

(English version)

**Question for written answer E-001599/24
to the Commission
Lynn Boylan (The Left)
(3 September 2024)**

Subject: Protection of environmental defenders within the EU

Environmental defender Paul Watson was recently arrested by Danish police in Greenland. His arrest was based on an Interpol Red Notice issued by Japan in 2012, in response to Mr Watson's efforts to prevent whaling in the Antarctic. In 2014 the International Court of Justice ruled that this whaling activity was illegal. Whales are protected under Annex IV to the Habitats Directive. Article 3, paragraph 2(n) of the Environmental Crimes Directive classes the killing of protected species as an environmental crime. Article 14 of the Environmental Crimes Directive requires Member States to provide support and assistance measures to environmental defenders reporting, providing evidence of or otherwise assisting against environmental crimes. According to scientists, political figures and non-governmental organisations, Japan's request to extradite Mr Watson is a politically motivated attack on a prominent environmental defender.

1. Does the Environmental Crimes Directive place a responsibility on the Danish Government to protect Mr Watson against arbitrary detention and ensure his right to a fair trial?
2. Will the Commission raise the concerns about the political nature of the extradition request with the Danish Government?
3. Will the Commission engage with the Japanese Government to protect environmental defenders and end the practice of whaling in line with the International Whaling Commission moratorium?

Submitted: 3.9.2024

**Answer given by Mr Reynders on behalf of the European Commission
(21 October 2024)**

Article 14 of Directive (EU) 2024/1203 ⁽¹⁾ (the Environmental Crime Directive) requires Member States to grant support and assistance to those who report environmental crimes and cooperate in criminal proceedings in accordance with national law. Member States have to transpose the Environmental Crime Directive by May 2026.

Since Denmark does not take part in the EU criminal policy according to the Treaty on the Functioning of the European Union Protocol (No 22) on the position of Denmark, ⁽²⁾ this directive does not seem to apply to the present case nor places a responsibility on the Danish Government to protect Mr Watson.

Extradition is a procedure between competent State authorities based on multilateral, bilateral or EU agreements, taking into account the particular circumstances of each individual case where extradition is requested.

In this particular case, it is the Danish Ministry of Justice that decides whether there is a legal basis for extraditing Mr Watson for prosecution to Japan. The Commission cannot interfere or influence the decision taken by the Danish authorities.

The Commission remains fully committed to protecting environmental defenders and enforcing international environmental laws, including the moratorium on commercial whaling under the International Whaling Commission (IWC).

The case of Mr Watson is followed closely, and the EU has consistently voiced strong concerns about Japan's whaling activities. The Commission will continue to use all available diplomatic channels to engage with Japan on this, working to discourage such practices, protect environmental defenders and uphold the IWC moratorium.

⁽¹⁾ Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC, OJ L, 2024/1203, 30.4.2024, Article 14, Recitals (54), (55) and (56).

⁽²⁾ Treaty on the Functioning of the European Union, Protocols, Protocol (No 22) on the position of Denmark, OJ C 326, 26.10.2012, p. 299-303.