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"I/A" ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft Regulation of the European Parliament and of the Council amending Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products and repealing Commission Regulation (EU) No 737/2010 (**first reading**)
- Adoption of the legislative act (**LA + S**)

Statement by Sweden

With regard to the Proposal for a Regulation of the European Parliament and of the Council amending Regulation No 1007/2009 on trade in seal products (6015/15), Sweden wishes to draw the attention to the following concerns.

Sweden considers the dispute settlement system of the WTO as a central element in providing security, credibility and predictability to the multilateral trading system, and fully agrees that the WTO ruling in Seal Products case (DS 400/401) shall be respected. While Sweden support the ban on import of seal products and the goal of the proposal, we regret that various suggestions for reaching a WTO compatible solution were not considered as viable alternatives.

Very limited seal hunting occurs in Sweden and it is controlled protective hunting in order to protect the small scale fisheries. Sweden is of the view that the outcome of the negotiations could have been more balanced. A balanced solution would allow to take into account ethical and environmental aspects of not taking care of the shot animal or its parts. Sweden has emphasized the need for trade possibilities in the interest of fisheries and small scale artisanal production in accordance with long standing traditions.

Sweden will therefore vote against the Proposal for a Regulation of the European Parliament and of the Council amending Regulation No 1007/2009 on trade in seal products.

Statement by Denmark

Denmark wishes to thank the Presidency, the Commission, Members States and the European Parliament for the good dialogue and joint efforts to reach a common understanding on this very important issue.

Denmark is pleased to see proven beyond any doubt that the EU acknowledges that hunting and trading in seal products is of fundamental socio-economic and cultural importance to Greenland and other Inuit communities.

Denmark further wishes to thank EU partners for acknowledging the need to raise awareness and improve information to European citizens on seal hunt and the legality of trade in seal products of Inuit and other indigenous communities. Denmark sees a strong need to restore consumer confidence in seal products from Greenland by countering widespread misinformation.

Denmark welcomes the Council's commitment to assess the effectiveness of the regulation in meeting its objective, and the impact it has had on the development, culture and identity on Inuit and other indigenous communities.

Denmark welcomes the reaffirmed EU commitment to respecting and promoting indigenous peoples' rights as stated in the UN Declaration of Indigenous Peoples' Rights and other relevant international instruments, including the right to development and to engage freely in all their economic activities.

Denmark respects the WTO dispute settlement body findings. Denmark remains committed to promoting EU interests as a strong partner in the Arctic.

Denmark continues to believe that trade in seal products is an activity that should not be hampered or stigmatized. Denmark wishes to underline that the hunt of seals in Greenland is a legitimate and sustainable activity and that animal welfare is a concern to Inuit and other indigenous communities as it is to European citizens.

Denmark is seriously concerned about the severe negative consequences to Greenland caused by the EU seal regime, contrary to its clear objective of avoiding adverse effect on Inuit and other indigenous communities. Denmark is equally concerned that the proposed amendments to the regulation could have further negative consequences, including by increasing costs and administrative burdens on Inuit communities.

Denmark continues to doubt the marked rationale and justification behind the seal regime, noting that sustainable seal hunting with full respect for legitimate animal welfare concerns is possible. Denmark is concerned that no prior assessment was carried out, including on the perceived concerns of today's European citizens as the basic justification for the regulation and on possible alternative less trade restrictive ways of addressing concerns.

For those reasons Denmark cannot support the proposed amendments to regulation (EC) 1007/2009 and will abstain.

Denmark will remain committed to working with European partners to address the important issue raised above and working towards a common understanding on trade in seal products to the benefit of both the EU and the Arctic communities.

Statement by Finland and Estonia

With regard to the Proposal for a Regulation of the European Parliament and of the Council amending Regulation No 1007/2009 on trade in seal products (6015/15), Finland and Estonia wish to draw the attention to the following.

Finland and Estonia consider the dispute settlement system of the WTO as a central element in providing security, credibility and predictability to the multilateral trading system, and fully agree that the WTO ruling in Seal Products case (DS 400/401) shall be respected. The purpose of the Commission's proposal for amending Regulation No 1007/2009 on trade in seal products is to bring the EU legislation into compliance with the WTO rules. While Finland and Estonia support the goal of the proposal, we regret that various suggestions for reaching a WTO compatible solution on the basis of conservation of exhaustible natural resources were not considered as viable alternatives.

While welcoming the continuation of the trade possibilities in seal products for Inuit and other indigenous communities, Finland and Estonia emphasize the need of such possibilities for the interest of fisheries and small scale artisanal production in accordance with long standing traditions and cultural heritage. In 2008, the European Commission recognized in its impact assessment the negative consequences a ban on trade in seal products may have to Member States where hunting of seals takes place and products are offered to a limited extent on the local market.

Furthermore, it is imperative that EU legislation is, in accordance with the commitments of the EU institutions, actively managed and reviewed if implementing of such legislation leads to disappointing and unintended consequences whether economic, social or environmental.

Finland and Estonia are of the view that the outcome of the negotiations could have been more balanced. Such a balanced solution would have improved the international animal welfare standards, taken into account the needs of small communities and small scale coastal fisheries and the sustainable use of exhaustible marine resources in preserving the ecosystem balance.

For these reasons, Finland and Estonia abstain from voting on the Proposal for a Regulation of the European Parliament and of the Council amending Regulation No 1007/2009 on trade in seal products.

Déclaration de la France

La France s'est abstenue lors du vote relatif à l'adoption du règlement amendant le règlement 1007/2009/CE interdisant la mise sur le marché des produits dérivés du phoque dans l'Union. La France souhaite apporter les précisions suivantes concernant le considérant 2 et l'article 2 dudit règlement.

La France, attachée au principe d'égalité entre tous les individus, soutient toute démarche permettant d'assurer aux populations autochtones la pleine jouissance des droits fondamentaux. Se référant à la déclaration interprétative qu'elle a formulée lors de l'adoption de la Déclaration des Nations-Unies sur les Droits des peuples autochtones, la France tient toutefois à rappeler qu'en vertu des principes à valeur constitutionnelle d'indivisibilité de la République et d'unité du peuple français, la France ne reconnaît aucun droit collectif à quelque groupe que ce soit, défini par une communauté d'origine, de culture, de langue ou de croyance.

Les droits de l'Homme sont des droits universels qui ont vocation à s'appliquer à tous les individus, sans aucune distinction. La France reste engagée à ce que chaque individu puisse jouir pleinement et effectivement, sans aucune discrimination, de ces droits fondamentaux.
