

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 150 final.

Brussels, 25 April 1980.

Proposal for a
COUNCIL REGULATION (EEC)
on common rules for imports of whale products

(submitted to the Council by the Commission)

COM(80) 150 final.

EXPLANATORY MEMORANDUM

1. Because the situation as regards the status of the large species of whale is giving rise to concern, several Member States have taken, or are considering, steps aimed at prohibiting the import of whale products to support international measures to ensure the survival of whales.
2. As uniformity in the common commercial policy is to be maintained, Community measures on this matter are necessary. In consequence, the Commission thinks it appropriate to subject the introduction into the Community of primary whale products to a system of licences. The competent authorities should issue these licences only when they have assured themselves that the products in question are not to be used for commercial purposes.
3. Earlier experience has shown that the protective measures taken by the International Whaling Commission (IWC) have almost always been inadequate or introduced too late when stocks of the endangered species had already fallen to very low levels. Consequently, it has become very difficult, not to say impossible, for the populations to recover their original size. The Community as such must therefore accede to the International Convention on the Regulation of Whaling in order to lend weight to its point of view on the conservation of whales. The Commission has already submitted the relevant proposal to the Council.⁽¹⁾
4. In any event, there is so much uncertainty over the conservation status of most whale species that it would seem best to end hunting and trading in these species as it might lead to their extinction and thus to a permanent change in marine ecology.

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(1) COM(79) 364 final, 30.8.1979.

5. Substitutes are already available for all products derived from whales (oils and other products). The Commission therefore takes the view that abandoning whale products will not cause insuperable problems for industry, provided it is allowed a reasonable period in which adjust itself. Acting on this principle, the United States have already been able to ban the import of whale products. Australia is considering introducing a similar measure as from 1 January 1981.

6. Adoption of this Regulation now would permit those now using the products concerned to start making the necessary changes straight away. The implementing rules will have to be adopted at a later stage to align them with the implementaion of the Convention on International Trade in Endangered Species of Wild Flora and Fauna.

Proposal for a Council Regulation on common rules for imports of whale products.

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof;

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats,¹ as last amended by Regulation (EEC) No 590/79,² and in particular Article 3(1) thereof;

Having regard to Council Regulation (EEC) No 827/68 of 28 June 1968 on the common organization of the market in certain products listed in Annex II to the Treaty,³ as last amended by Regulation (EEC) No 1117/78,⁴ and in particular Article 2(1) thereof;

Having regard to the Commission proposal;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas the conservation of certain species of whale calls for measures which will restrict international trade; and whereas these should be Community-level measures and should at the same time respect the Community's international obligations;

Whereas it is therefore appropriate to make the introduction into the Community of certain products derived from whales subject to the production of an import permit; and whereas the competent authorities should not issue such permits unless they have assured themselves that the products in question are not to be used for commercial purposes,

HAS ADOPTED THIS REGULATION

¹ OJ No 172 of 30 September 1966, p. 3025

² OJ No L 78 of 30 March 1979, p. 1

³ OJ No L 151 of 30 June 1968, p. 16

⁴ OJ No L 142 of 30 May 1978, p. 1

Article 1

1. From 1 January 1982 the introduction into the Community of the products listed in the Annex hereto shall be subject to the production of an import permit. No such permit may be issued in respect of products to be used for commercial purposes.
2. Member States shall notify the Commission before 1 July 1981 of the names and addresses of the authorities appointed by them to issue the import licences referred to in paragraph 1. The Commission shall immediately inform the other Member States thereof.

Article 2

After consulting the Member States, the Commission shall adopt rules for the implementation of this Regulation, and in particular shall specify the conditions under which import licences may be issued.

This Regulation is binding in its entirety and shall be directly applicable in all the Member States.

done at Brussels

For the Council

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ANNEX

<u>CCT No</u>	<u>Products description</u>
ex 02.04 C I	Whale meat and edible meat offals, fresh, chilled or frozen
ex 02.06 C II	Whalemeat and edible meat offals, salted, in brine, dried or smoked
ex 05.09	Whalebone, unworked or simply prepared but not cut to shape
ex 05.15 B	Whale meat and meat offals unfit for human consumption; whale meal and meat extracts
ex 15.04	Whale oils and fats, whether or not refined
ex 15.08	Whale oils, boiled, oxidized, dehydrated, sulphurized, blown, polymerized by heat in a vacuum or an inert gas, or otherwise modified
ex 15.12	Whale oils and fats, wholly or partly hydrogenated, or solidified or hardened by any other process, whether or not refined, but not further prepared
15.15 A	Spermaceti of sperm-whales and other cetaceans, crude, pressed or refined, whether or not coloured
ex 16.03	Whale meat extracts and meat juices.
ex Chapter 41	Leather, treated with whale-oil or oil of other cetaceans, whether or not modified.

