REPORT

on Community action in relation to whaling
(2008/2101(INI))

Committee on Fisheries

Rapporteur: Elspeth Atwooll
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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on Community action in relation to whaling
(2008/2101(INI))

The European Parliament,

– having regard to the 1946 International Convention for the Regulation of Whaling and the establishment of the International Whaling Commission (IWC),

– having regard to the IWC’s agreement on zero catch limits (the ‘moratorium’) for commercial whaling that came into effect in 1986,—  having regard to the Cetacean update of the 2008 Red List of Threatened Species by the International Union for Conservation of Nature,

– having regard to the meeting of the International Union for Conservation of Nature in Barcelona, 5-14 October 2008,

– having regard to Articles 37 and 175 of the EC Treaty,

– having regard to the Commission Communication of 19 December 2007 on Community action in relation to whaling (COM(2007)0823),

– having regard to the decision adopted by the Council on 5 June 2008 establishing the Community position on whaling¹,

– having regard to the establishment by the IWC at its 60th annual meeting in Santiago, Chile, in June 2008, of a Small Working Group on the future of the IWC (the "Working Group"),


– having regard to the adoption by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and its implementation by the EU of a ban on international commercial trade in the products of all species of great whales,

– having regard to Rule 45 of its Rules of Procedure,

– having regard to the report of the Committee on Fisheries and the opinion of the

¹Council Decision establishing the position to be adopted on behalf of the European Community at the 60th meeting of the IWC in 2008 with regard to proposals for amendments to the Schedule of the International Convention on the Regulation of Whaling (Council document nr. 9818/08).
³ OJ C 340, 10.11.1997, p. 110
Committee on the Environment, Public Health and Food Safety (A6-0025/2009),

A. whereas the primary objective must be the protection of biodiversity, including the conservation of species,

B. whereas animal welfare must always be taken into consideration,

C. whereas there are, nonetheless, issues of food security and supply, particularly for communities that have traditionally engaged in whaling,

D. whereas the “deliberate disturbance, capture or killing” of all whale species is currently prohibited in Community waters under the Habitats Directive,

E. whereas almost one in four cetacean species are currently regarded as under threat, with nine species listed as either endangered or critically endangered, and the status of many species and populations remains unclear,

F. whereas, although some whale populations have achieved some degree of recovery since the introduction of the moratorium, others have not and their ability to adapt to changing environmental conditions remains unknown,

G. whereas the moratorium was originally intended to last until an adequate management scheme was put in place and to allow adequate time for depleted stocks to recover,

H. whereas not all members of the IWC subscribe to the moratorium,

I. whereas the moratorium does not, in any event, cover the killing of whales for scientific purposes,

J. whereas the number of whales killed under Special Permit has actually increased since the introduction of the moratorium,

K. whereas the IWC (in over 30 resolutions) and a number of NGOs and other bodies have expressed deep concern that current Special Permit whaling is “contrary to the spirit of the moratorium on commercial whaling” (IWC2003-2); the meat from such whaling should not be used for commercial purposes,

L. whereas, despite recent improvements, the methods by which whales are killed still fall short of the desired standard,

M. whereas cetaceans are endangered not only by hunting but also by climate change, pollution, ship strikes, fishing gear, sonar and other hazards,

N. whereas the above-mentioned Council decision relied only on Article 175 of the EC Treaty and related only to the above-mentioned meeting of the IWC in Santiago, Chile, in June 2008,

I. Warmly welcomes the above-mentioned Commission Communication on Community action in relation to whaling and the decision on whaling, which was adopted by qualified
majority at the Council\textsuperscript{1}; and supports the maintenance of the global moratorium on commercial whaling and a ban on international commercial trade in whale products; seeks to end "scientific whaling" and supports the designation of substantial regions of ocean and seas as sanctuaries in which all whaling is indefinitely prohibited;

2. Calls on the Council to adopt a new common position under Article 37 as well as Article 175 of the EC Treaty;

3. Believes that the conservation of whales and other cetaceans depends ultimately on the development of measures that are the subject of sufficiently broad agreement to be implemented effectively;

4. Calls on the Council, the Commission and those Member States participating in the Working Group to work toward the achievement of such an agreement;

5. Believes that discussions in the Working Group should be the subject of the greatest possible transparency;

6. Hopes that the Working Group will address the issue of lethal whaling for scientific purposes in order to find a basis for eliminating it;

7. Respects the need for a limited amount of hunting to be done by those traditionally engaged in it for the purposes of sustenance, but calls for much greater emphasis on research into and the employment of humane killing methods;

8. Calls for any such hunting to take place only with clear quotas based on the advice of the IWC Scientific Committee and regulated under strict controls incorporating full recording and reporting to the IWC;

9. Calls also for the establishment, in suitable locations around the world, of more Marine Protected Areas in which whales would receive special protection;

10. Notes that the Habitats Directive, which defines the Community position with respect to whales (and dolphins), would not allow the resumption of commercial whaling in respect of any stock of whales in EU waters;

11. Draws attention to the need to use more selective fishing gear to avoid by-catches of other species, particularly cetaceans;

12. Considers that the tragic history of commercial whaling, combined with the numerous threats currently faced by whale populations (including, inter alia, incidental catches in fishing operations, collisions with vessels, global climate change and ocean noise pollution), dictates that the EU must promote, in key international fora, in a coordinated and coherent way, the highest level of protection for whales at a global level;

13. Calls also for threats to the cetacean population arising from climate change, pollution, ship strikes, fishing gear, anthropogenic ocean noise (including sonar, seismic surveys and vessel noise) and other hazards to be tackled outside such protected areas;
14. Considers that the Commission should, in advance of global action, bring forward further proposals to counter such threats in respect of Community waters and Community vessels;

15. Takes the view that the Commission should define a revised regulatory framework for the practice of whale-watching that protects the economic and social interests of coastal regions where this activity is carried out, taking account of its recent development;

16. Instructs its President to forward this resolution to the Council and the Commission, the governments and parliaments of the Member States, the International Whaling Commission, the Regional Advisory Councils, the Advisory Committee on Fisheries and Aquaculture and the Regional Fisheries Management Organisations to which the EU belongs.
EXPLANATORY STATEMENT

The International Whaling Commission (IWC) was set up by the 1946 International Convention for the Regulation of Whaling, with whaling regulated under a schedule to the Convention. 20 out of 27 EU member states are members of the Commission.

As a result of concerns about danger to the species, a moratorium on commercial whaling was established in 1982 and came into effect in 1986. This was intended to be pending a Revised Management Procedure to allow catch limits based on scientific data.

The Procedure was agreed in 1994 but the accompanying Revised Management Scheme is still not in place. At its meeting in Santiago, Chile, in June 2008, the IWC set up a working group to move matters forward.

Prior to the meeting in Chile, the Council adopted by qualified majority a common position for the purposes of that meeting. This supported the maintenance of the moratorium, opposed any proposals regarding new types of whaling unless these would “guarantee a significant improvement in the conservation status of whales in the long term and bring all whaling operations by IWC members under IWC control”, also supported proposals aimed at ending ‘scientific whaling’ outside IWC control, for the creation of whale sanctuaries and for the management of aboriginal subsistence whaling, subject to various conditions.

Whaling is an issue on which opinion is considerably polarised. It should be noted that the moratorium applies only to commercial whaling. In addition to the exception for aboriginal whaling, scientific research can be undertaken under special permits which are issued by the country undertaking the research. It should also be noted that not all members of the IWC have subscribed to the moratorium so that commercial whaling still takes place.

A recent review by the International Union for the Conservation of Nature indicates that almost 1 in 4 cetacean species are under threat, with nine species listed as either endangered or critically endangered. Since the introduction of the moratorium there is evidence of improvement in the populations of certain species, particularly larger whales.

At the same time, it appears that the number of whales killed has actually increased since the introduction of the moratorium. There are suggestions, too, that the commercial use of whale meat is a by-product of “scientific whaling”.

Whales are also threatened by ship strikes, fishing gear, climate change, sonar and other hazards such as pollution.

It is important, therefore, that the situation of whales and the issue of whaling is addressed on a comprehensive basis and according to rules to which all members of the IWC can subscribe. If this is not done, whale conservation will continue to be at risk in the both the short and the longer term.

It is hoped that any future Council Decision will take a suitably comprehensive approach and one that shall contribute to the achievement of a consensus.
In addition, although whales are currently protected from “deliberate disturbance, capture or killing” in Community waters under the Habitats Directive, they remain subject to various other hazards. Although work has already been undertaken in relation to fishing gear, it would be helpful if the Commission could come forward with further proposals directed toward the reduction and, where possible, elimination of such hazards.
11.11.2008

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Fisheries

on Community action in relation to whaling
(2008/2101(INI))

Rapporteur: Carl Schlyter

SUGGESTIONS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Fisheries, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Warmly welcomes the Commission Communication of 19 December 2007 on Community action in relation to whaling (COM(2007)0823) and the position on whaling adopted by qualified majority at the Council on 5 June 2008; supports the maintenance of the global moratorium on commercial whaling, and a ban on international commercial trade in whale products; seeks to end "scientific whaling" and supports the designation of substantial regions of ocean and seas as sanctuaries in which all whaling is indefinitely prohibited;

2. Considers that the tragic history of commercial whaling, combined with the numerous threats currently faced by whale populations (including, inter alia, incidental catches in fishing operations, collisions with vessels, global climate change and ocean noise pollution), dictates that the EU must promote, in key international fora, in a coordinated and coherent way, the highest level of protection for whales at a global level;

3. Notes that the EU Habitats Directive defining the Community position with respect to whales (and dolphins) would not allow the resumption of commercial whaling in respect of any stock of whales in EU waters;

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1 Council Decision establishing the position to be adopted on behalf of the European Community at the 60th meeting of the IWC in 2008 with regard to proposals for amendments to the Schedule of the International Convention on the Regulation of Whaling (Council document nr. 9818/08).

4. Considers that whaling for strictly subsistence purposes should be allowed by the International Whaling Commission (IWC) provided that it constitutes no threat to the conservation status of the stock concerned, catches remain within the scope of documented and recognised subsistence needs and no increases in currently approved levels, either in terms of numbers of whales killed or additional species taken, are agreed;

5. Recognises the sentience of cetaceans and the significant potential for severe and prolonged suffering caused during whaling operations; agrees that maintenance of the global moratorium on whaling is imperative with respect to animal welfare concerns, and supports proposals which aim to improve the humaneness and welfare oversight of aboriginal subsistence whaling operations;

6. Urges the Member States to oppose any proposals in the current negotiating process on the future of the IWC that would seek to legitimise any level of whaling, whether scientific, commercial, coastal or otherwise described, or authorise any international trade in whale products;

7. Urges the Member States that have not yet done so to join the IWC in order to support actions aiming at the full protection of whales.
RESULT OF FINAL VOTE IN COMMITTEE

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| Members present for the final vote | Adamos Adamou, Georgs Andrejevs, Margrete Auken, Pilar Ayuso, Johannes Blokland, John Bowis, Frieda Brepoels, Hiltrud Breyer, Martin Callanan, Dorette Corbey, Magor Imre Csibi, Avril Doyle, Mojca Drčar Murko, Edite Estrela, Anne Ferreira, Matthias Groote, Satu Hassi, Jens Holm, Caroline Jackson, Dan Jørgensen, Christa Kläß, Urszula Krupa, Marios Matsakis, Linda McAvan, Roberto Musacchio, Riitta Myller, Miroslav Ouzký, Vladko Todorov Panayotov, Vittorio Prodi, Dagmar Roth-Behrendt, Daciana Octavia Sărbu, Amalia Sartori, Carl Schlyter, Richard Seeber, Boguslaw Sonik, Maria Sor nosa Martinez, Antonios Trakatellis, Thomas Ulmer, Anja Weisgerber, Glenis Willmott |

| Substitute(s) present for the final vote | Bairbre de Brún, Christofer Fjellner, Anne Lap errouze, Johannes Lebech, Caroline Lucas, Andres Tarand, Lambert van Nistelrooij |
RESULT OF FINAL VOTE IN COMMITTEE

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| Members present for the final vote | Elspeth Attwooll, Marie-Hélène Aubert, Ilse Braghetto, Niels Busk, Luis Manuel Capoulas Santos, Paulo Casaca, Zdzislaw Kazimierz Chmielewski, Avril Doyle, Emanuel Jardim Fernandes, Carmen Fraga Estévez, Ioannis Gklavakis, Pedro Guerreiro, Daniel Hannan, Heinz Kindermann, Rosa Miguélez Ramos, Marianne Mikko, Philippe Morillon, Seán Ó Neachtain, Struan Stevenson, Catherine Stihler, Margie Sudre, Daniel Varela Suanzes-Carpega, Cornelis Visser |

| Substitute(s) present for the final vote | Eleonora Lo Curto, Raül Romeva i Rueda, Kathy Sinnott, Thomas Wise |