Trade in seal products: conditions for placing on the market

2015/0028(COD) - 06/02/2015 - Legislative proposal

PURPOSE: to amend Regulation (EC) No 1007/2009 on trade in seal products to take account of the recommendations and rulings from the Dispute Settlement Body (DSB) of the World Trade Organisation (WTO).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Regulation (EC) No 1007/2009 introduced a **general ban on placing seal products on the Union's market (Basic Regulation)**. Those measures were adopted in response to public moral concerns about the animal welfare aspects of the killing of seals.

At the same time, seal hunting is an integral part of the culture and identity of the Inuit and other indigenous communities and makes a major contribution to their subsistence. It is for this reason that the Basic Regulation contains:

- an exception from the general ban for seal products derived from hunts traditionally conducted by Inuit and other indigenous communities that contribute to their subsistence ("**the IC exception**");
- exceptions for the import of seal products derived from seals hunted for the sole purpose of the sustainable management of marine resources on a not-for profit basis and not for commercial reasons ("**the MRM exception**") as well as for imports of an occasional nature and which consist exclusively of goods for the personal use of travellers or their families.

An implementing Regulation, Commission Regulation (EU) No 737/2010 lays down detailed rules for the implementation of the Basic Regulation.

Both acts were challenged by Canada and Norway in the World Trade Organisation (WTO). In June 2014, the WTO Dispute Settlement Body (DSB) adopted the reports **disapproving the IC and MRM exceptions**.

- The MRM exception was found not to be justified as the possible difference in the commercial dimension of commercial hunts and MRM hunts (small scale, non-profit) was not sufficient to justify the distinction.

- With regard to the IC exception, while in principle reflecting a legitimate distinction, the Appellate body ruled, that some elements of its design and application amounted to “arbitrary and unjustifiable discrimination”.

The purpose of this proposal is to **implement the DSB recommendations and rulings** with regard to the Basic Regulation.

CONTENT: the proposal to amend Regulation (EC) No 1007/2009 on trade in seal products states that the **placing on the market** of seal products shall be allowed only where the seal products result from hunts conducted by Inuit and other indigenous communities, provided that the following conditions are all satisfied:

- the hunt has been traditionally conducted by the community;
- the hunt contributes to the subsistence of the community and is not conducted primarily for commercial reasons;
- the hunt is conducted in a manner which reduces pain, distress, fear or other forms of suffering of the animals hunted to the extent possible taking into consideration the traditional way of life and the subsistence needs of the community.

As regards the import of seal products, this shall also be allowed where it is of an occasional 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.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the treaty on the Functioning of the European Union.