Trade in seal products

2008/0160(COD) - 16/09/2009 - Final act

PURPOSE: to eliminate obstacles to the functioning of the internal market by harmonising national bans concerning the trade in seal products at Community level.

LEGISLATIVE ACT: Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products.

CONTENT: following an agreement reached with the European Parliament in first reading, the Council adopted a Regulation setting restrictions for the placing on the market of seal products. The Danish, Romanian and Austrian delegations abstained.

More specifically, the regulation permits the **placing on the market of seal products only where the seal products result from hunts traditionally conducted by Inuit and other indigenous communities and contribute to their subsistence**. This provision applies solely to indigenous peoples in Inuit areas in Alaska, Canada, Greenland and Russia. These conditions shall apply at the time or point of import for imported products.

By way of **derogation**:

- the import of seal products shall also be allowed where it is of **anoccasional nature** and consists exclusively of goods for the personal use of travellers or their families. The nature and quantity of such goods shall not be such as to indicate that they are being imported for commercial reasons;
- the placing on the market of seal products shall also be allowed where the seal products result from by-products of hunting that is regulated by national law and conducted for the sole purpose of the **sustainable management of marine resources**. Such placing on the market shall be allowed only on a **non-profit basis**. The nature and quantity of the seal products shall not be such as to indicate that they are being placed on the market for commercial reasons.

In response to concerns of citizens and consumers about the animal welfare aspects of the killing and skinning of seals and the possible presence on the market of products obtained from animals killed and skinned in a way that causes pain, distress, fear and other forms of suffering, several Member States have adopted or intend to adopt legislation regulating trade in seal products by prohibiting the import and production of such products, while no restrictions are placed on trade in these products in other Member States. An article on **free movement**, therefore, requires that Member States shall not impede the placing on the market of seal products which comply with this Regulation.

Under the Regulation, the term "**seal product**" means all products, either processed or unprocessed, deriving or obtained from seals, including meat, oil, blubber, organs, raw fur skins and fur skins, tanned or dressed, including fur skins assembled in plates, crosses and similar forms, and articles made from fur skins.

Member States shall lay down the rules on **penalties** applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented.

By 20 November 2011, and thereafter every 4 years, Member States shall submit to the Commission a **report** outlining the actions taken to implement this Regulation.

On the basis of these reports, the Commission shall inform the European Parliament and the Council on the implementation of this Regulation within 12 months of the end of each reporting period concerned.

ENTRY INTO FORCE AND APPLICATION: 20/11/2009. Article 3, on the conditions for placing on the market, is applicable from 20/08/2010.