



EUROPEAN PARLIAMENT

2014 - 2019

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*Committee on Agriculture and Rural Development*

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**2015/0028(COD)**

28.5.2015

## **OPINION**

of the Committee on Agriculture and Rural Development

for the Committee on the Internal Market and Consumer Protection

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  
(COM(2015)0045 – C8-0037/2015 – 2015/0028(COD))

Rapporteur: Janusz Wojciechowski

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## **SHORT JUSTIFICATION**

### **The Commission proposal**

The aim of the Commission's proposal is to implement the recommendations and decisions of the WTO in relation to two exceptions to the ban on trade in seal products included in the Basic Regulation: allowing 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 (the 'MRM exception'), and allowing the import of products derived from hunts traditionally conducted by Inuit and other indigenous communities (the 'IC exception'). Taking into account the relevant WTO obligations, the Commission's proposal is to remove the MRM exception and to adapt the IC exception to the requirements of the Dispute Settlement Body, combining its application with respect for animal welfare and setting a limit on the number of seal products which may be placed on the market.

### **The position of the rapporteur**

Limiting the import of seal products has long been advocated by many animal welfare organisations and a significant proportion of the public, who do not accept the killing of these animals, in an often cruel and brutal manner, for commercial purposes.

Scientific research has shown that seals are particularly intelligent and sensitive animals, which further justifies the need to protect them from cruelty and suffering. It must also be noted that seal products have no particular commercial significance for the EU, and European consumers have no need for them. Equally, we must take into account the particular circumstances of the Inuit and other indigenous communities, for which seal hunting is a long-standing tradition and an integral part of their existence. We should therefore restrict the import of seal products to those derived from hunting conducted by these communities, while stipulating that they must adhere to the highest possible humanitarian standards. Where these requirements and standards are met, the Commission should use additional non-legislative means to facilitate the placing of such products on the market.

It is vital that the limited import of seal products is subject to adequate controls, which will be effective only if it is the importers of the products who are required to prove that they are derived from hunting conducted by the above-mentioned communities. By introducing such requirements, the rapporteur is upholding the regulation's basic assumptions – justified by arguments of a moral nature – on seal hunting for commercial purposes. Furthermore, the rapporteur is of the opinion that it should be possible to introduce, at EU level, a temporary total ban on the import of seal products from third countries in cases where the hunting conducted in these countries blatantly violates the established standards aimed at sparing animals from pain, distress, fear and other forms of suffering.

## **AMENDMENTS**

The Committee on Agriculture and Rural Development calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

## Amendment 1

### Proposal for a regulation

#### Recital 2

##### *Text proposed by the Commission*

(2) 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. For those reasons, seal hunts traditionally conducted by Inuit and other indigenous communities do not raise the same public moral concerns as the hunts conducted primarily for commercial purposes. Moreover, it is broadly recognised that the fundamental and social interests of Inuit and other indigenous communities should not be adversely affected, in accordance with United Nations Declaration on the rights of Indigenous Peoples and other relevant international instruments. For those reasons, by way of exception, Regulation (EC) No 1007/2009 allows the placing on the market of seal products which result from hunts traditionally conducted by Inuit and other indigenous communities and which contribute to their subsistence.

##### *Amendment*

(2) 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, ***including their right to development and economic activities***. For those reasons, seal hunts traditionally conducted by Inuit and other indigenous communities, ***which are considered sustainable and do not harm the health of seal population***, do not raise the same public moral concerns as the hunts conducted primarily for commercial purposes. Moreover, it is broadly recognised that the fundamental ***economic*** and social interests of Inuit and other indigenous communities should not be adversely affected, in accordance with United Nations Declaration on the rights of Indigenous Peoples and other relevant international instruments. ***Furthermore the ILO 169 Convention on Indigenous and Tribal Peoples of 1989 emphasises the Indigenous People's right to self-determination, thereby the right to freely pursue their economic, social and cultural development***. For those reasons, by way of exception, Regulation (EC) No 1007/2009 allows the placing on the market of seal products which result from hunts traditionally conducted by Inuit and other indigenous communities and which contribute to their subsistence.

## Amendment 2

### Proposal for a regulation

### Recital 3

#### *Text proposed by the Commission*

(3) A genuinely humane killing method cannot be effectively and consistently applied in the hunts conducted by the Inuit and other indigenous communities, just like in the other seal hunts. Nonetheless, it is appropriate, in light of the objective pursued by Regulation (EC) No 1007/2009, to make the placing in the Union market of products resulting from hunts by the Inuit and other indigenous communities conditional upon those hunts being conducted in a manner which reduces pain, distress, fear or other forms of suffering of the animals hunted to the extent possible, while having regard to the traditional way of life and the subsistence needs of the Inuit and other indigenous communities. The exception granted in respect of seal products resulting from hunts conducted by Inuit and other indigenous communities should be limited to hunts that contribute to the subsistence need of those communities and are therefore not conducted primarily for commercial purposes. Thus, the Commission should be enabled to limit, *if necessary*, the quantity of seal products placed on the market *under that* exception in order to prevent the use of the exception by products resulting from hunts which are conducted primarily for commercial purposes.

#### *Amendment*

(3) A genuinely humane killing method cannot be effectively and consistently applied in the hunts conducted by the Inuit and other indigenous communities, just like in the other seal hunts. Nonetheless, it is appropriate, in light of the objective pursued by Regulation (EC) No 1007/2009, to make the placing in the Union market of products resulting from hunts by the Inuit and other indigenous communities conditional upon those hunts being conducted in a *sustainable* manner which reduces pain, distress, fear or other forms of suffering of the animals hunted to the extent possible, while having regard to the traditional way of life and the subsistence needs of the Inuit and other indigenous communities *and without endangering the particular habitat and the ecosystem as a whole*. The exception granted in respect of seal products resulting from hunts conducted by Inuit and other indigenous communities should be limited to hunts that contribute to the subsistence need of those communities and are therefore not conducted primarily for commercial purposes. *To restore consumer confidence the Commission should accordingly take steps to inform the public about this Regulation and the exception made under it for products resulting from hunts conducted by indigenous communities*. Thus, *where there is material evidence and after consultation of the entities involved*, the Commission should be enabled, *if necessary*, to limit the *permitted* quantity of seal products or prohibit *such products where these have been* placed on the market *by means of hunting methods contravening the principles underlying the exception, this* in order to prevent the use of the exception by products resulting from hunts which are conducted primarily for

commercial purposes.

### **Amendment 3**

#### **Proposal for a regulation Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) In order to ensure effective control of the implementation of this Regulation, the principle should be established that the responsibility for proving that seal products placed on the Union market are derived from hunting conducted by Inuit or other indigenous communities should lie with the products' importers.***

### **Amendment 4**

#### **Proposal for a regulation Recital 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***(3b) Products obtained from seals hunted by Inuit and other indigenous communities should not be placed on the market unless they are subject to an arrangement, or accompanied by a document, constituting proof of their origin and their conformity with this Regulation. To that end, a label could be introduced in order to certify products of this type resulting from hunting necessary to meet the subsistence needs of the communities concerned and hence not conducted primarily for commercial purposes.***

## Amendment 5

### Proposal for a regulation Recital 5

#### *Text proposed by the Commission*

(5) In order to provide for detailed rules as regards placing on the market of seal products, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

#### *Amendment*

(5) In order to provide for detailed rules as regards placing on the market of seal products, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations, including at expert level ***and with Inuit and other indigenous communities concerned***. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

## Amendment 6

### Proposal for a regulation Recital 5 b (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(5b) The Commission should have the possibility to be flexible in responding to reliable information that seal hunting in a given third country blatantly violates the established standards aimed at sparing animals from pain, distress, fear and other forms of suffering. In such cases, the Commission should have the power to introduce a temporary limitation or ban on imports of hunt-specific seal products from that country.***

## Amendment 7

### Proposal for a regulation

#### Article 1 – point 1

Regulation (EC) No 1007/2009

Article 3 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

1. 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:

#### *Amendment*

1. The placing on the market of seal products shall be allowed only ***where the importer provides the required evidence that*** the seal products result from hunts conducted by Inuit and other indigenous communities, provided that the following conditions are all satisfied:

#### *Justification*

*Making importers responsible for proving that the seal products they import come from authorised sources will ensure more effective control of the implementation of this regulation.*

## Amendment 8

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 1

Regulation (EC) No 1007/2009

Article 3 – paragraph 5

#### *Text proposed by the Commission*

5. If the number of seals hunted, the quantity of seal products being placed on the market pursuant to ***paragraph 1*** or other circumstances are such as to ***indicate*** that a hunt is conducted primarily for commercial purposes, the Commission shall be empowered to adopt delegated acts in accordance with Article 4 in order to limit the ***quantity*** of products resulting from that hunt ***that may be placed on the market***.

#### *Amendment*

5. If ***there is material evidence to suggest that*** the number of seals hunted, the quantity of seal products being placed on the market pursuant to ***paragraphs 1 and 2*** or other circumstances are such as to ***prove*** that a hunt is conducted primarily for commercial purposes, the Commission, ***after consulting the entities involved***, shall be empowered to adopt delegated acts in accordance with Article 4 in order to limit ***or prohibit the placing on the market of*** products resulting from that hunt.



## **Amendment 9**

### **Proposal for a regulation**

Article 3 – paragraph 1 – point 3 a (new)

Regulation (EC) No 1007/2009

Article 5a (new)

*Text proposed by the Commission*

*Amendment*

***(3a) The following article is inserted:***

***“Article 5a***

***Public information***

***The Commission and Member States shall take appropriate measures to inform competent authorities, including customs officials in the Member States, and the public regarding market access in compliance with applicable legal rules of seal products resulting from hunts conducted by indigenous communities in accordance with Article 3(1).“***

## PROCEDURE

<b>Title</b>	Trade in seal products						
<b>References</b>	COM(2015)0045 – C8-0037/2015 – 2015/0028(COD)						
<b>Committee responsible</b> Date announced in plenary	IMCO 12.2.2015						
<b>Opinion by</b> Date announced in plenary	AGRI 12.2.2015						
<b>Rapporteur</b> Date appointed	Janusz Wojciechowski 23.3.2015						
<b>Date adopted</b>	28.5.2015						
<b>Result of final vote</b>	<table> <tr> <td>+:                   </td><td>34</td></tr> <tr> <td>–:                   </td><td>6</td></tr> <tr> <td>0:                   </td><td>3</td></tr> </table>	+:	34	–:	6	0:	3
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<b>Members present for the final vote</b>	John Stuart Agnew, Clara Eugenia Aguilera García, Eric Andrieu, José Bové, Paul Brannen, Daniel Buda, Nicola Caputo, Viorica Dăncilă, Michel Dantin, Paolo De Castro, Albert Deß, Diane Dodds, Herbert Dorfmann, Norbert Erdős, Edouard Ferrand, Luke Ming Flanagan, Beata Gosiewska, Martin Häusling, Anja Hazekamp, Esther Herranz García, Jan Huitema, Peter Jahr, Jarosław Kalinowski, Elisabeth Köstinger, Philippe Loiseau, Mairead McGuinness, Giulia Moi, Ulrike Müller, James Nicholson, Maria Noichl, Laurențiu Rebega, Jens Rohde, Bronis Ropé, Jordi Sebastià, Lidia Senra Rodríguez, Czesław Adam Siekierski, Janusz Wojciechowski, Marco Zullo						
<b>Substitutes present for the final vote</b>	Pilar Ayuso, Jørn Dohrmann, Norbert Lins, Momchil Nekov, Stanislav Polčák, Annie Schreijer-Pierik, Molly Scott Cato, Hannu Takkula, Valdemar Tomaševski						