



**INTERGROUP
ON THE WELFARE
& CONSERVATION
OF ANIMALS**

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Thursday 07th July 2011, 10.00 - 11.00 hrs
Room LOW R3.1 – European Parliament, Brussels

I. Introductory remarks

Written declaration 26

The written declaration 26 by Daciana Octavia Sârbu (S&D, RO), Elisabeth Jeggle (EPP, DE), Raül Romeva i Rueda (Greens/EFA, ES), Adina-Ioana Vălean (ALDE, RO) and Janusz Wojciechowski (ECR, PL), on dog management in the European Union has received **140 support signatures**. The Chairman called on all MEPs present to support the declaration and to promote it also among member colleagues. The declaration will be open for signatures until 6 October 2011.

Update on the animal transport dossier

Carl Schlyter (Greens/EFA, SE) has asked Commissioner Dalli to prepare as soon as possible an impact assessment for the revision of the Animal Transport Regulation in order to speed up the legislative process. Mr Dalli will discuss this with the Commission services.

II. Observations of Canada's 2011 commercial seal hunt

Lesley O'Donnell, *Director EU Office, International Fund for Animal Welfare*, started her presentation with the **screening of film footage** about the 2011 sealing season in Canada. This gave again evidence about the unchanged, inhumane killing methods applied by the sealers and the disrespect of the laws.

The hunt takes place from mid-March to mid-June in a geographical area of about 500,000 km². It is thus impossible to effectively monitor or enforce existing legislations. There is no mandatory training for sealers.

The 2011 sealing season was again characterized by **very poor ice conditions** during the harp seal nursing period which was in itself the cause for extremely high pup mortality. The poor ice conditions extensively reduce and change the natural habitats and will have detrimental effects on seal populations in the coming years. It has been noted, that an increasing number of seal mothers desert the ice to deliver their pups on beaches. This exposes them to various disturbances and predators and leads to the frequent abandonment of the pups by their mothers.

This year's hunt was much reduced for a number of reasons:

The pelt prizes are low (about 13 EUR/pelt) and fewer sealers (only 28 boats on opening day) participated in the hunt. The market demand for pelts was reduced as well but the cruelty of the killings remained unchanged. In the last five years the Canadian Government has set a total allowable catch that has increased in size but the actual hunt has declined. The whole hunt was slower paced. The Canadian Government spends every year 530.00 Euros to promote and facilitate sealing.

Canadian Regulations are not adequate to ensure humane killing

Canadian sealers have to abide to national sealing regulations. However the three-step process, - stunning, check of immediate unconsciousness, and bleeding out - as it is recommended by veterinarians is not required.

In some cases, it was observed that seals are shot from a large boat and are then collected by a smaller one. It can take 10 minutes before a sealer actually arrives to check whether a seal is unconscious. The bleeding out is supposed to happen immediately but this requirement is not put into practice. Hooking of live, conscious animals is permitted and occurs regularly.

Lack of monitoring and enforcement

A further problem is the lack of monitoring and enforcement. The DFO - *Department of Fisheries and Oceans* - has an inadequate capacity to monitor the hunt (noted by IVWG vet report) and usually focuses its activities at the start of the hunting season and in selected areas where there are possibly more media and NGO observers to see them. The 2007 hunt was always quoted as one of the best regulated. There were 1800 boats and 21 observers.

Attitude of sealers and the industry

It is evident that the sealers are sure not be prosecuted. They know that they are being observed but they don't know whether it is an NGO or the DFO. IFAW has offered the sealers association the chance to comment on footage but they refused to do so. This indicates that they are not concerned about the conduct of their members.

Canadian politics

The Canadian Green Party is the only one which has proposed to phase out the commercial hunt. The NDP - New Democratic Party - has no official policy on it and all the other parties support the hunt. However, 17 MPs (from Green, NDP, and Liberal parties) have stated personal opposition to commercial seal hunt. Although a majority of Canadians are opposed to the hunt and against spending tax money to challenge the EU Regulation, the parties support sealing because they are looking for voters in the Eastern sea regions who usually support sealing. They are a minority but most Canadian governments will always support them.

Public Opinion

The majority of Canadians remain opposed to commercial seal hunt. Exports of seal products are increasingly mentioned alongside asbestos exports and tar sands as Canadian "dirty" industries.

III. Challenges to the EU Regulation on Trade in Seal Products at the WTO

Dr Joanna Swabe, EU Director, HSI, gave a short time line of the EU ban on the seal products and said that the first steps date back to the early 1980s when the brutal slaughter of seal pups, primarily in Canada, caused a massive public outcry in the European Community. This led to the adoption of the 'Seal pup Directive' (83/129/EEC) which bans the import of commercially hunted white-coat pup and hooded seal pup products into the Community. The Canadian government rejuvenated its commercial seal hunt during the mid 1990s. By then, focus had shifted to killing harp seals that have already molded to the grey silvery pelt. The killing methods have not become more humane over the years.

An increased public and political concern led to the introduction of various national bans and to the adoption of an EP resolution calling for a ban on seal products. This was followed some years later by the adoption of the EU Regulation on trade in seal products which firmly shot the EU borders to the products of the commercial sealing industry. Countries with a commercial sealing industry were not pleased by this move.

Seal ban timeline

- 1983: 'Seal pup Directive' (83/129/EEC) was adopted
- May 2004: Belgian Government adopts proposal to ban commercial seal products
- April 2005 : Austrian Parliament adopts Resolution condemning commercial seal hunt
- December 2005: Dutch Parliament initiates legislative proposal to ban commercial seal products
- February 2006: Italian Parliament temporarily suspends import of seal products
- October 2006: 425 MEPs sign a Written Declaration & European Parliament adopts Resolution calling for an EU ban on seal products
- October 2006: German Parliament votes unanimously to ban import of seal products
- November 2006: Council of Europe adopts Resolution urging European governments to ban seal products
- January 2007: Belgium adopts national ban on seal products
- July 2007: Netherlands bans commercial seal products
- June 2008: Germany notifies Commission of proposed legislation banning seal products
- July 2008: Commission adopts a draft proposal for a Regulation on trade in seal products
- 5th May 2009: European Parliament overwhelmingly adopts ban on commercial seal product trade
- 10th August 2010: Commission adopts implementing Regulation (EU) No. 737/2010
- 20th August 2010: Regulation (EC) No. 1007/2009 on trade in seal products fully enters into force

WTO Consultations

Canada has been one of the most vociferous opponents to bans on the import of seal products and argued that these bans are inconsistent with WTO rules. Their very first challenge was raised in 2007 with respect to the Belgians and Dutch bans. Consultations were held at the WTO but the disputes with Belgium and the Netherlands lay dormant in anticipation of an EU wide Regulation.

Following the entry into force of the EU ban in 2009 both Canada and Norway requested a new round of consultations at the WTO, but despite a lot of pestering in the Canadian medias little progress was made on a full dispute panel until the implementing measures for the EU seals ban were adopted.

The EU-Regulation fully entered into force in 2010 and the Canadian government, under pressure from the sealing industry, requested a new round of consultations. During this round the questions raised, primarily concerned the implementing measures.

In February 2011, the Canadian government announced that it would formally request a dispute panel. At a press conference Gail Shea - the former Canadian Fisheries Minister, stated that Canada was deeply disappointed about the European Union's continued opposition to Canada's seal hunt despite the repeated efforts to prove that the hunt is humane and that a responsible use is made of a sustainable source. She continued, that the European Parliament has ceded to animal rights activists and opted to ignore Canada's arguments leaving no choice but to initiate a formal application and establishment of a WTO panel to address this matter.

The dispute panel was not just for the EU Regulation. They also requested a panel for the Belgian and Dutch legislation. The last request has been withdrawn as the Dutch ban has been repealed by the EU Regulation. Belgium has not yet repealed its national law due to absence of a new Government.

The EU blocked Canada's request for a dispute panel at the February dispute settlement meeting and in March 2011 Norway submitted its own request for a dispute panel. Since then, it has been decided that a single panel would be formed to deal with both Canada's and Norway's requests. Although the process of a panel selection has begun it seems that no final panel composition is expected until August 2011.

The following **third parties** have formally joined disputes:

Namibia, as it is a major commercial producer of seal skins, Iceland and Japan which have a vested interest in the use of marine resources, and Argentina, Columbia and Ecuador. It is unclear why the latter three countries have joined the case. With respect to China it is assumed that their involvement relates to a precedent that might be set by the use of public morality clauses. Mexico and the USA are on the side of the European Union as both countries have their own legal measures prohibiting the import of commercial seal products.

The NGOs IFAW and HSI believe that the **EU ban is consistent with WTO agreements**. In the dispute settlement body in April 2011 the EU reiterated that it was strongly convinced about the stance of its case and stands ready to defend its measures. Canada and Norway claim that the EU ban is inconsistent with articles of GATT 1994, the agreement on Technical Barriers to Trade (TBT) and also the Agricultural agreements. Neither Canada nor Norway has provided any meaningful explanation as to why the EU measures are inconsistent with WTO rules. Even if a panel were to reach different conclusions HSI believes that the EU measures are still justified under the GATT **Article XXa** because the EU complete ban on commercial seal products is necessary to **protect public morals**. A previous WTO dispute on a case regarding gambling defined the notion of public morals as standards of right and wrong conduct maintained by or on behalf of a community or nation. It is essentially up to each WTO member to define their own moral standards. These do not necessarily need to be shared by other parties. It is up to the EU as a member of the WTO to identify what the moral standards are and in the case of seals there is overwhelming evidence that EU citizens regard animal welfare including the methods to kill seals as a matter of public morality. There have been numerous opinion polls conducted throughout the European Union which provide evidence on the degree of public concern on the way seals are killed as well as strong support for the banning of products from commercial seal hunts.

As representatives of the EU citizens, the European Parliament, but also the Council of Ministers act as determiners of moral concern. During the legislative process the European Commission considered all reliable evidence on the issue from both sides. Debates in hearings came to the conclusion that commercial seal hunting cannot be carried out consistently in a humane way given the environmental conditions under which these hunts take place.

Alternatives to a full ban were also considered during the legislative process.

The Commission initially proposed a derogation to allow the marketing of products from humanely killed seals. This was rejected because of the view that commercial sealing practices were inherently inhumane.

During the course of the legislative process a labeling scheme was also considered but it was rejected on the same grounds since it would not have met the policy objectives of avoiding the placing of products of animal cruelty onto the EU market.

During the dispute settlement panel meeting Canada is reported to have said that while it understands that EU measures were a response to animal welfare concerns of EU citizens and consumers such trade restrictions are based on misunderstandings. They argued that their seal hunt was lawful, sustainable, humane, strictly regulated and guided by rigorous animal welfare principles that are internationally recognized. Norway reportedly claimed that this dispute was not just about seals products but about Norway's rights to harvest in a sustainable manner from its living marine resources and to market products from hunting and fishing.

IFAW and HSI have decades of experience working on commercial sealing. As the footage of 2011 clearly shows, there is little evidence that Canadian hunters have become more humane since EU measures have been implemented. Moreover, the footage clearly contradicts Canadian government's claims that the hunts are strictly regulated. It is impossible to ensure that seals are consistently killed in a humane manner. This provides full justification for the EU ban on the ground of public morality. Animal welfare organisations will therefore do all they can that the dispute panel is furnished with all the evidence it needs to take a decision. NGO input is vital in this case, not just because of reasons of transparency but also unlike Governments NGOs go out on the ice each year and record the killings first hand.

This is the very first time that animal welfare will be used at the WTO with respect of the concept of public morals. Whatever is decided in this particular case could set a precedent with far reaching consequences for all future animal welfare legislation with a trade component.

The EU currently negotiates comprehensive [economic trade agreements](#) [CEO](#) with Canada. It seems rather perverse that Canada is seeking to profit from a free trade agreement with the EU that is potentially worth billions to its economy yet at the same time it is challenging EU legislation. In that sense Canada's challenge to the EU ban on seals products can be regarded as nothing other than a direct attack on legislation that was democratically adopted and strongly supported by the European Parliament.

HSI is very pleased with the language that was included in the recent [resolution on EU Canada trade relations](#) and thanks all those who have voted in favour of it. This sent a very strong message to both the Commission and to Canada who is also reminded that the European Parliament will have to give its consent to any trade deal that is negotiated. This resolution has continued to increase the pressure on Canada to drop its WTO challenge.

The fact remains that there is little support for this action in Canada itself. Polling shows that 71% of Canadians disapprove of tax payers' money being used to fund the WTO challenge and likewise 86 % of the Canadians support the right of the EU to ban the import of seals products. This actually shows that it is not only Europeans but also Canadians who endorse the ban on the EU seal products trade.

The Canadian business community has lately expressed its concern that the WTO challenge may stand in the way to conclude a multi billion dollar deal with the EU. The more voices they hear from Europe, the greater pressure they may exert on their Government to get them to drop the WTO challenge.

This is also why HSI is calling on MEPs to sign an open letter to the Canadian Government. Anyone interested in supporting the open letter should contact Jo Swabe jswabe@hsi.org. HSI will publish the letter in Canadian newspapers later this year.

I. Questions and debate

[Carl Schlyter \(Greens/EFA, SE\)](#) regretted that the seal hunt in Canada continues indiscriminately. He was himself on ice in 2006 but did not see much of the hunt as his delegation was taken hostage by a group of angry sealers and locked into the hotel. They also crashed their cars and damaged the helicopter.

He reminded that there are also other ongoing conflicts with Canada concerning tar sands and intellectual property. As Substitute Member in the INTA Committee he will deal with these issues.

[Dan Jørgensen \(S&D, DK\)](#) asked about the position of the United States in this regard. [Jo Swabe \(HSI\)](#) replied that the 'US Marine Mammal Act' of 1972 bans the import and marketing of seal products. This pre-WTO law was introduced on conservation grounds as seals at that time had been hunted almost to extinction. Also Mexico has a seals ban. She believed that both countries will take a positive stance in supporting the EU ban in the WTO dispute. The only difficulty might be due to the fact that the US and Mexican ban are based on conservation grounds whereas the EU ban is essentially a consequence of concerns relating to public morality and the harmonization of the internal market.

[Dan Jørgensen \(S&D, DK\)](#) also asked if sealing activities in Greenland have increased since the enforcement of the EU ban. If yes, it would be a good argument against those who say that the EU ban reduces the market for seal products stemming from traditional subsistence hunt. He was also puzzled by the low seal pelt prizes as normally the rareness of a product increases its market prize. [Lesley O'Donnell \(IFAW\)](#) replied that Denmark will always favour Greenland where it can. She confirmed that in Greenland seal hunting has increased since

the first EU seals directive of 1983 came into force. Seal hunting is subsidized in Greenland and is therefore not really dependent on market demand. Pelt stocks have been sometimes even destroyed because of a lack of demand. If the Inuits follow a certification process for their seal products, as foreseen under the Regulation (EC) No. 1007/2009 on trade in seal products they are actually in a better position than before because their products are going to be marketed as Inuit products and crafts.

Lesley O'Donnell (IFAW) pointed out that all Canada's partners in NAPHTA have banned seal products, a quite interesting situation from a trade perspective.

Struan Stevenson (ECR, UK) was worried that whatever is decided at the WTO could set precedence for current and future animal welfare legislation. He has spent 8 years in the European Parliament fighting for the EU cat and dog fur ban. The WTO challenge has activated China in joining the WTO case. If the EU seals ban is overturned it could incite China to challenge the cat and dog fur ban, a huge business for this country. He hoped that the EU seals ban has not inadvertently opened unattended consequences and actually set back the whole animal welfare agenda by a decade. He asked for reassurances that this is not the case.

Carl Schlyter (Greens/EFA, SE) replied that the EU cat and dog fur ban is different as it concerns domesticated animals. That it is why it was more difficult to achieve the EU seal ban which refers to wild animals. **Jo Swabe (HSI)** confirmed this statement. She believed that China's involvement is due to the fact that they want to follow closely one of the first cases using public morality as a matter of argument. She reported that lately a few proposals have been submitted to the Chinese national assembly proposing to ban seal products in China. The Canadians have spent large amounts of money trying to promote seal products in China but have not been successful. Thus, there is also a growing support in China to ban seal products. She said that HSI would be all in all optimistic about a positive outcome for the EU at the WTO.

Struan Stevenson (ECR, UK) pointed out that none of the speakers had mentioned the Inuits in their presentations and wanted to know about the impact of the ban on them. He inquired if IFAW would help them to survive with funding or whatever. The prizes of the pelts have collapsed and he feared that Inuits would be forced to live in welfare thus ending their millennium old way of life. **Lesley O'Donnell (IFAW)** replied that the Canadian Inuits have never had a large export business in seal products. The Canadian government financially supports their hunting activities. Canada would be better off to invest public money in alternatives that are more viable for these communities.

Kriton Arsenis (S&D, GR) reminded that the European Parliament would have to give its consent to the EU trade agreement with Canada. The European Parliament can pressure the Commission to include the seals issue in the trade negotiations with Canada. He said to work a lot on the issue of Canadian tar sands and believed that there would be also scope of bringing in the seals ban issue. People are against the use of tar sands as well as against the trade with seal products. It was time to join forces. **Jo Swabe (HSI)** replied that one possible other party that might have an interest in not giving consent to the EU Canada trade deal would be the Czech members because of visa problems. There may be also other interest groups within the Parliament that would not like to see the trade deal taking place for a whole different host of reasons.

Carl Schlyter (Greens/EFA, SE) reported to have had a meeting with representatives of the Inuits regarding the issue of tar sands. They were not so much worried about the EU seals ban as about the development in the Canadian tar sand trade. The EU Canada trade agreement might violate their longstanding rights for land and co-decision on the use of land that they have been granted by the Canadian constitution.

Carl Schlyter (Greens/EFA, SE) wanted to have some information regarding this year's sealing figures for Norway and Namibia. **Lesley O'Donnell (IFAW)** replied that sealing has decreased in Norway but the abuses have not changed. There are no figures yet for Namibia as the seal hunt had just started. In Russia sealing has been banned.

II. Closing remarks

The next Intergroup meeting will be held on Thursday 15th September 2011, 10.00-11.00 hrs, room LOW N3.2 and will focus on health risks of invasive animal species. Detailed information will be sent out in time.

ATTENDANCE

Members of the European Parliament (11)

Arsenis, Kriton (Vice-President)	S&D	DK
De Lange, Esther	EPP	NL
Hirsch Nadja (Vice-President)	ALDE	DE
Jeggle, Elisabeth (Vice-President)	EPP	DE
Jørgensen, Dan (Vice-President)	S&D	DK
Koch, Dieter-Lebrecht	EPP	DE
Martin, David (Vice-President)	S&D	UK
Sârbu, Daciana (Vice-President)	S&D	RO
Schlyter, Carl (President)	Greens/EFA	SE
Stevenson, Struan	ECR	UK
Wojciechowski, Janusz(Vice-President)	ECR	PL

Assistants and Trainees to Members of the European Parliament (12)

Böcker, Julian	Assistant to Mrs Jeggle (EPP, DE)
Brussel, Rinke	Assistant to Mr Gerbrandy (ALDE, NL)
Fiala, Judith	Assistant to Mr Leichtfried (S&D, AT)
Gidoni Michele	Intern to Mr Vattimo (ALDE, IT)
Jenkins, Cassi	Intern
Kerr, Laura	Assistant to Mrs Foster (ECR, UK)
Murray, Kate	Assistant to Mr Martin (ECR, UK)
Pahlen, Marita	Assistant to Mr Schlyter (Greens/EFA)
Romar, Ulrike	Assistant to Mr Leichtfried (S&D, AT)
Schrevere, Stéphanie	Assistant to Mrs Mathieu (EPP, FR)
Todd, Sarah	Intern
Valtanen, Aino	Assistant to Mrs Pietikänen (EPP, FI)

Guest Speakers and Observers (14)

Atema, Kate	IFAW-International Fund for Animal Welfare
Dinkelmeyer, Andreas	IFAW
Jensen Bo Manderup	Consultant
Lamaison, Melanie	EBCD
MacGregor, Lesley	IFAW
Miczki, Tamara	EP staff
O'Donnell, Lesley	IFAW
Palmer, Nick	BUAV
Sales, Tiphaine	Dods Europe
Simons, Despina	EBCD
Sinha, Satyen	IFAW
Stephiak, Malgorzata	Schulman Associates
Swabe, Joanna	HSI-Humane Society International
Timofte, Alina	Commission official

Intergroup Secretariat (1)

Erlar, Andreas	Eurogroup for Animals, Political Officer,
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