Trade in seal products: conditions for placing on the market

2015/0028(COD) - 06/10/2015 - Final act

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).

LEGISLATIVE ACT: Regulation (EU) 2015/1775 of the European Parliament and of the Council amending Regulation (EC) No 1007/2009 on trade in seal products and repealing Commission Regulation (EU) No 737/2010

CONTENT: to recall, Regulation (EC) No 1007/2009 was adopted with the objective of eliminating obstacles to the functioning of the internal market due to differences in national measures regulating trade in seal products. the Basic Regulation contains:

- an exception to 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.

The amendments made to Regulation (EC) No 1007/2009 are as follows:

Exceptions to the ban established by the EU: the new Regulation:

- **deletes the exception for seal products derived from hunts conducted for the sustainable management of marine resources.** Nevertheless, the Regulation notes that the removal of the exception relating to the sustainable management of marine resources may create problems in Member States where carcasses derived from legal seal hunts have been used as material for seal products which have been placed on the local markets occasionally and in small quantities. the Commission must therefore take this into account when evaluating the implementation of Regulation (EC) No 1007/2009;
- **clarifies the exception for seal products derived from hunts conducted by Inuit** or other indigenous communities. The placing on the market of seal products will be allowed only where the following three conditions are fulfilled:

1. the hunt has traditionally been conducted by the community;
2. the hunt is conducted for and contributes to the subsistence of the community, including in order to provide food and income to support life and sustainable livelihood, and is not conducted primarily for commercial reasons;
3. the hunt is conducted in a manner which has due regard to animal welfare, taking into consideration the way of life of the community and the subsistence purpose of the hunt.

The import of seal products 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.

Attesting document: at the time of its being placed on the market, a seal product shall be accompanied by a document attesting compliance with the three conditions above. An attesting document shall, upon request, be issued by a body recognised for that purpose by the Commission. Such recognised bodies shall be independent, competent to carry out their functions and subject to an external audit.

Seal hunt conducted primarily for commercial reasons: if there is evidence that a seal hunt is conducted primarily for commercial reasons, the Commission may **prohibit** the placing on the market or **limit** the quantity that may be placed on the market of seal products resulting from the hunt concerned.

Information: the Commission shall inform the public, with a view to raising their awareness, and competent authorities, including customs authorities, of the provisions of the Regulation and of the rules under which seal products resulting from hunts conducted by Inuit or other indigenous communities can be placed on the market.

Reporting: by **31 December 2018** and every four years thereafter, Member States shall submit to the Commission a report outlining the actions taken to implement this Regulation. The Commission shall submit a report on the implementation of the Regulation within 12 months of the end of each reporting period. The first report shall be submitted by **31 December 2019.**

In its reports, the Commission shall assess the functioning, effectiveness and impact of the Regulation in achieving its objective.

ENTRY INTO FORCE: 10.10.2015. The Regulation is applicable from 18.10.2015

DELEGATED ACTS: the Commission is empowered to adopt delegated acts to prohibit the placing on the market or limit the quantity that may be placed on the market of seal products resulting from the hunt concerned. The power to adopt such acts is conferred on the Commission for a period of **five years** (which may be tacitly renewed) from 10 October 2015. The European Parliament or the Council may express objections to a delegated act within two months from the date of notification (which may be extended for two months). If Parliament or Council express objections, the delegated act will not enter into force.