Trade in seal products

2008/0160(COD) - 10/01/2020 - Follow-up document

The Commission presented its report on the implementation of Regulation (EC) No 1007/2009, as amended by Regulation (EU) 2015/1775, on the trade in seal products.

As a reminder, the trade ban applies to seal products produced in the EU and to imported seal products. The Basic Regulation was amended by Regulation (EU) 2015/1775 in order to reflect the outcomes of World Trade Organization (WTO) rulings in the EC-Seal products case.

Article 7 of the Basic Regulation, as amended, stipulates that Member States shall submit to the Commission a report outlining the actions taken to implement this Regulation over a given four-year period. The first reporting period was from 18 October 2015 (date of application of Regulation (EU) 2015 /1775) to 31 December 2018. The 28 EU Member States were given until 30 June 2019 to provide their national reports to the Commission, through answering an online questionnaire. All but four EU Member States (France, Greece, Luxembourg and Malta) contributed.

The present report is based on the inputs received.

The main findings of the report are as follows:

Implementation by the EU Member States

Member States were asked to provide an overall assessment of three aspects of the Regulation on their territory: its functioning (ability to perform its regular function), effectiveness (capacity to produce a desired result) and impact (for example, changed market for seal products).

Some Member States (Belgium, Bulgaria, Czech Republic, Ireland, Italy, Lithuania and Slovakia) mentioned that there is no trade in seal products on their territory and that they are therefore unable to assess the functioning, effectiveness and impact of the Regulation.

Others (Cyprus, Germany, the Netherlands, Romania and Slovenia) did not provide any assessment, supposedly for the same reason. Others (Austria, Croatia, Denmark, Estonia, Finland, Hungary, Latvia, Poland, Portugal, Spain, Sweden and the United Kingdom) consider that the Regulation is fit for purpose and they have not experienced any problem so far with it.

Denmark raised the fact that seal hunting is of great importance in Greenland and that the Danish Government sees the need to promote the understanding of Greenland's seal hunting as a sustainable legitimate profession and to strengthen the export of seal products from Greenland, including to the EU. However, Denmark and Greenland claimed that, although products from seals hunted by Inuit or other communities are not covered by the import ban, the ban has led to a large drop in the sales of Greenlandic sealskins to the EU market. Denmark would like the EU to better inform the public on Greenland's right to export sealskins (under certain conditions).

According to Sweden, the seal should be valued as a resource, and the economic value of hunting tourism and the sale of seal products should be analysed in comparison with the cost of reimbursing damages caused by seals to fishermen, which is provided for in the national legislation. 50% of Finnish citizens have a positive attitude towards small scale trade in seal products.

Implementation by the recognised bodies

The recognised bodies acknowledge EU's commitment to respecting and promoting indigenous peoples' rights, including the right to engage freely in their economic activities, and they want to support the EU in ensuring that these rights, but also food sovereignty and poverty reduction, are achievable and addressable by the legislation that has been enacted.

However, for them, the EU Seal Regime is having adverse effects on Inuit or other indigenous communities, and certification requirements have imposed an undue burden and disincentive on Inuit producers and EU purchasers. Greenland underlines that the trade in seal products is a legitimate and sustainable activity that should not be hampered or stigmatized, and that animal welfare is a concern to Inuit or other indigenous communities. The Northwest Territories are still creating the appropriate administrative environment to comply with the exception but, for them, the EU Seal Regime has destroyed the EU market for seal products, and it would be vastly improved if the EU would agree that all seals harvested by Inuit/Inuvialuit be considered compliant and therefore automatically certified.

In Greenland, the number of seals caught and of seal skins sold on the domestic or the international markets in the period 2014-2017 shows a huge decrease compared to the period before the EU Seal Regime.

In Nunavut and in the Northwest Territories, there has been no impact on seal populations as a result of the Regulation, nor did the exception increase harvesting, which continues to be conducted according to harvest regulations and Inuit values. In the Northwest Territories, subsistence Inuvialuit/Inuit hunters are still harvesting seals sustainably, using traditional humane methods, as a healthy and affordable source of food and a valuable source of income.

The EU is urged to:

- raise awareness and improve information to European citizens on the legality of trade in products from seals hunted by Inuit or other indigenous communities, hereby restoring consumer confidence;

- meet with the recognised bodies and other implicated stakeholders to discuss ways to better operationalise the requirements of the Regulation in order to maximise the benefit of the exemption for Inuit in this changing world;

- address the seal ban in a public forum and to issue a communique acknowledging the existence of the Inuit exception and the right of the Inuit to sell seal products to the EU and of EU citizens to legally possess certified seal products.

Next steps

Further to the questions raised and concerns expressed by the four EU Member States affected by the increasing seal population and by the three recognised bodies, the European Commission will organise in 2020 a special meeting of the "Group of Experts of the Competent CITES Management Authorities" from the EU Member States, especially dedicated to trade in seal products, and invite the recognised bodies to join the meeting for the agenda items dealing with issues relevant for them.