

(Attachment)

With reference to the Circular IWC.CCG.1250, dated 18 January 2017, the Government of Japan submits its comments in response to the letter from the Netherlands on behalf of EU Member States Party to the ICRW.

The letter refers to Resolution 2014-5 and Resolution 2016-2 concerning the review process of whale research program under special permit. However, as clearly elaborated in Japan's submission attached to the Circular IWC.ALL.276, dated 31 January 2017, Japan is of the view that these resolutions attempt to add further conditions, not envisaged under the existing Convention and its Schedule, for the grant of special permit, and thus Japan objected to the resolutions.

As Japan emphasized at the IWC66 meeting when the draft resolution on Improving the Review Process for Whaling under Special Permit was introduced and discussed, "it is Paragraph 30 of the Schedule that sets out the binding procedure for reviews of Special Permit proposals", and Paragraph 30 "only prescribes review and comment by the Scientific Committee and no more, as Special Permit research is essentially a scientific matter." (Chair's Report of the 66th Meeting of the International Whaling Commission, para.94) Implementation of the resolutions would in effect modify the current review process, by granting the Commission a power it does not have under the existing Convention and its Schedule. The resolutions are accordingly *ultra vires*.

The letter further raises concern on the effect of the take under NEWREP-NP on the J stock of common minke whale. Japan invites the EU Member States to refer to Chapter 4 of the Proposed Research Plan for the NEWREP-NP "Assessment of Potential Effect of Catches" which provides detailed information on the result of simulation studies which suggested that there is no negative effect on the J stock of common minke whale.

With regard to Japan's obligation under Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Japan ensures its compliance with relevant provisions of CITES at all occasions including "Introduction from the Sea" of sei whales in implementing

NEWREP-NP.

Lastly, as for the concern that “Japan failed to demonstrate the scientific basis to include lethal methods in the NEWREP-A”, the Government of Japan would like to draw the attention of the EU Member States to the discussion of the 2016 Scientific Committee, where Japan presented its progress report as regards the recommendations of the Expert Panel and the Committee including the scientific basis for its decision to start NEWREP-A, and some members of the Scientific Committee commented that Japan had responded satisfactorily to most of the recommendations. (Report of the Scientific Committee, 2016, pp.101-102, section 18.1.3).

(End)