



Council of the  
European Union

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## PROPOSAL

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	4 September 2017
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2017) 463 final - ANNEX 1
Subject:	ANNEX to the proposal for a Council Decision on the position to be adopted, on behalf of the European Union, at the next three meetings of the International Whaling Commission including related inter-sessional meetings and actions

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Delegations will find attached document COM(2017) 463 final - ANNEX 1.

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Encl.: COM(2017) 463 final - ANNEX 1



Brussels, 4.9.2017  
COM(2017) 463 final

ANNEX 1

**ANNEX**

**to the Proposal for a Council Decision**

**on the**

**Position to be adopted, on behalf of the European Union, at the next three meetings of the International Whaling Commission including related inter-sessional meetings and actions**

## ANNEX

### **Position to be adopted, on behalf of the European Union, at the next three meetings of the International Whaling Commission including related inter-sessional meetings and actions**

1. The overarching objective of the European Union in relation to the International Whaling Commission ('IWC') is to ensure an effective international regulatory framework for the conservation and management of whales guaranteeing a significant improvement in the conservation status of whales and other cetaceans and bringing all whaling operations by IWC members under IWC control.
2. To achieve this objective, it is important that those few Member States who are not currently Members of the Convention join it with a view to strengthen the Union's impact when voting on matters of Union interest. Equally, it is important that all Member States retain their voting rights by paying their assessed contributions on time.
3. At its next three biennial meetings and any related inter-sessional meetings and actions as from the adoption of the current position, the Member States acting jointly in the interest of the Union shall take the following position on proposals for Schedule Amendments or Resolutions by the IWC:
  - (a) Seek to bring all whaling operations by IWC members under IWC control;
  - (b) Support the maintenance and full implementation of the moratorium on commercial whaling in the Schedule;
  - (c) Follow the lead of the International Court of Justice and oppose any proposal for new types of whaling not envisaged in the International Convention for the Regulation of Whaling ('ICRW'), which could undermine the moratorium and/or potentially lead to threats to whale stocks in areas adjoining the Union;
  - (d) Support proposals aiming to end the conduct of scientific whaling outside of IWC control; support proposals aiming to promote non-lethal scientific research and to make the IWC review process for whaling under Special Permit effective and transparent, in order to avoid abuses and to promote compliance with all aspects of the ruling of the International Court of Justice (Whaling in the Antarctic, Australia v. Japan: New Zealand Intervening, Judgment of 31 March 2014) and the implementation of relevant IWC resolutions;
  - (e) Support proposals for the management of aboriginal subsistence whaling that:
    - (1) Ensure that the conservation of the relevant stock is not compromised, having due regard to the precautionary principle and the advice of the Scientific Committee;
    - (2) Ensure that whaling operations are properly regulated and catches remain sustainable within the scope of subsistence needs for local use;

- (3) Take account of a rights-based approach to indigenous peoples while also recognising that whales are migratory species and travel to other range states.

In doing so, and in accordance with the Union sponsored IWC Resolution 2014-1 on ASW, the Union Member States acting jointly in the interest of the Union will actively follow-up and engage in the continuing work undertaken within the IWC Ad Hoc ASW Working Group with a view to increasing understanding and improving procedures, including with regard to greater transparency, timely information and early dialogue, within the Union and the IWC, so as to ensure that ASW catch limit proposals can be decided smoothly and in due time;

- (f) Support proposals for the creation of whale sanctuaries;
- (g) Further support the development of the IWC's other contributions to the conservation of whales and other cetaceans and their habitats, understand and address the health and welfare threats they face – including the potential cumulative impacts of these threats – and better understand and preserve the role whales and other cetaceans play as key components of healthy ecosystems or in their interaction with human beings; in that context, improve co-ordination and collaboration between the IWC and other organisations to strengthen the global regime for cetacean conservation;
- (h) Support proposals to improve the governance of the IWC, in line with best practice in other multilateral agreements and their governing bodies, including mechanisms for ensuring increased transparency, accountability, compliance and enforcement in order to reinforce IWC's legitimacy and the integrity of its decision-making process;
- (i) Support proposals aiming to consolidate the transparency of the scheme, operated by the IWC Secretariat, for strengthening the capacity of Governments of Limited Means to participate in the work of the IWC; at the same time, requesting transparency from those donors directly financing the participation of delegates from third countries outside this scheme;
- (j) Strengthen the dialogue and cooperation with civil society, and further contribute to improving the involvement and participation of civil society organisations in the IWC work at all levels, in accordance with the common practice in other multilateral agreements.