Basic information

2015/0028(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Trade in seal products: conditions for placing on the market Amending Regulation (EC) No 1007/2009 2008/0160(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	BUŞOI Cristian-Silviu (PPE)	24/02/2015
	Shadow rapporteur SCHALDEMOSE Christel (S&D) DALTON Daniel (ECR) TØRNÆS Ulla (ALDE) ŠOLTES Igor (Verts/ALE) ZULLO Marco (EFDD)	

Committee for opinion	Rapporteur for opinion	Appointed
INTA International Trade	BENDTSEN Bendt (PPE)	23/02/2015
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
AGRI Agriculture and Rural Development	WOJCIECHOWSKI Janusz (ECR)	23/03/2015
PECH Fisheries	The committee decided not to give an opinion.	

Council of the European Union	**Council configuration**	**Meetings**	**Date**
	Competitiveness (Internal Market, Industry, Research and Space)	3410	2015-10-01

European Commission	**Commission DG**	**Commissioner**
	Environment	-- --
	Trade and Economic Security	-- --

European Economic and Social Committee

Key events

Date	Event	Reference	Summary
06/02/2015	Legislative proposal published	COM(2015)0045	Summary
12/02/2015	Committee referral announced in Parliament, 1st reading		
04/06/2015	Vote in committee, 1st reading		
04/06/2015	Committee decision to open interinstitutional negotiations with report adopted in committee		
11/06/2015	Committee report tabled for plenary, 1st reading	A8-0186/2015	Summary
16/07/2015	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/T/(2017)007653 PE609.493	
07/09/2015	Debate in Parliament		
08/09/2015	Decision by Parliament, 1st reading	T8-0284/2015	Summary
08/09/2015	Results of vote in Parliament		
01/10/2015	Act adopted by Council after Parliament's 1st reading		
01/10/2015	End of procedure in Parliament		
06/10/2015	Final act signed		
07/10/2015	Final act published in Official Journal		

Technical information

Procedure reference	2015/0028(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 1007/2009 2008/0160(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 114
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee

Stage reached in procedure	Procedure completed
Committee dossier	IMCO/8/02786

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE552.005	01/04/2015	
Amendments tabled in committee		PE557.040	28/04/2015	
Committee opinion	INTA	PE552.091	11/05/2015	
Committee opinion	AGRI	PE552.126	28/05/2015	
Committee report tabled for plenary, 1st reading/single reading		A8-0186/2015	11/06/2015	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0284/2015	08/09/2015	Summary
Text agreed during interinstitutional negotiations		PE609.493	16/08/2017	

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/T/(2017)007653	30/06/2015	
Draft final act	00044/2015/LEX	07/10/2015	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2015)0045	06/02/2015	Summary
Commission response to text adopted in plenary	SP(2015)649	22/10/2015	
Follow-up document	COM(2019)0630	17/12/2019	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_SENATE	COM(2015)0045	18/05/2015	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act
Regulation 2015/1775 OJ L 262 07.10.2015, p. 0001 Summary

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.

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.

Trade in seal products: conditions for placing on the market

2015/0028(COD) - 11/06/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Cristian-Silviu BUŞOI (EPP, RO) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1007/2009 on trade in seal products.

The committee recommended that the European Parliament’s position adopted at first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Conditions for placing on the market: as regards the **IC exception** (products from hunts conducted by Inuit or other indigenous communities), Members stated 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 traditionally been conducted by the community and remains a **part of the culture and identity of that community**;
- the hunt is conducted for and contributes to 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;
- the hunt is conducted in a manner, which has due **regard to animal welfare** and takes into consideration the traditional way of life and the subsistence needs of the community.

Hunting for commercial purposes: Members stressed that the Commission may adopt measures on the basis of evidence, if the conditions for placing seal products on the market in the Union are not complied with, for example if the seal hunt is not conducted for subsistence needs and is primarily commercial. The Commission shall be empowered to adopt **delegated acts** in order to limit or prohibit the placement on the market and the quantity of products resulting from that hunt.

Public information: the report included a new Article which refers to the need to ensure, at a reasonable and non-excessive cost, that the public is informed that the seal products placed on the market originating from hunts conducted by Inuit and other indigenous communities **comply with applicable legal rules**.

Awareness-raising campaigns on this issue are also conducted under Objective II set out in the Regulation on a multiannual consumer programme for the years 2014-2020.

Reporting: the proposed amendment lays down new deadlines for the Commission and the Member States.

By 31 December 2016 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 this Regulation within 12 months of the end of each reporting period referred to in the Regulation. The first report shall be submitted by **31 December 2017**.

In its assessment the Commission shall, in particular, take into consideration the socio**-economic development, nutrition, culture and identity of the Inuit** and other indigenous communities, as well as the environmental and socio-economic effects of this Regulation in areas where seal hunts are conducted by coastal communities as part of maritime resource management.

Trade in seal products: conditions for placing on the market

2015/0028(COD) - 08/09/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 631 votes to 31, with 33 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1007/2009 on trade in seal products.

Parliament's position adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Conditions for placing on the market: the amended text stressed that seal hunting is an integral part of the socio-economy, nutrition, culture and identity of the Inuit and other indigenous communities, making a major contribution to their subsistence and development, providing food and income to support the life and sustainable livelihood of the community, preserving and continuing the traditional existence of the community.

As regards the **IC exception** (products from hunts conducted by Inuit or other indigenous communities), Parliament stated 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 traditionally been conducted by the community;
- the hunt is conducted for and contributes to 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;
- the hunt is conducted in a manner, which has due regard to **animal welfare** and takes into consideration the **way of life of the Community** and the subsistence purpose of the hunt.

Attesting document: at the time of its being placed on the market, a seal product shall be accompanied by a document attesting compliance with specific conditions. 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.

The Commission shall adopt **implementing acts** to further specify the administrative arrangements for the recognition of bodies that may attest to the compliance with the conditions set out in the Regulation.

Hunting for commercial purposes: if there is evidence that a seal hunt is conducted primarily for commercial reasons, the Commission shall be empowered to adopt delegated acts in order 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.

Information: the Commission shall inform the public, with a view to raising their awareness, and competent authorities, including customs authorities, of the provisions of this 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 this Regulation within 12 months of the end of each reporting period. The first report shall be submitted by **31 December 2019**.

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

Trade in seal products: conditions for placing on the market

2015/0028(COD) - 17/12/2019 - Follow-up document

The Commission presented a report on the exercise of the delegated powers conferred on the Commission under regulation (EC) No 1007/2009 as amended by regulation (EU) 2015/1775 on trade in seal products.

Delegation of powers

Regulation (EC) No 1007/2009, as amended by Regulation (EU) 2015/1775 on trade in seal products, provides that if it appears that seal hunting is being conducted primarily for commercial purposes, the Commission is empowered to adopt delegated acts to prohibit the placing on the market of seal products from the hunt concerned or to limit the quantity of such products which may be placed on the market.

The regul ation provides that the Commission may adopt delegated acts for a period of five years from 10 October 2015 and that it has to prepare a report on the delegation of powers at the latest nine months before the end of the five-year period.

Exercise of the delegation

During the reporting period, i.e. between 10 October 2015 and 10 January 2020, the Commission did not exercise its delegated powers, as no evidence was provided that a seal hunt had been conducted primarily for commercial reasons.

The Commission sees the need to extend the empowerment beyond the current five-year period, as such commercial practices could occur in the future.