Basic information

2008/0160(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Trade in seal products Amended by 2015/0028(COD) **Subject** 2.10 Free movement of goods 3.10.04.02 Animal protection 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity 6.20.02 Export/import control, trade defence, trade barriers	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
IMCO Internal Market and Consumer Protection	WALLIS Diana (ALDE)	07/10/2008

Committee for opinion	Rapporteur for opinion	Appointed
INTA International Trade	The committee decided not to give an opinion.	09/09/2008
ENVI Environment, Public Health and Food Safety	BREPOELS Frieda (PPE-DE)	01/10/2008
AGRI Agriculture and Rural Development	MATHIEU HOUILLON Véronique (PPE-DE)	09/09/2008
PECH Fisheries	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
General Affairs	2957	2009-07-27
Environment	2898	2008-10-20

European Commission

Commission DG	Commissioner
Environment	DIMAS Stavros

Key events

Date	Event	Reference	Summary
23/07/2008	Legislative proposal published	COM(2008)0469	Summary
04/09/2008	Committee referral announced in Parliament, 1st reading		
20/10/2008	Debate in Council		Summary
02/03/2009	Vote in committee, 1st reading		Summary
05/03/2009	Committee report tabled for plenary, 1st reading	A6-0118/2009	
04/05/2009	Debate in Parliament		
05/05/2009	Decision by Parliament, 1st reading	T6-0342/2009	Summary
05/05/2009	Results of vote in Parliament		
27/07/2009	Act adopted by Council after Parliament's 1st reading		
16/09/2009	Final act signed		
16/09/2009	End of procedure in Parliament		
31/10/2009	Final act published in Official Journal		

Technical information

Procedure reference	2008/0160(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amended by 2015/0028(COD)
Legal basis	EC Treaty (after Amsterdam) EC 133 EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/6/66075

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE418.166	07/01/2009	
Committee opinion	ENVI	PE415.284	26/01/2009	
Amendments tabled in committee		PE418.413	30/01/2009	
Committee opinion	AGRI	PE412.286	18/02/2009	

Committee report tabled for plenary, 1st reading/single reading		A6-0118/2009	05/03/2009	
Text adopted by Parliament, 1st reading/single reading		T6-0342/2009	05/05/2009	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	03668/2009/LEX	16/09/2009	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2008)0469	23/07/2008	Summary
Document attached to the procedure	SEC(2008)2290	23/07/2008	
Document attached to the procedure	SEC(2008)2291	23/07/2008	
Commission response to text adopted in plenary	SP(2009)3616	07/07/2009	
Follow-up document	COM(2020)0004	10/01/2020	Summary
Follow-up document	COM(2023)0633	19/10/2023	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0339/2009	25/02/2009	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2009/1007
OJ L 286 31.10.2009, p. 0036 Summary

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.

Trade in seal products

2008/0160(COD) - 23/07/2008 - Legislative proposal

PURPOSE: to establish harmonised rules concerning the placing on the market and the import in, transit through, or export from, the European Community of seal products.

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

CONTENT: seal products are imported in the Community and being traded within it. The evidence available suggests that most of these products originate from third countries, even though some production exists within the Community as seals are killed and skinned in Finland and Sweden, while seal products are produced in other Member States, such as the United Kingdom (Scotland), using seal fur skins coming from other countries. Within the Community, seals are killed and skinned in Sweden, Finland and the United Kingdom (Scotland) with a view to obtain products derived from seals, or for pest control reasons. Outside the Community, seals are killed and skinned to the same effect in Canada, Greenland, Namibia, Norway and Russia.

The Community has adopted appropriate legislation seeking to ensure that hunting within and outside the Community would not lead to endanger the conservation status of several seal species.

The Commission proposal seeks to address the concerns expressed by the European Parliament and the general public that seals are being killed and skinned using practices that unnecessarily inflict pain and suffering. European Food Safety Authority (EFSA) scientific opinion indicates that seals can be killed rapidly and effectively by a number of methods without causing avoidable pain, distress and suffering, but evidence shows that effective killing does not always happen in practice.

This proposal is intended to ban the placing on the market and the import in, transit through, and the export from the Community of seal products. Trade in seal products would be allowed only where guarantees can be provided that hunting techniques consistent with high animal-welfare-standards were used and that the animals did not suffer unnecessarily. In countries where seal hunting continues a certification scheme would be established, coupled, if necessary, with a distinctive label or marking, which will ensure that seal products traded are clearly certified as coming from a country meeting strict conditions

The bans are intended to replace the varied measures adopted, or whose adoption is planned, by certain Member States (e.g. Belgium, the Netherlands, Germany) to prohibit the import, production and distribution, as the case may be, of products derived from seals, so that harmonised conditions govern the trade in those products within the Community. The provisions of the draft Regulation also aim at ensuring that seal products produced outside the Community cannot be imported into it, transit through it, or be exported from the Community.

Trade in seal products

2008/0160(COD) - 20/10/2008

The Environment Ministers held a **first exchange of views** on the draft regulation concerning trade in seal products in order to direct the work at technical level that is continuing with a view to carrying this dossier forward as quickly as possible.

The discussion centred on two questions presented by the Presidency concerning, on the one hand, the ambitiousness of the regulation as regards animal welfare and, on the other, the implementation conditions.

At the end of the meeting, the Presidency summarised the outcome of the discussion as follows:

- all the delegations which gave their comments underlined the importance of the draft regulation and expressed their sympathy, broadly shared by European citizens, with the issue of seal welfare;
- delegations were receptive to the fact that the basic interests of the Inuit communities linked to traditional hunting and subsistence should not be compromised;
- to ensure the practical implementation of the regulation, a more detailed examination seems necessary, particularly as regards the scope and feasibility of certain provisions.

Trade in seal products

2008/0160(COD) - 05/05/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 550 votes to 49, with 41 abstentions, a legislative resolution amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council concerning trade in seals products.

The amendments are the result of a compromise negotiated with the Council.

As part of the compromise, the placing on the market of seal products **shall be allowed only** where the seal products result from hunts traditionally conducted by Inuit and other indigenous communities and which contribute to their subsistence. 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 an occasional nature and consists exclusively of goods for the personal use of the travellers or their families. The nature and quantity of such goods may not be such as to indicate that they are being imported for commercial reasons;
- the placing on the market shall also be allowed for seal products that result from by-products of hunting that is regulated under national law and conducted for the sole purpose of sustainable management of marine resources. Such placing on the market shall only be allowed on a non-profit basis. The nature and quantity of such products shall not be such as to indicate that they are being placed on the market for commercial reasons.

A free movement clause provides that Member States shall not impede the placing on the market of seal products which comply with the provisions of this Regulation.

Member States shall send, by two years from the date of entry into force of this Regulation, and thereafter every four years, to the Commission a report outlining the actions taken to implement this Regulation.

The text recalls that in its resolution on 12 October 2006 on a Community Action Plan on the Protection and Welfare of Animals 2006-2010, the European Parliament called on the Commission to propose a total import ban on seal products.

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.