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DOCUMENT 1-451/80

Report

drawn up on behalf of the Committee on the Environment, Public Health and
Consumer Protection

**on the proposal from the Commission of the European Communities to
the Council (Doc. 1-192/80) for a regulation on common rules for
imports of whale products**

Rapporteur: Mr H. MUNTINGH

12.2

By letter of 20 May 1980 the President of the Council requested the European Parliament to deliver an opinion on the proposal from the Commission for a regulation on common rules for imports of whale products (Doc. 1-192/80).

On 22 May 1980 the President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Agriculture and the Committee on External Economic Relations for opinions.

On 31 May 1980 the Committee on the Environment, Public Health and Consumer Protection appointed Mr MUNTINGH rapporteur.

On 20 July 1979, however, a motion for a resolution on whaling had been tabled by Mr SHERLOCK, Mr JOHNSON, Miss HOOPER and Mr NEWTON DUNN (Doc. 1-243/79).

At its sitting of 20 July 1979, the European Parliament referred this motion for resolution to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Agriculture for its opinion.

On 10 November 1979 the Committee on the Environment, Public Health and Consumer Protection appointed Mr MUNTINGH rapporteur.

At its meeting of 23 June 1980 the Committee on the Environment, Public Health and Consumer Protection decided to consider the proposal for a regulation and the motion for resolution jointly.

It considered the draft report at its meeting of 26 September 1980, adopting it unanimously at the same meeting.

Present: Mr Collins, chairman; Mr Muntingh, rapporteur; Mr Adam (deputizing for Mr O'Connell), Mr Ceravolo (deputizing for Mr Segre), Mr Ghergo, Mrs Krouwel-Vlam, Mrs Lentz-Cornette, Mr Mertens, Mrs Schleicher, Mr Sherlock, Mrs Squarcialupi and Mr Verroken.

The opinions of the Committee on Agriculture and the Committee on External Economic Relations are attached.

CONTENTS

	<u>Page</u>
A. MOTION FOR A RESOLUTION	5
B. EXPLANATORY STATEMENT	10
ANNEX I: Motion for a resolution (Doc. 1-243/79)	35
ANNEX II: List showing a number of whale species with original and present-day figures	36
ANNEX III: Past and present commercial uses of the whale	37
ANNEX IV: Alternative products	38
ANNEX V: Whale names in various languages	40
ANNEX VI: Acknowledgements	42
Opinion of the Committee on Agriculture	43
Opinion of the Committee on External Economic Relations	44

The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on;
the proposal from the Commission of the European Communities to the Council for a regulation on common rules for imports of whale products

The European Parliament,

- having regard to the proposal from the Commission to the Council¹,
- having been consulted by the Council (Doc. 1-192/80),
- having regard to the motion for a resolution on whaling (Doc. 1-243/79),
- having regard to the statement by the Council and the representatives of the Governments of the Member States at the Council meeting of 22 November 1973 on the programme of action of the European Communities on the environment²,
- having regard to the Council Resolution of 17 May 1977 on the continuation and implementation of a European Community policy and action programme on the environment³,
- having regard to the resolution of the European Parliament of 17 June 1980 on the conservation of European wildlife and natural habitats,
- having regard to the resolution of the European Parliament of 20 May 1980 on the World Conservation Strategy,
- seriously concerned at the disturbing plight of cetaceans in the world's oceans as illustrated in particular by the sharp decline in stocks of a number of species,

¹ OJ No. C 121, 20.5.1980, p.5

² OJ No. C 112, 20.12.1973, p.1

³ OJ No. C 139, 13.6.1977, p.1

- realizing the importance of cetaceans in the marine environment,
 - also aware of the vital role played by the other links in the food chains, in particular krill, in the marine eco-system,
 - aware of the need also to adopt an environmentally oriented approach as a basis for human action with regard to the marine environment,
 - considering that, throughout the world cetaceans and, in particular, the sperm whale are endangered primarily by continued hunting,
 - aware also of the large number of other threats to which cetaceans are exposed, such as marine pollution, the development of krill fishing and various other human activities impinging on the marine eco-system,
 - having noted the measures which have already been taken under various international conventions to protect cetaceans,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinion of the Committee on Agriculture and the Committee on External Economic Relations (Doc. 1-451/80),
1. Welcomes the Commission's proposal to limit imports of whale products;
 2. Requests the Commission to frame an overall policy on the protection of cetaceans as a basis for a policy to implement such protection;
 3. Requests the Council and Commission, on the basis of the above policy, to take as soon as possible all the measures in their power to safeguard cetaceans;
 4. Requests the Commission to put forward proposals banning commercial whaling entirely in European waters;
 5. Requests the Commission to advocate a total ban on whaling also in the negotiations on the Convention on Antarctic Marine Living Resources;
 6. Urges the governments of the Member States, within the framework of the IWC, to support all proposals leading to a ban on whaling;
 7. Urges the governments of the Member States that are not yet members of the IWC to accede to this Convention;
 8. Requests the Commission, in the context of the Community's economic relations with Japan and the USSR, to bring pressure to bear on these countries to impose a moratorium on whaling;

9. Requests the parliamentary delegation for relations with Japan to continue to make representations to Japan in the matter of whale conservation;
10. Urges the Commission, Council and Governments of the Member States to make full use of all the means available under the various conventions for the protection of cetaceans;
11. Urges the Commission to leave open in the proposals relating to the Washington Convention the possibility that more stringent measures may be specified in the national legislation of the Member States than those provided for in the Convention;
12. Urges the Member States that have not yet ratified this Convention to do so at the earliest possible opportunity;
13. Urges the Member States that have expressed reservations with regard to the appendices to this Convention to withdraw these reservations;
14. Requests the Commission to investigate whether fats and oils originating from sea mammals can be deleted from the regulation on the common organization of the market in oils and fats;
15. Requests the Commission to urge in the negotiations on the Convention on Antarctic Marine Living Resources that krill fishing be developed only when it has been shown that it is not to the detriment of the conservation and renewal of cetaceans;
16. Urges the Commission and Council to place emphasis on the development and implementation of a policy on marine pollution;
17. Takes the view that, in the current negotiations on the accession of Spain and Portugal to the Community the Commission should draw to the attention of these countries the fact that they will also need to take measures to safeguard cetaceans on the basis of the measures taken by the Community;
18. Takes the view that, in order to render the abovementioned policy on the protection of cetaceans really effective, the financial and, above all, staffing resources of the Environment and Consumer Protection Service should be substantially increased;
19. Requests the Commission to incorporate the following amendments in its proposal.

Preamble unchanged

First recital unchanged

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,

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.

Article 1 (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.

Whereas it is therefore appropriate to make the introduction into the Community of all 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,

Article 1 (1)

From 1 July 1981 the introduction into the Community of all products which can be shown to derive from cetaceans or to contain products derived from cetaceans 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.

Article 1 (2)

Members States shall notify the Commission before 1 June 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 unchanged

Annex

Annex

deleted

¹For full text, see OJ No. C 121, 20.5.1980, p.5

EXPLANATORY STATEMENTINTRODUCTION

1. On 20 July 1979, pursuant to Rule 25 of the Rules of Procedure, Mr Sherlock, Mr Johnson, Miss Hooper and Mr Newton Dunn tabled a motion for a resolution on whaling on behalf of the European Democratic Group. (Annex I).

While your rapporteur was working on this motion, it emerged that the Commission was engaged in drawing up a proposal concerning imports of whale products. It was therefore decided to postpone work on the report on this motion for a resolution until such time as the Commission proposal had been made public.

2. The proposal for a Council Regulation on common rules for imports of whale products (Doc. 1-192/80) was submitted on 20 May 1980. In June 1980 your committee decided to combine this proposal and the above-mentioned motion for a resolution in one report by the same rapporteur.

3. During the above-mentioned period, questions about the whale problem were asked by several Members of Parliament. In all these matters there is a common element: concern about declining whale stocks in the world and ever-increasing social pressure for measures to restrict or even completely prohibit the hunting of marine mammals.

Campaigns to stop the hunting of these mammals are enjoying increasing popular support as the great success of organizations such as Greenpeace clearly demonstrates.

4. The concern about the whale population has been prompted by the great fall in the numbers of many species of cetacean, some of which are threatened with extinction while others have been cut down to dangerously low levels. Measures have been taken with respect to some species but in most cases they have not led to any appreciable recovery in stocks, a fact which is in itself an additional reason for concern about the whale population.

5. In the explanatory statement to its proposal, the Commission rightly refers to a 'situation which is giving rise to concern'. However, what is rather less appropriate is the fact that the proposal is confined to larger species of cetacean. Smaller species are also threatened: an example of this in European waters is the porpoise, which has disappeared from the southern part of the North Sea (although hunting does not seem to be the direct cause of this).

6. At international level, the International Whaling Commission (IWC) is the framework within which protective measures are taken with respect to the larger cetaceans. However, measures to protect cetaceans are increasingly being included in other international agreements. An example of this is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). These agreements will be discussed in greater detail further on in the report.

7. The main purpose of this report is to examine what means the European Community has at its disposal for taking measures to protect the cetacean population as effectively as possible. At the same time an endeavour will be made to indicate the type of measures that need to be taken in order to call a halt to all the dangers to which cetaceans are exposed. These will be dealt with successively in the following sections:

- I The natural cycle to which cetaceans belong
- II Ways in which man interferes with that cycle and the danger which he thus represents for that cycle and cetaceans
- III Measures which need to be taken generally in order to protect cetaceans
- IV Measures which have already been taken internationally and the Community's involvement in these measures
- V Further measures which the Community could take
- VI Conclusions regarding the resolution by Mr Sherlock et al.
- VII Comments on the Commission proposal.

I. WHALES AND THE NATURAL MARINE CYCLE

8. An order of marine mammal, whales, are found in all oceans of the world. This order consists of two sub-orders, baleen whales (Mysticeti) and toothed whales (Odontoceti), comprising a total of some 77 species.

9. Whales play an important role in marine life. The baleen whale stands at the upper end of a short food chain which begins with diatoms, denizens of the uppermost waters of the sea which, by means of solar energy, convert to a certain extent the alimentary salts contained in sea water into food for the next link in the chain: KRILL. Krill, which is a collective term for a large variety of animal plankton, constitutes the food of baleen whales. Krill varies in composition depending on where it is found. In the southern oceans, krill consists mainly of shrimps while, in the northern oceans, it consists mainly of molluscs. The distribution of krill and whales seems to be closely connected.

10. Toothed whales stand at the upper end of a somewhat longer chain. Fish, seals and penguins (amongst other things) are a further link in this chain. They are largely dependent on krill for food. The toothed whale is, in turn, dependent on fish, seals, etc. In actual fact the system is of course more complex, but the point of this simplified explanation is to underline the key position which krill holds in the whales' food supply.

11. A number of observations on the natural environment and the variety of life existing within it are contained in a report which your committee has already drawn up in connection with the Convention on the Conservation of European Wildlife and Natural Habitats (Doc. 1-270/79).

Like all life-forms on this planet, whales play a unique role which is closely connected with the proper functioning of the entire eco-system. Moreover, man's survival is dependent on the proper functioning and survival of this eco-system. To quote the aforementioned report: 'unless Nature is healthy, people cannot be healthy'.

The stability of an eco-system and its ability to renew itself are dependent on the natural diversity of that system. Each time a species becomes extinct and, as a result, the natural diversity of an eco-system is reduced, that eco-system is endangered and made more vulnerable to nature's normal mishaps.

The important place held by whales in the eco-system of the seas can best be demonstrated by analogy with life on land. The ecological stability of grasslands, for example, depends on the presence of large herbivores such as bovines, and, in more natural circumstances, bisons and other related species. In the absence of these animals, grasslands are taken over by rougher forms of vegetation and finally forest.

In the marine environment the baleen whale plays a similar role to bovines. Toothed whales play an additional role which can, in a way, be compared with that of wolves on land, in that they ensure the health of the eco-system and of the species which live in it.

12. As yet human understanding of the workings of eco-systems is far too scant to be able to determine precisely which relationships are of vital importance. The extent of our knowledge is too limited even to justify the making of such distinctions within the eco-system. It may be that the world can exist without whales. But the contrary is also possible. It is, however, a question which we ought not to seek to answer by trial and error.

Furthermore, the value of these animals does not lie solely in their function within the eco-system and therefore in their importance for man's survival. The existence of these animals has an intrinsic value, just as the value of nature is not exclusively determined by its value to mankind.

II. MAN AND THE SEA, INTERFERENCE AND POTENTIAL DAMAGE

13. Man has long been a fisherman. Whaling has itself a long history. (In this context, Moby Dick by Herman Melville is worth reading.)

More recently, we have seen an enormous increase in other human activities connected with the sea. Krill fishing is developing slowly but surely, because it is felt that krill could make an important contribution to the world's food supply. Japan, Poland and the USSR are interested in this type of fishing, the Federal Republic of Germany is working on experimental forms of krill fishing, and France and Spain are drawing up plans in this field.

The use of the sea for refuse disposal has also greatly increased in the last 10 years. On the one hand this is done in a conscious, planned and deliberate manner. On the other, many substances such as oil and chemicals are discharged into the sea accidentally. Here it should be borne in mind that the extraction of oil from the sea floor has been steadily increasing and the risk of accidental spillage of oil into the sea has therefore also increased.

Nowadays the sea is also the location for many other activities, or will be so in the future. In some cases land will even be reclaimed from the sea for such purposes - a technique at which the Dutch for example have long been adept. Pressure to move human activity to the sea (whether the area has been drained or not) is especially great in coastal areas.

14. The manner in which man interferes with the sea and the marine eco-system continues to pose a potential threat to that system and to the fauna, such as cetaceans, which live in it. This report will be confined to cetaceans, but first a word regarding other mammals. Roughly speaking, they are exposed to the same dangers as the whale. However, since this report is intended to be confined to cetaceans, we shall here merely point out that a similar report on the protection of other marine mammals, more specifically seals, would be very worthwhile.

15. Whaling

Whaling is the most direct threat to whales. The effect of whaling can be seen from the constantly decreasing number of whales in the world's seas. The stocks of some species have been seriously depleted. Annex II provides a number of statistics which are eloquent enough on this subject.

Whales are hunted because a number of products obtained from this animal are important for trade. The best-known and most important whale products are whale oil, sperm oil and, in some countries, (Japan for example) whale-meat. Annex III provides a broad picture of products and of the species of whale from which they are obtained.

In this connection it is of the greatest importance to bear in mind that, in the case of some products, it is impossible to determine from precisely which species of whale they are derived. There are two important consequences here. Firstly, whaling is concentrated on those species which, owing to their size, give the biggest yield (such as the blue whale), which means that these particular species are placed under great pressure. Secondly, species which are already endangered may be the victims of further depredation because their products cannot be distinguished from those obtained from species which are not endangered.

Compliance with protective regulations for endangered species cannot be monitored by reference to products (except in the case of very specific products such as sperm oil).

16. In addition to the fact that whales are in danger of becoming extinct as a result of whaling, mention should also be made of the methods used to kill these animals. It is not without reason that the motion for a resolution tabled by Mr Sherlock and others refers to barbarous methods of hunting. Many references are made to the barbarous way in which whales are put to death. In most cases they are shot with the aid of a harpoon which is designed to explode when it comes into contact with the animal and in this way destroy its vital organs. However, if the harpoon misses the 'target' areas even by just a fraction, then the animal may die a very slow death.

However, smaller species of whale such as the minke whale (balenoptera acuterostrata) are not hunted with an explosive harpoon, which means that these animals invariably die a lingering death.

The methods of killing used seem to entail the most appalling forms of death. In this context it should be borne in mind that most countries have legislation designed to protect land animals

(more specifically mammals and birds) by prohibiting inhumane hunting methods. However, in this respect marine animals appear to be completely unprotected, a fact which is particularly striking in the case of whales, in as much as they, like other mammals, are known to feel pain.

17. The threat to whales posed by hunting takes on a somewhat sinister character when one considers that substitutes are available for all whale products. The Commission also makes this point in paragraph 5 of the explanatory statement to its proposal concerning imports of whale products. Questions asked in the British House of Commons by Miss Roberts on the subject of sperm oil have met with the same answer from the Ministry of Industry. This product in particular had often been regarded as irreplaceable. Annex IV provides a summary of whale products and their substitutes.

18. Whales are hunted not only for the products they yield. The purpose of hunting the smaller cetaceans (e.g. the orka, and possibly, on occasion, the narwal, but more especially various species of dolphin) is to capture them alive. The main customers for these living creatures are dolphinariums, where they are used to amuse people in search of entertainment.

19. Lastly, mention should also be made of the kind of hunting whose sole purpose is to reduce the numbers of those species which compete with man for fish. There was an example of this in Japan not so long ago, when thousands of dolphin were slaughtered. However, similar occurrences are to be observed closer to home, though a different group of mammals is concerned - grey seals in the north of the British Isles.

It is particularly true in Japan that marine mammals are the victims of man's failure to organize the exploitation of the sea's resources in a responsible manner. A fisheries policy based on sensible management of fish stocks is also important for the survival of marine mammals; only such a policy can guarantee enough fish for both animals and human beings.

20. Krill fishing

The importance of krill as a source of food for whales has already been mentioned in this report (9 and 10). The launching of krill fishing would therefore seriously jeopardize the food available to whales. Furthermore, there are now indications that other krill-eaters are thriving abnormally well owing to the decline

of whales as rivals for food. It may well be that this situation is already helping to prevent a replenishment of whale stocks; in any case, there is no doubt that, despite protective measures, some species of whale have failed to recover.

21. Assessments have been made of the total sustainable annual yield of krill stocks. In recent years, what initially were very high assessments of possible yield (160 - 1000 million tonnes a year) have rapidly been replaced by lower and lower estimates. Recent Soviet assessments refer to a mere 15 million tonnes, which might possibly be raised to 50 million tonnes. American experts last year referred to a potential catch of only 375 thousand tonnes.

22. Marine pollution

Owing to their position at the upper end of the food chain, marine mammals are prone to accumulate waste products in their bodies. An important example of this in European waters (though again another sort of marine mammal is concerned) are the seals to be found in the Dutch Wadden Zee. These animals are threatened with extinction and it is thought that a major cause of this is the pollution of the sea in this area with polychloride biphenyls (PCB's) which, originating in Germany, are discharged into the sea via the Rhine.

Certain cetaceans, such as dolphins and porpoises, which were previously found in these waters have now completely disappeared. Although it cannot be proved that their disappearance is a result of increasing pollution, the pollution process does seem to have coincided with their disappearance. Unfortunately, there appears to be no money available to finance tests on dead porpoises, which are still occasionally washed up on the beaches of the Frisian Islands, with the result that major indications regarding the reasons for their disappearance must, for the moment, remain unknown.

23. According to research results, although oil pollution may have an effect on cetaceans, the danger is confined to coastal areas and shallow or enclosed areas of sea. However, reports by those who have crossed the ocean in small craft indicate that oil pollution on the high seas is far more serious than commonly thought (Thor Heyerdahl, Sterke Yerke). The potentially harmful consequences of oil pollution may increase as oil extraction from the sea-bed increases. The same risk is attendant upon the possible extraction of oil in Arctic and Antarctic waters.

24. Other activities

The smaller species of cetaceans in particular are vulnerable to changes in environmental conditions brought about by interference in coastal areas and inlets. The fate of the dolphins and porpoises in the Dutch Wadden Zee is the result of changes in environmental conditions occasioned by only one form of interference - pollution. Land reclamation, the sealing-off of inlets, increased economic activities and fishing may, however, cause direct or indirect damage to the habitat of cetaceans.

Another activity which still needs to be examined is human recreation. This may vary from 'hunting for sport' with trophies as the prize to the observation (and disturbance) of whales. 'Whale-watching' has already been prohibited in a number of American states.

III. NECESSARY MEASURES

25. A number of general measures can be indicated as necessary for the protection of cetaceans. Community regulations should be based on the following principles:

1. Commercial whaling must be brought to a complete halt.
2. Krill fishing should be allowed only when it has been demonstrated that it will not harm the whale population or prevent its replenishment.
3. A world-wide effort will have to be made to reduce and even stop the pollution of the seas.
4. A legal instrument (environmental impact reporting) needs to be introduced to ensure that human activities at sea are allowed only when it can be shown that they are not harmful to the marine eco-system.

IV. INTERNATIONAL AGREEMENTS ON WHALES AND ON THE THREATS TO
THEIR EXISTENCE

26. International Convention for the Regulation of Whaling

The International Convention for the Regulation of Whaling was signed by fourteen countries in 1946. This Convention provided for the setting-up of an International Whaling Commission (IWC).

The aim of the Convention is to preserve for future generations 'the great natural resources represented by the whale stocks'. Over the years the IWC has taken many measures designed to protect various species of whale.

At present the following countries are members of the IWC: Argentina, Brazil, Chile, Denmark, United Kingdom, Iceland, Japan, Norway, Peru, USSR, Spain and South Korea (these countries are still involved in whaling) and Australia, Canada, France, Mexico, New Zealand, Panama, USA, Netherlands, Sweden, South Africa, Oman, Switzerland and the Seychelles (these countries are not (no longer) involved in whaling).

In this list EEC Member States are shown with continuous underlining and applicant countries with broken underlining. Of the EEC Member States, the Federal Republic of Germany, Italy, Belgium, Luxembourg and Ireland are not, therefore, members of the IWC; of possible future Member States, Portugal and Greece are not members.

Since the July session of the IWC in 1980 the following species of cetacean are under IWC protection and may no longer be hunted: blue whale, right whale, grey whale, bowhead and humpback whale. Proposals to impose a worldwide ban on whaling obtained a majority but not sufficient for this to be proclaimed by the IWC (adoption of such a proposal requires a majority of three quarters).

It is reasonable to ask whether the IWC's failure to agree on a world-wide ban on whaling is regrettable. The shortcomings of the IWC (which will be dealt with in the following paragraph) cast doubt on the effectiveness of the proclamation of such a ban by the IWC. The message given by a majority on the IWC will undoubtedly be of value because the whaling nations have remained members of the IWC and a climate thus exists in which negotiations can take place between whalers and conservationists. An IWC whaling ban might have caused the whaling nations to withdraw from the IWC, resulting in a permanent and final end to dialogue, which it can still be hoped will, in the long run, lead to a ban on whaling with the agreement of the whaling nations.

At present, the IWC lays down annual catch quotas for the species not subject to a ban on whaling. The smaller species of cetacean are not included in these quota arrangements; the discussion as to whether or not these smaller species fall within the scope of the convention has not yet been concluded and, pending the outcome, smaller cetaceans will not enjoy protection under IWC rules.

27. The explanatory statement to the Commission's proposal concerning imports of whale products (paragraph 3) rightly states that 'earlier experience has shown that the protective measures taken by the International Whaling Commission have almost always been inadequate or introduced too late when the stocks of endangered species had already fallen to very low levels'. These are not the only reasons for the ineffectiveness of the IWC. Other reasons are:

- a. A number of major whale-hunting countries are not members of the IWC: Portugal, China and North Korea for example.
- b. The stateless 'pirate' ships such as the 'Sierra', which is at present out of commission, and her sister ships operate without reference to any of the protective measures.
- c. It is a simple matter for whaling nations to leave the IWC as soon as measures are introduced which they find too prejudicial to their interests.
- d. There is no way of effectively enforcing the measures laid down by the IWC; Spain, for example, did not observe the catch quota for 1979.

The Soviet Union and Japan are among the main obstacles to effective protection of cetaceans, despite the fact that whaling has no

importance whatever for the economy or balance of payments of either country. In 1973, for example, the whaling industry's contribution to Japan's gross national product amounted to only 0.024%. It would, in your committee's view, be advisable, in view of the high probability that a number of cetaceans risk extinction within the foreseeable future and of the irreversible nature of such a development, to examine whether pressure cannot be brought to bear, within the framework of the relations between the Community and Japan, to induce the Japanese authorities to impose a moratorium on whaling. Your committee also calls on the parliamentary delegation for relations with Japan to include this henceforward as a regular item on the agenda for discussions, in order thereby to exert influence in favour of whale conservation.

28. The European Community is not a member of the IWC. The Commission considers it vital that the Community as such should join the Convention and thus the IWC. However, at present, the Whaling Convention does not permit the Community to join; amendment of the Convention is therefore essential. EEC membership of such an amended Convention raises a number of questions.

Firstly, those Member States which are already members of the Convention would have to transfer their powers in this field to the Community. One possible consequence of this is that the positions which these states have hitherto been able to adopt with regard to the protection of whales might be weakened by the involvement of other EEC Member States. On the other hand, there is a possibility that Member States and/or future Member States which have hitherto acted 'modestly' with regard to the protection of whales might in this way be involved in a more stringent whale-protection policy.

It is not yet clear what consequences the replacement of separate Member States by a joint representative body under the European Community would have as regards the number of votes that could be cast. The most disadvantageous arrangement would be the replacement of four votes by one. Before any decision can be taken as regards Community membership of the IWC, a number of additional questions need to be answered.

We would specifically mention two of these questions. The first is whether the Community should treat whale imports as part of fisheries policy or as part of environmental protection policy. When it considered the Strasbourg Convention, the European Parliament felt that the whale issue should be seen as a part of environmental

protection policy. It can no longer be seen as part of fisheries policy since there is practically nothing left to fish. Furthermore there would be no sense in allowing those authorities which are responsible for the extermination of whales to determine the protective measures needed. To do so would be tempting the devil.

The second question is whether, if the Community were to join the IWC, the Commission would make sufficient staff and finance available in order to fulfil the obligations arising out of IWC membership. Should this not be the case, the Community would be better advised not to join, but instead to encourage all Community Member States to join separately, a solution which would ensure a certain number of votes in support of protection within the IWC.

29. Convention on International Trade in Endangered Species of Wild Fauna and Flora

This Convention was concluded in 1973 and came into force on 1 July 1975. The aim of the Convention is to introduce measures to protect flora and fauna by regulating international trade in endangered species. The Convention has three appendices to this effect:

Appendix I lists all species which are threatened with extinction. Trade in these species is subject to very strict conditions and is allowed in only very exceptional circumstances.

Appendix II lists species which will be endangered unless international trade is made subject to strict rules.

Appendix III lists species which are protected by one of the partners in the Convention and in regard to which the cooperation of other states is needed.

The rules of this Convention are also valid for any part or derivative of these species (Article 1.b). Practically all species of whale are included in Appendix II to the Convention. Those which are not listed in Appendix II are included in Appendix I. These are:

- *Lipotes vexillifer* (white flag dolphin)
- *Platanista Gangetica* (Ganges susu)
- *Platanista Indi* (Indus susu)
- *Sotalia spp* (South American river dolphins)
- *Sousa spp* (hump-backed dolphins)
- *Neophocaena phocaenoides* (black finless dolphin)
- *Phocoena sinus* (Gulf of California porpoise) - *Eschrichtius robustus*
- *Eschrichtius robustus* (grey whale)
- *Balaenoptera borealis* (Sei whale, certain stocks)
- *Balaenoptera musculus* (blue whale)
- *Balaenoptera physalus* (fin whale, certain stocks)
- *Megaptera novaeangliae* (humpback whale)
- *Balaena mysticetus* (bowhead whale, Greenland right whale)
- *Eubalaena spp* (right whale)

30. The Council very recently authorized the Commission to negotiate Community accession to this Convention. Of the Member States, Denmark, France, the Federal Republic of Germany, Italy and the United Kingdom have already signed and ratified the Convention. Ratification by the Benelux countries does not seem very far off. One shortcoming of the Convention is the possibility for signatories to express reservations with regard to certain species of fauna. Your committee believes that the Convention ought to be applied in the Community. At the same time, however, a few words of caution are called for.

Firstly, it needs to be pointed out that although a number of EEC countries have acceded to the Washington Convention (France, West Germany, Italy), their accession has not resulted in these countries abiding by the rules of the Convention. Neither is it likely, furthermore, that this situation will change in the immediate future. This means that it is still possible in these countries to import the most endangered species of animal and plant life without applying for permits. If the Community accedes to the Washington Convention, this means that imports of these endangered species can be traded freely throughout the Community. For some countries which have already adopted effective legislation in this field (the Netherlands) this would be a retrograde step. It must therefore be possible for the Member States to make national legislation more stringent than the requirements of the Convention. Furthermore, they should be able to make use of the powers conferred by Article 36 of the EEC Treaty.

A second point is that the danger exists that the Washington Convention will be regarded as a commercial convention, i.e. as an economic matter, and that policy will be oriented accordingly. This would be a misunderstanding. The introduction to the Washington Convention contains the phrase: 'recognizing, moreover, that international cooperation is of vital importance for the protection of certain species of wild animal and plant life from excessive exploitation resulting from international trade.' This phrase makes it clear that the Convention is based on the primacy of nature conservation.

31. Convention on Conservation of Migratory Animals

This Convention was signed in Bonn in 1979, but has not yet been ratified. It is a blanket agreement under which States where populations of endangered migratory animals occur can conclude mutual agreements to protect such species.

On 18 April last the Commission forwarded a proposal to the Council for a decision on the conclusion of this agreement. It emerged from the negotiations between the Commission and the Convention that the agreement would have to be signed by the European Community before 22 June 1980.

32. Convention on the Conservation of European Wildlife and Natural Habitats

A proposal to conclude this Convention was considered by the European Parliament at its June 1980 part-session. The report drawn up on this subject by the Committee on the Environment, Public Health and Consumer Protection draws attention to the role which this Convention can play also with respect to whales. On this matter the European Parliament came out in favour of swift ratification of the Convention by the European Community.

33. Convention on Antarctic Marine Living Resources

On 7 May 1980 a conference opened in Canberra (Australia) intended to lead to the drawing-up and signing of this Convention. However, there already appears to be agreement on a number of the basic principles underlying this Convention, namely:

- a. The adoption of an 'ecological' rather than a 'mono-species' approach. (The European Community could learn a lot from this as regards its fisheries policy.)
- b. 'Rational management' based on a conservation philosophy.
- c. Exclusion of any form of national regulation, such as national catch-quota setting.
- d. Limitation of discussion of the Convention to States which are party to the Antarctic Treaty whilst allowing other States to sign the Convention.

Thanks to these principles it will be possible to circumvent the problem of 200-mile zones around (unrecognized) territorial claims in Antarctica.

34. The aim of the Convention is to ensure that the exploitation of marine fauna does not cause the numbers of certain species to fall to a level where their continued existence is in danger. A further aim is the maintenance of the ecological habitat of damaged populations.

35. The following EEC Member States are already involved in the deliberations on this Convention (or will shortly be so): Belgium, Federal Republic of Germany, France and the United Kingdom. Furthermore, on 12 March 1979 the Council authorized the Commission to negotiate on the introduction of this Convention.

36. Other agreements

A number of international agreements concerned with marine pollution already exist. However, the largest sources of pollution are always located on land. It is beyond our scope to try to provide a summary of the relevant agreements here. Where the Community is concerned, suffice it to refer to the Second Environmental Action Programme.

37. With regard to the environmental consequences of the various activities which are carried out at sea and at the sea's expense, no instrument exists for the prevention of damage to the environment. A technique which does exist is the 'environmental impact reporting' technique.

V. POSSIBLE EEC MEASURES

38. The Community, or the Member States of the Community, are involved with the problem of cetaceans in various ways. Hunting activities are based in a number of Community countries. This is true not only of the waters round Greenland, but also of Italian waters, where dolphins are the quarry. Negotiations are at present under way on the accession of Spain and Portugal, which are both still active in whaling and which afford pirate whaling vessels a base for their operations.

A broad range of whale products are imported into the Community and processed there. Provisional statistics from a survey by the Marine Action Centre show that in 1978 the Community was responsible for 62% of known imports of whale oil.

The fact that the Community makes a not inconsiderable contribution to marine pollution requires no demonstration. Given the rate at which the river Rhine is currently being purified, the quality of the water of that river will unfortunately continue to testify to the Community's share of responsibility in this field for a long time to come.

39. In the light of the various ways in which the Community is involved with the whale problem, an overall policy could be elaborated for whale-protection. Such a policy should first and foremost be directed at environmental protection. In this connection, the Environment and Consumer Affairs Service could play an important role. Your committee considers that priority should be given to providing this service with the necessary staff and finance to carry out this task effectively.

Such a policy should be based on the aim of calling a complete halt to whaling; the policy in this respect should therefore also have the character of 'no whaling unless', whereby the 'unless' would apply only in exceptional cases. There are a large number of factors which might be taken into consideration in shaping a concrete policy; we shall endeavour to work them out in detail below.

40. Prohibition on whaling

40.1 The Community fishing zones should be closed to all forms of commercial whaling. As regards the larger species, this would mean a ban on the hunting of whales in Greenland waters. If Spain and Portugal join the Community, whaling will also have to be prohibited in their waters.

It is tempting also to close to whaling in this way the 200-mile zones connected with the territorial claims which various Member States are making with regard to Antarctica. Reference has already been made in paragraph 32 to the attempts which are being made to overcome this problem. Exploration of this possibility would therefore not appear likely to yield any major results.

40.2 A better plan is for the Community, in negotiations on the Convention on Antarctic Marine Living Resources, to plead in favour of total protection of whales in the area covered by this convention.

40.3 The agendas for the meetings of the IWC also include proposals urging that a worldwide halt be called to whaling. Your committee takes the view that these proposals should be endorsed and that the European Parliament should urge the European Community and the Member States to support them.

40.4 Various agreements governing the protection of the environment (see paras. 28 to 31) offer the Community various ways of introducing protective measures for whales. Full use ought to be made of these opportunities.

40.5 In view of the fact that also the motion for a resolution by Mr Sherlock and others devotes attention in broader terms to imports of products derived from endangered species of fauna, it would be appropriate, with regard to the CITES convention in particular, to recommend that Member States which have not yet ratified this convention do so as soon as possible and, in so doing, express no reservations with regard to specific species of animals.

40.6 Should the Community accede to this convention, there should be latitude for the Member States to take more stringent measures under their own legislation than required under the convention.

41. Halt to imports of whale products

For the moment, unfortunately, a complete worldwide halt to whaling does not seem possible, not least because a number of whaling countries do not belong to the IWC and are therefore not bound by any decision which might be taken in this direction. The Community is nonetheless able to contribute to the protection of cetaceans within that framework in the following ways:

41.1 A complete halt to imports of whale products. The Sherlock motion for a resolution calls for such a measure. The Commission proposal gives consideration to such a measure. An important difference between the Commission proposal and the requested measures is the fact that not all whale products would fall under the import ban.

As pointed out in paragraph 17 and Annex IV substitutes exist for all whale products. This means that it would be perfectly feasible to call a complete halt to imports. Such a measure is absolutely necessary for the following two reasons:

1. Limiting the number of products which could be imported would have no effect on the number of whales that had to be killed in order to obtain those products and the only result would be that parts that could not be imported would either be thrown away or exported elsewhere.
2. It is impossible to determine by analysing the products themselves from what species they are derived; the continuation of whaling is therefore a threat to all whales including those which are protected (see also p. 15).

In the light of these considerations two draft amendments to the Commission proposal will be drawn up.

41.2 Amendments to the regulation establishing a common market in oils and fats. Fats and oils derived from marine mammals should be deleted from this regulation.

v

41.3 Promotion of the production and use of substitutes. By means of appropriate support measures the Community is in a position to promote the use of and encourage conversion to substitute products. The question should be examined to what extent such support measures are necessary. Switching to substitutes can after all give rise to problems, particularly for firms which at present are totally dependent on whale products.

42. Measures with regard to krill fishing

In negotiations on the Convention on Antarctic Marine Living Resources, the Commission should plead in favour of a policy of restraint with regard to krill fishing. In concrete terms the Commission should urge that a policy on krill fishing should be developed only when it has been demonstrated that whale stocks can exist and be replenished despite krill fishing.

43. Measures to combat marine pollution

The second environmental action programme provides the framework for the measures which the Community could take. The Community should therefore also make use of every means at its disposal to combat marine pollution. The policy set out in the second action programme should be energetically implemented and continued, and here stress must once again be laid on the overriding importance of combating pollution at source.

44. Measures in respect of other activities which interfere with the marine environment

As already pointed out in para. 37, there are no regulations at international level to prevent damage being done as a result of such activities. It was, however, mentioned that reliable techniques do exist for assessing such damage and integrating it in decision-making. According to the thirteenth General Report, 'the Council agreed on the value of developing impact-study procedures'. Your committee believes that the Commission should submit proposals to this effect as soon as possible.

Such an environmental impact reporting technique could then be used for projects within the Community and also for projects organized outside the Community with which the Community is in any

way involved (e.g. through financing). In this connection it is extremely important that the granting of European Investment Bank loans be made conditional upon the use of this technique. In this respect your committee is very pleased with the statement made by the Commission at the debate on the World Conservation Strategy on 18 April 1980 where a promise was in so many words made to this effect.

45. Other measures

The protection of cetaceans will have an effect on certain economic activities and some will possibly suffer loss. The Community has means of limiting such loss, reference to which has been made in para. 41.3.

In this context consideration might be given to the idea of using those ships and crew which are currently engaged in whaling to assist with research on these animals.

46. Position of Spain and Portugal

The special position of Spain and Portugal has already been mentioned several times in this report. Both nations are still actively involved in whaling and both are applicants for Community membership. In the negotiations on the accession of Spain and Portugal an endeavour must be made to convince these countries of the need for protective measures for whales. Furthermore it must be impressed on both countries that they will have to adopt the EEC policy on whales.

VI. CONCLUSIONS WITH REGARD TO THE SHERLOCK MOTION FOR A RESOLUTION AND THE COMMISSION PROPOSAL

47. The survey of the whale problem which we have tried to make in this report clearly shows that the considerations contained in the motion for a resolution and the recommendation to call a complete halt to imports of whale products have the full support of the Committee on the Environment, Public Health and Consumer Protection.

48. However, in this connection it should be pointed out that the Commission proposal with regard to imports of whale products does not go as far as the motion for a resolution or the recommendations contained in this report.

49. It should also be pointed out that the measures called for in the Sherlock motion for a resolution represent only some of the measures which the Community could take to help protect cetaceans. The aim of this report has therefore been to provide a summary of possible measures.

50. Imports of products derived from other animal species is a question which, although touched on in the Sherlock motion for a resolution, would seem, politically speaking, to be moving in the right direction. Accession by the Community and/or all the Member States to the CITES convention could satisfy the terms of the motion for a resolution.

51. Given the foregoing considerations, the Sherlock motion for a resolution has been expanded to include:

- a. requests to the Commission to take additional measures to protect cetaceans.
- b. a number of comments concerning the Commission proposal.

52. A further conclusion which can be drawn from this report is the need to focus attention on other marine mammals. It would therefore be appropriate to produce a separate (own-initiative) report on the problems connected with these other species.

VII. COMMENTS ON THE COMMISSION PROPOSAL

(Doc. 1-192/80)

53. Explanatory memorandum: paragraph 1

In this paragraph the Commission refers to the fact that the status of the large species of whale is giving rise to concern. To illustrate the indeed disturbing plight of the large species of cetaceans, reference is once again made to the figures contained in Annex II. However, it is not only the larger species that are giving rise to concern. Numerous species of smaller cetaceans are also endangered. It would therefore be more accurate in paragraph 1 of the explanatory memorandum to refer to the fact that the status of cetaceans is giving rise to concern.

54. Explanatory memorandum: Paragraph 2

The Commission sets out its view here that, in order to maintain the uniformity of commercial policy, imports of the primary whale products must be subject to a system of export licences, under which the imported products may not be used at all for commercial purposes.

Point 40 of this report has already dealt with the means available to the Community for imposing a ban on imports of whale products. The reasons for advocating a total ban on all whale products were as follows:

- for products which could still be imported a whole whale would still have to be killed,
- it is impossible, on the basis of the products, to distinguish from which species they are derived, with the result that continued hunting of less endangered species would also affect the severely endangered species.

In view of this it is regrettable that the explanatory memorandum simply refers to primary products, unless it is at the same time borne in mind that all products that can be obtained from a whale are of equally great importance. It would be better, however, not to let this depend on a question of interpretation.

Point 18 dealt with the importation and hunting of living cetaceans. The wording of this paragraph of the explanatory memorandum rules out a system of import licences for imports of living cetaceans. It does not seem probable that imports of living whales do at present or will in future represent a threat to the survival of the species concerned. These mammals are too large to be kept in captivity in large numbers. However, even imports of species of living cetaceans may be undesirable if these species are on the

point of extinction as a result of other factors (whaling). It is assumed that imports of this nature do not yet cause major damage to the species concerned and therefore can be regulated subsequently within the framework of the Washington Convention.

55. Explanatory memorandum: paragraph 3

It is rightly pointed out that the IWC rules have often not had the desired effect. In addition to the reasons stated in this paragraph of the explanatory memorandum, other reasons were given in point 28 of this report. One of the principal reasons is that the IWC is powerless vis-à-vis non-members. The Commission also indicates in this paragraph that it wishes to accede to International Convention on the Regulation of Whaling. In our report we already indicated that for such a step to be taken the Convention must first be amended, so that it is worthwhile advocating at the same time that all Community Member States should accede to this Convention as early as possible, in order thereby to contribute to whale conservation.

56. Explanatory memorandum: paragraph 4

The statement contained in this paragraph deserves - with 'most whale species' replaced by 'marine life' - to be repeated continually in Community documents as the definitive statement on numerous human activities at sea. In this connection, however, it is sufficient to replace 'most whale species' with 'cetaceans'.

57. Explanatory memorandum: paragraph 5

It is very rightly pointed out in this paragraph that substitutes are available for all whale products. A list of substitutes is given in Annex IV. It is furthermore also a good idea to allow industry a reasonable period in which to adjust itself to the changeover, although it must at the same time be emphasized that, in the interest of cetaceans, the other party concerned, this period of adjustment should be as short as possible.

58. Explanatory memorandum: paragraph 6

It is a sound move to align this regulation with the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Flora and Fauna. It should be repeated once again that the Member States should have powers to lay down national rules that are more stringent than those required under this Convention. Furthermore, in the event of negligence on the part of one country, other countries should be empowered to compensate for such negligence using Article 36 of the EEC Treaty.

59. Preamble

The last recital of the preamble refers to the importation of certain products. It would be better, in view also of what has already been said on this point with regard to the preceding paragraphs, to refer to all products.

60. Article 1(1)

It has already been said in paragraph 57 that it will indeed be necessary to allow industry a reasonable period within which to adjust. It is our firm conviction, however, that the deadline can be set shorter than at 1 January 1982.

This article also refers to the 'products listed in the Annex hereto' whereas it has already been stated several times in this report that the regulation should apply to all products.

The use of a term 'non-commercial purposes' may undermine this provision if this term is interpreted too generously. Means should therefore be found of interpreting the term 'commercial purposes' as widely as possible.

Article 1(2)

In view of the comments on paragraph 1 of this article it should be considered whether the deadline set here could not also be brought forward.

61. Article 2

It is a sound idea to determine the implementing rules of this draft regulation in consultation with the Member States. One guideline in framing these rules should be the concern to keep open the possibility for the Member States to adopt more stringent national measures.

62. Annex

The list contained in this Annex is not complete. For example, ambergris, cosmetics containing whale products, teeth of sperm whales, whale-skin and lubricants derived from whale products are missing. Furthermore, it is unclear whether all leather products treated with whale products are included in the list.

The reasons for advocating a complete ban on imports of whale products have already been given in point 48. It would therefore be advisable either to include all whale products in this Annex or to delete it entirely.

Motion for a resolution tabled by Mr SHERLOCK, Mr JOHNSON,
Miss HOOPER and Mr NEWTON DUNN
on behalf of the European Democratic Group
pursuant to Rule 25 of the ~~Rules~~ of Procedure on whaling (Doc.1-243 /79)

The European Parliament,

- bearing in mind the threat to whale populations throughout the world from continual hunting, and in particular the threat to the sperm whale,
 - bearing in mind, further, the barbarous nature of the methods of hunting sometimes used,
 - noting that there is still a substantial import of whale products into the EEC countries,
 - believing that this trade provides a continued incentive for the hunting of whales,
 - aware that some countries of the EEC have already taken steps to prohibit the import of whale products into their territory, but aware also that unilateral measures may both be ineffective and may infringe the principles laid down in the Treaty,
1. calls on the Commission to propose, as soon as possible and in any case before December 31, 1979, a directive providing for an immediate and total ban on the import of whale products into the Community;
 2. further requests the Commission to investigate the situation regarding the import into the EEC of other products coming from animals which are or should be subject to special protection, particularly those which are covered by the Washington Convention on the Protection of Endangered Species, and to make appropriate proposals.

ANNEX II

List showing a number of whale species with original and present-day figures

	Original:	Present-day:
Bowhead	56,000	2,000 - 2,500
Right whale	not known	220 (Northern hemisphere)
	100,000	rare but increasing (Southern hemisphere)
Blue whale	200,000	a few thousand
Fin whale	350,000-400,000	70,000 (Southern hemisphere)
Humpback whale	100,000	2,500-3,000 (Southern hemisphere)

These figures provide an indication for a number of species.

Source: Proposals concerning the Cetacea, Nature Conservancy Council, London 1979.

ANNEX III

Past and Present Commercial Uses of the Whale

Ambergris (from intestine of the Sperm Whale)	Fixative for scent Used in high quality scented soap
Baleen	Bones for corsets, bustles and collars; Whips and riding crops; umbrellas; hooped skirts; brooms; brushes.
Blood	Added to adhesive in plywood manufacturers. Fertilisers
Chemical salts	Creatine used in soups
Collagens (present in bone, skin and tendons which are boiled to yield gelatine)	Gelatine is used for: Photographic film; edible jellies; confectionery.
Endocrine glands (yield hormones)	Medicines and pharmaceuticals
Liver	Whale oil from liver yields Vitamin A
Pituitary glands	ACTH (cortisone derivative) used in treatment of rheumatoid arthritis
Skin (from Toothed and White Whale)	Leather for: Bicycle saddles; handbags; shoes.
Sperm oil: Unrefined sperm oil	Mixed with mineral and other oils for dressing hides in leather industry
Refined and filtered (Spermaceti)	Cold creams; lipsticks; brushless shaving creams; ointments.
Filtered sperm oil	Ingredient of lubricating oil for light machinery
Sulphurised sperm oil	Emulsifying agent in compounded oils; cutting oils; textile lubricants; dressing hides.
Saponified sperm oil (sperm oil alcohols)	Cetyl alcohol used as superfatting agent in creams; also used on water-holes in Australia to prevent evaporation. Oleyl alcohols: hair oils; creams; lotions.

Source: Whale Manual 1980 - Friends of the Earth

ALTERNATIVE PRODUCTS

<u>Products</u>	<u>Whale By-Products</u>	<u>Processing of By-Product</u>	<u>Possible Alternatives</u>
Animal feeds	Whale meat	Meal of whale meat.	Residual seed meal of Simmondsia. Meal of various wastes, e.g. from sugarbeet, seaweed, meal, cereals.
Candles - low quality, high quality.	Whale oil Sperm oil & spermaceti	hydrogenation hydrogenation	Beeswax. Paraffin wax, Simmondsia wax, tallow.
Cosmetics: lipsticks etc. cold creams.	Sperm oil & spermaceti	saponification	Essential oils such as lemon, orange, etc. Simmondsia oil, avocado cream, cactus cream, cucumber milk.
Crayons & pencils	Sperm oil, spermaceti & whale oil	hydrogenation	Simmondsia wax
Fertilizers	Whale bones	grinding	Seaweed, various organic material, composted material
Floor coverings (linoleum & oilcloth)	Sperm oil & whale oil	polymerization	Linseed oil, Simmondsia oil.
Glycerine	Whale oil	saponification	Any saponified oil or fat, e.g. palm oil, ground nut oil.
Gelatine	Skin, bones & tendons	boiling	Skin, bones, tendons & hooves of cattle, sheep, goats, etc.
Industrial oils:			
Cutting oil	Sperm oil	hydrolyzation & sulphuration	Linseed oil, castor bean oil, tung Rapeseed oil, Simmondsia oil.
Textile oil high speed	"	"	" " "
Machine oil	"	filtering	" " "
Watch & clock oil	"	"	" " "
Leather dressing	"	mixed with mineral oil	Various other available dressing oils
Submarine oil	"	refining	Rapeseed oil, Simmondsia oil
High pressure gear grease	"	"	" " "
Automatic transmission fluid	"	"	" " "
Margarine	whale oil	hydrogenation	Vegetable oils such as ground nut oil, soya bean oil, sesame oil, maize oil, safflower oil, coconut oil.
Perfumes	Ambergris		'Fixateur 404', other fixatives based on labadanum, oak moss, clary sage, cypress oils, agar, wood oil, etc.

<u>Products</u>	<u>Whale By-Products</u>	<u>Processing of By-Product</u>	<u>Possible Alternatives</u>
Pet foods	Whale meat	very little, if any	Fungal protein, abbatoir waste, offal, cereal protein, soya bean meal
Pharmaceuticals:			
Ointments Hormones	Spermaceti endocrine glands	refining and filtering	Domestic animal sources
Vitamin A	Whale liver	oil extracted	Natural carotene from carrots and alfalfa; cod liver oil or synthesized Vit. A from lemon-grass oil or turpentine
Plywood glue	Whale blood	dehydration	Traditional sources such as fish bone
Printing inks	Sperm oil, whale oil	sulphurization polymerization	Simmondsia oil and Rapeseed oil
Shampoo	Whale oil	cetyl alcohol derived from saponification	Fatty acid alcohols derived by saponification of other oils & fats, such as coconut or palm kernel oil
Soap	Whale oil	saponification	numerous other oils such as palm oil
Suntan oils	Whale oil	cetyl alcohol derived from saponification	" " "
Waxes for polishes and textile industry	Sperm oil, whale oil.		Simmondsia wax

Source: Whale Manual 1980, Friends of the Earth.

WHALE NAMES IN VARIOUS LANGUAGES

Latin	Italian	English	German	Dutch	Danish	French
Balena mysticetus	Balena di Groenlandia	Bowhead	Gröndlandswal	Groenlandse walvis	Gröndlandhval	Baleine Groenland
Mubalena spp	Balena artica	Right Whale	Nordkaper	Noordkaper	Nordkaper	Baleine Biscaya
Balaenoptera Acutorostrata	Balenottera rostrata	Minke Whale	Zwergwal	Dwergvinvis	Sildespisker	Petit Balen
Balaenoptera Borealis	Balenottera boreale	Sei Whale	Seiwal	Noordse vinvis	Sejhval	Rorqual du Nord
Balaenoptera Musculus	Balenottera azzurra	Blue Whale	Blauwal	Blauwe vinvis	Blaahval	Rorqual bleu
Balaenoptera Physalis	Balenottera comune	Fin Whale	Finnfisch	Gewone vinvis	Finnval	Rorqual commun
Megaptera Novaeangliae	Megattera	Humpback Whale	Buckelwal	Bultrug	Pukkelhval	Rorqual bossu
Physeter Catodon	Capodoglio	Sperm Whale	Pottfisch	Potvis	Kaskelot	Cachelot
Kogia breviceps	Balena pigmea	Pygmy Sperm Whale	Zwergpottwal	Dwergpotvis		Cachelot Pygmy
simus		Dwarf				
Monodon Monoceros	Narvalo	Narwhal	Narwal	Narwal	Narhval	Narval
Delphinapterus Leucas	Beluga	White Whale	Weisswal	Witte walvis	Hvidfisk	Baleine Blanche
Hyperoodon Ampullatus	Iperodonte	Northern Bottlenose Whale	Butskopf	Butskop	Naebhval	Hyperoodon

ANNEX VI

Acknowledgements

This report would not have been possible without the assistance of:

- Friends of the Earth, London
- European Environment Office, Brussels
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- Greenpeace (Holland)
- Peoples Trust for Endangered Species
- Mrs Barbara Mitchell and Marijke Brunt
- Mr Stanley Johnson and Mr Gerard Peet

who provided the necessary material either orally or in the form of background documents.

Use was also made of the following sources:

- . Whale Manual, Friends of the Earth, London 1978
- . Preliminary Status Report on the Marine Mammals of Major Relevance to Europe, Nature Conservancy Council of Great Britain, 1979
- . Literature on Krill, Earthscan
- . Literature on pirate vessels, Peoples Trust for Endangered Species, 1979
- . Publications by Denise Viale, including Evidence of metal pollution in cetacea of the western Mediterranean in Annales de l'Institut Océanographique, vol. 54, 1978.

OPINION OF THE COMMITTEE ON AGRICULTURE

Letter from the chairman of the Committee on Agriculture, Sir Henry Plumb, to Mr COLLINS, chairman of the Committee on the Environment, Public Health and Consumer Protection

Dear Mr Collins,

At its meeting of 7 July 1980 the Committee on Agriculture¹ considered a proposal for a Council regulation on common rules for imports of whale products.

The purpose of this proposal is to make imports of whale products subject to authorization with a view to stopping their use. Cetaceans threatened with extinction, such as whales, must be protected.

The Commission, aware that substitutes are already available for all products derived from whales, takes the view that the Community industry can abandon these products provided it is allowed a reasonable period of adjustment.

This proposal, if adopted by the Council, will indeed leave industry sufficient time to adapt to the new situation.

The Committee on Agriculture is anxious to protect endangered species and is bound to approve the spirit of the Commission proposal, which aims at banning Community imports of whale products intended for commercial purposes from 1 January 1982.

Furthermore, the Committee on Agriculture trusts that the Community as such will accede to the International Convention on the Regulation of Whaling, but at the same time asks for account to be taken of the legitimate interests and habits of small-scale local fishermen so as not to disrupt their economy and way of life.

Yours sincerely,

(sgd) Sir Henry PLUMB

¹Present: Sir Henry Plumb, chairman; Mr Battersby, Mr Blaney, Mr Dalsass, Mr Gautier, Mrs Herklotz, Mr Howell, Mr Provan, Miss Quin and Mr Skovmand.

OPINION OF THE COMMITTEE ON EXTERNAL ECONOMIC RELATIONS

Letter from Sir Fred CATHERWOOD, chairman of the Committee on External Economic Relations, to Mr COLLINS, chairman of the Committee on the Environment, Public Health and Consumer Protection.

Luxembourg, 1 July 1980

Dear Mr Chairman,

At its meeting of 24 and 25 June 1980¹ the Committee on External Economic Relations considered the proposal from the Commission of the European Communities to the Council for a regulation on common rules for imports of whale products (Doc. 1-192/80).

1. The protection of large species of whale has concerned the European Parliament for some time, as is shown by a motion for a resolution² tabled on 20 July 1979 on behalf of the European Democratic Group and subsequently referred to the Committee on the Environment pursuant to Rule 25.
2. The protection of such species is covered by an international agreement, the Washington Convention, to which the Commission has not acceded in its own right.

The Convention has proved ineffective in practice since the proposed measures were in many cases adopted too late and ignored by some of the signatory States.

¹ Present: Sir Fred CATHERWOOD, chairman
Mrs WIECZOREK-ZEUL, first vice-chairman
Mr van AERSEN, second vice-chairman
Mr SEAL, third vice-chairman
Mrs AGNELLI, Mr ALMIRANTE, Mr D'OGH, Mrs CARETONI ROMAGNOLI,
Mrs CHOURAQUI, Mr de COURCY LING, Mr DESCHAMPS, Mrs DIENESCH,
Mr GALLUZZI, Mr IRMER, Mr KELLETT-DOWMAN, Mr LEMMER, Mrs LENZ,
Mrs POIRIER, Mr RADOUX, Mr SEELER, Sir John STENART-CLARK and
Mr WELSH

² Doc. 1-243/79

The proposed regulation now being considered has two aims:

- to help protect threatened species by exerting pressure on third countries, urging them to end this form of exploitation of natural resources by making it less profitable, and
- at the same time to guarantee the Community's supplies, taking into account the availability of substitutes for whale products and the particular needs of each Member State.

3. To achieve this end the Commission proposes to set up a system of import licences. From 1 January 1982 the competent authorities in the Member States would not issue such licences unless they were satisfied that the products concerned were not intended for commercial use. The Community would largely confine its role to noting what measures were taken by the Member States and informing each of measures taken by the others.

4. In practice, the main imports are of oils, fats and leather treated with whale oil; the meat of whales is of lesser importance. The main importers are the Netherlands, the United Kingdom and to a lesser extent, Germany and France, which import mainly from Japan and, apparently, the United States.

As the following table shows, total imports involve relatively small

IMPORTS OF OILS AND FATS OF MARINE MAMMALS

(Ref. 41.15)¹

	WORLD Ref. 1000	INTRA-EC (EUR-9) 1010	EXTRA-EC (EUR-9) 1011	EEPA 1021
EUROPE	3346	1614	1731	431
FRG	367	119	268	113
France	447	379	68	10
Italy	2	-	2	-
Netherlands	1267	277	989	92
Belgium- Luxembourg	98	98	-	-
United Kingdom	1137	738	399	212
Ireland	3	3	-	-
Denmark	5	-	5	4

¹ From: *Statistiques du Commerce Extérieur*, 10 July 1979, page 348
nomenclature: SCE-1815, M-06, CTCI-5 Products by country,
Jan-Dec 1978, Values: 1000 m EUA Export

5. The effectiveness of the measures proposed in this document is likely to be enhanced by the fact that Australia, once a whaling nation, is planning to take similar measures from 1 January 1981, following the example of the United States, which has already ended its imports of products derived from species of whale.

6. For this reason the Committee on External Economic Relations approves the proposal, the effect of which can only be beneficial not only in protecting the species but also from the financial point of view, without affecting the activities of the Community institutions to any significant degree.²

Yours sincerely,

Sir Fred CATHERWOOD

² The committee adopted this opinion in the form of a letter unanimously with one abstention.