling permit since its activities did not qualify as scientific and are thus in breach of the International Whaling Commission moratorium on commercial whaling. The petitioner notes further that Japan declared, in 2015, that it would reject any further jurisdiction of the International Court of Justice over its whaling programme and that it will resume Antarctic whaling under a new similar programme, even if it does not hold a valid permit in this respect.

He submits that the European Union has taken a strong position against commercial and scientific whaling. He refers, in this respect, to the European Parliament resolution of 25 October 2012 on EU trade negotiations with Japan. This resolution notes, among other things, that serious divergences remain between the EU and Japan on issues related to the management of fisheries and whaling, notably Japan’s whaling under the guise of scientific whaling, and calls for broader discussions on the matter of the abolition of whale hunting and of trade in whale products.

The petitioner asks the European Parliament to call upon the European Commission to make the compliance with international law and practice as regards whaling a pre-requisite for the successful conclusion of a free trade agreement between the EU and Japan.

2. Admissibility

Declared admissible on 11 January 2017. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 2 May 2017

The petitioner would like the European Parliament to call upon the European Commission to make Japan respect the international moratorium on commercial whaling by making the issues of commercial and so-called "scientific" whaling by Japan a central subject in the EU-Japan trade negotiations and by reaffirming the EU's stance against commercial and scientific whaling.

Regarding this request, the Commission wishes to refer to its answers to Written Questions [E-008127/2016](#) and [E-004424/2016](#). Moreover, over the last months, the Commission has been quite active in reaffirming the EU's stance against commercial and scientific whaling at multilateral level, in the context of the International Whaling Commission (IWC):

- At the IWC66 meeting (October 2016), the EU reiterated its support for the moratorium on commercial whaling and contributed to the adoption of IWC Resolution 2016-2 on the review process for whaling under scientific permits. This resolution aims at better preparing the debate at IWC on scientific permits by clarifying the calendar and process for their examination.
- In January 2017, the EU sent a letter to the Government of Japan expressing its serious concerns following the announcement by Japan of its New Scientific Whale Research Program in the western North Pacific (NEWREP-NP). The EU letter has been circulated to all IWC Parties and has been made public ([International Whaling Commission Circular Communication IWC.CCG.1250](#)).

On 27 March 2017, the EU reacted to the announcement by the Government of Japan that Resolution 2016-2 should not be given effect by joining the statement by New Zealand and Australia reaffirming the validity of this Resolution and their commitment to implementing it.

Secondly, the petitioner urges the European Parliament not to agree to a free trade agreement between the EU and Japan as long as the Japanese Government continues to sanction whaling and refuses to adhere to its international obligations.

In this regard, the Commission would like to recall that the EU does not trade in whales and that the import of whale meat is prohibited in the EU. It therefore does not address the issue in trade agreements and the issue was not even part of the scoping exercise that preceded the launch of the negotiations and identified the areas to be covered by the agreement. As mentioned above, the EU and its Member States address the issue forcefully and more efficiently in the relevant multilateral fora.

Moreover, evidence shows that in the past Japan's position has not softened as a result of a confrontational approach. Since the 2014 judgement of the International Court of Justice (ICJ) on Japan's whaling, for instance, Japan has subsequently hardened its stance. For example, Japan has exempted marine living resources from the areas where it accepts the jurisdiction of ICJ and has written to all International Whaling Commission (IWC) members stating that IWC Resolution 16/2 should not be given effect and that Japan will not participate as an

observer in the Standing Working Group to be set up under that Resolution. This suggests that constructive engagement by European Parliamentarians and NGOs with their Japanese counterparts might be more successful than negative actions in changing opinions. In this respect, it is important to recall that the foreseen agreement with Japan includes an ambitious chapter on Trade and Sustainable Development, including commitments to high levels of environmental protection in domestic law and effective implementation of multilateral environmental agreements. Such a chapter also foresees the establishment of civil society dialogue mechanisms which provide for a new forum for the discussion of labour and environmental issues between the EU and Japan, including potentially those related to whaling.

Conclusion

Given the above, the Commission considers that not ratifying the foreseen agreement with Japan, while having wide-ranging negative consequence to the bilateral relations between the EU and Japan, would not provide an adequate and effective response to Japan's whaling activities, de facto reducing the opportunities to discuss bilaterally environmental related issues.

The Commission will continue to implement the EU commitment to the conservation of all cetaceans and to address whaling, including "scientific" whaling by Free Trade Agreement negotiating partners such as Japan, through domestic and international action, particularly in the context of the International Whaling Commission.