Dear Ms Wikström,

Thank you for your letter of 14 December 2017 concerning the Petition 1073/2016 on the inclusion of the topic of Japan’s alleged violations of the International Whaling Moratorium in the Economic Partnership Agreement negotiations between the EU and Japan.

First of all, let me reaffirm once more that the EU is wholeheartedly committed to the conservation of all cetaceans, through domestic and international action, and addresses whaling by third countries, including Japan, both multilaterally and bilaterally, through the most appropriate channels. In this spirit, as rightly mentioned in your letter, the EU participates actively in the International Whaling Commission, the most effective framework to address Japanese whaling at multilateral level, working closely with like-minded partners. In addition, we have a regular dialogue with Japan on environment-related issues, which includes whaling.

At the same time, as also stated by DG TRADE’s service during the meeting of the European Parliament’s Committee on Petitions of 28 November 2017, which you chaired, the European Commission does not consider Japanese whaling to be a trade issue; both whaling and the import of whale meat are banned in the EU and it is therefore not a topic that falls under EU trade policy. As a consequence, the negotiations for the EU-Japan Economic Partnership Agreement, which were successfully finalised last 8 December 2017, were based on a scoping exercise and subsequent negotiating guidelines adopted by Member States which did not make reference to the issue of whaling.

However, the Convention on International Trade in Endangered Species of Flora and Fauna (CITES) lists all great whales in its Appendix I, and bans all commercial trade in species, as well as related products, listed thereunder. As a result, the Trade and Sustainable Development (TSD) Chapter of the EU-Japan EPA will in the future provide for a platform to foster dialogue and joint work between the EU and Japan on environmental issues, whenever they are of trade relevance, given the direct reference made to CITES in the TSD Chapter.

Having said so, I remain of the opinion that linking the EPA or its ratification process to the issue of whaling would not improve our chances to engage with Japan on the whaling issue, while at the same time having wide-ranging negative consequences to the bilateral relations between the EU and Japan.

Cecilia Wikström
Member of the European Parliament
On the subject of Norwegian whale meat transiting through EU ports to Japan, given its reservation on the CITES listing of large whales, Norway can trade whale products with other countries which have the same reservations, provided that such products have valid CITES export permits. The transit of such shipments via EU Member States is also legal under international law, provided that the authorities in the Member States can check that the shipments are accompanied by valid CITES permits. This position is recognised in the European Parliament resolution on Norwegian Whaling, which was adopted on 12 September 20171.

EU Member State authorities are fully aware of their obligations to control shipments transiting through their ports. The European Commission has discussed this transit issue with them on several occasions. We do not have statistics on the extent of this transit but, at the same time, we are not aware of shipments of whale meat which would have gone through EU territory without the required documentation.

In addition to the EP Resolution of September last year, at the last International Whaling Commission meeting in October 2016, the Union invited Norway to cease its whaling activities. The EU also called on Norway to stop its trade in whale products – a call which it also addressed to Iceland and Japan – and to reconsider its reservations on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) listing of large whales.

In December 2016, the Council adopted new and stronger conclusions on EU relations with the non-EU Western European countries, calling on Norway and Iceland to respect the internationally agreed moratorium on commercial whaling and to withdraw reservations under CITES.

The Commission will continue to take a strong position on this subject and to work with its international partners to engage with Japan and Norway towards reaching decisions more consistent with the EU approach and leading to better conservation of whales worldwide.

Finally I would like to thank you and the petitioner for your initiative which allows me to reiterate the European Commission's strong commitment to environmental-related issues. It is of utmost importance that the European Union continues to promote its core values, including the protection of the environment, in the most appropriate and efficient fora.

Yours sincerely,

Cecilia Malmström

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Electronically signed on 24/01/2018 09:48 (UTC-01) in accordance with article 4.2 (Validity of electronic documents) of Commission Decision 2004/563