



Brussels, 17.12.2019
COM(2019) 630 final

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on the exercise of the delegated powers conferred on the Commission pursuant to
Regulation (EC) No 1007/2009, as amended by Regulation (EU) 2015/1775 on Trade in
Seal Products**

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the exercise of the delegated powers conferred on the Commission pursuant to Regulation (EC) No 1007/2009, as amended by Regulation (EU) 2015/1775 on Trade in Seal Products

1. INTRODUCTION

Regulation (EC) No 1007/2009¹ of the European Parliament and of the Council on Trade in Seal Products (the Basic Regulation) prohibits the placing on the EU market of seal products.

It was amended by Regulation (EU) 2015/1775² in order to reflect the outcomes of World Trade Organization rulings in the EC-Seal products case³. As a result, the EU seal regime provides for two exceptions to the ban:

- 1) It allows the placing on the market of seal products where those products come from hunts conducted by Inuit or other indigenous communities, provided the specific conditions set out in Article 3(1) of the Basic Regulation, as amended, are fulfilled.

Article 3(1a) of the same Regulation, as amended, also provides that, at the time of its placing on the EU market, a seal product shall be accompanied by a document attesting compliance with the conditions set out for benefiting from the "Inuit or other indigenous communities exception". The attesting document should be issued by a body recognised for that purpose by the European Commission, in accordance with Article 3 of Commission Implementing Regulation (EU) 2015/1850⁴ (the Implementing Regulation).

- 2) The EU also allows the import of seal products where it is of an occasional nature and consists exclusively of goods for the personal use of travellers or their families (Article 3(2) of the Basic Regulation, as amended).

2. LEGAL BASIS

Article 3 of Regulation (EC) No 1007/2009, as amended by Regulation (EU) 2015/1775 on Trade in Seal Products, specifies in its paragraph (5) that, if there is evidence that a seal hunt is conducted primarily for commercial reasons, the Commission shall be empowered to adopt delegated acts in accordance with Article 4a 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. It is of particular importance that the Commission follow its usual practice and carry out consultations with experts, including Member States' experts, before adopting those delegated acts.

Paragraphs (1) and (2) of Article 4a of the Basic Regulation, as amended, stipulate that the power to adopt delegated acts shall be conferred on the Commission for a period of five years from 10 October 2015. It also provides for the Commission to draw up a report in respect of the delegation of power no later than nine months before the end of that five-year period.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009R1007>

² https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.262.01.0001.01.ENG

³ <http://trade.ec.europa.eu/wtodispute/show.cfm?id=475&code=2>

⁴ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOL_2015_271_R_0001

Article 4a (2) of the Basic Regulation, as amended, lays down that the delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period, while Article 4a (3) states that the delegation of power may be revoked at any time by the European Parliament or by the Council.

3. 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.