

EN

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Answer given by Ms Roswall
on behalf of the European Commission
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Environmental defenders often represent a vulnerable group which plays an important role in environmental protection. Criminal prosecution of individuals for non-violent actions aimed at legitimately preventing environmental harm raises concerns. The EU Strategy for Civil Society¹ as well as the Anti-Strategic lawsuits against public participation Directive² reflect the Commission's commitment of fostering an enabling and safe environment for civil society. The Aarhus Convention³ provides safeguards against penalisation, persecution or harassment for exercising rights in conformity with its provisions. At the same time, the Convention does not establish immunity from criminal or civil liability, nor a right to civil disobedience.

The EU is firmly opposed to commercial whaling, as reflected in its adherence to the International Whaling Commission's moratorium and its rules under the Habitats Directive⁴ and Wildlife Trade Regulation⁵. In any event, the EU continues to advocate for an end to commercial whaling through diplomatic engagement and cooperation with Iceland. Under the 2025 EU-Iceland Memorandum of understanding on enhancing cooperation on fisheries and ocean affairs⁶, the annual high-level dialogue will allow for matters related to marine biodiversity including cetacean conservation and welfare to be raised.

However, the Commission does not intervene in individual criminal cases before national courts or other national authorities, and Iceland's decision to allow the hunting of whales falls outside the EU jurisdiction.

¹ COM(2025) 790 final.

² Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation'), OJ L, 2024/1069, 16.4.2024.

³ https://environment.ec.europa.eu/law-and-governance/aarhus_en.

⁴ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, p. 7–50.

⁵ Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein, OJ L 61, 3.3.1997, p. 1–69.

⁶ https://oceans-and-fisheries.ec.europa.eu/publications/eu-iceland-memorandum-understanding-enhancing-cooperation-fisheries-and-ocean-affairs_en.