Canadian Sealing: The History of the EU Seal Ban
On August 10th, 2010 the European Union laid down detailed rules for the implementation of the 2009 European Parliament and European Council regulation to ban the importation of seal products into the European Union.

Only seal products resulting from hunts traditionally conducted by Inuit and other indigenous communities, as well as those for personal use by travelers and seal products resulting from non-profit marine management initiatives, have been allowed on the European market.

As a consequence, this ban has had a devastating impact on coastal communities, both Inuit and non-Inuit that rely on seals and their products to maintain viable and thriving communities. In addition, there is evidence that increasing and uncontrolled seal populations are having a negative impact on the fragile marine ecosystems of the Canadian Atlantic.

The ban has also set a dangerous precedent for many new trade restrictions based on subjective “moral” grounds.

The Government of Canada, in conjunction with sub-national groups such as the Fur Institute of Canada and the Inuit Tapiriit Kanatami, has been actively trying to counter the ban through official international legal channels: the World Trade Organization, the European General Court and the European Court of Justice.

This document aims to provide a summary of the EU ban and the legal actions taken to defend Canadian sealing internationally.
Background: The Ban in Brief

In 2006, the European Parliament (EP) issued a written declaration urging the European Commission to draft legislation to ban seal products in the European Union without harming traditional hunting, based on concerns about animal welfare and the sustainability of seal hunting. The European Commission then attempted to undertake a full assessment of the animal welfare aspects of the harvesting and processing of seals. Following consultations with the European Food Safety Authority (EFSA), the general public, and a Danish consulting firm, the European Commission issued a legislation proposal on the seal trade.

The European Commission’s legislative proposal suggested a ban on products derived from seals, except for those harvested in a humane way, for personal use and by the Inuit. Following debates in the European Parliament and the Council of the European Union, the proposal was amended to be even more restrictive, only allowing seal products imported for personal use or as by-products from “subsistence” Inuit hunts or hunts conducted for “marine resource management.” “Commercial reasons” are expressly prohibited for marketing seal products, and “humane” hunting methods are removed as a condition of import. The European Union then adopted the basic regulation (the ban) in 2009. This was followed by the implementation measures in 2010 that put the ban on commercial seal products into full effect.

Timeline

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tbody>
<tr>
<td>1983</td>
<td>The European Communities issue a ban on the trade in whitecoat and blue-back (“baby seal”) skins.</td>
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<tr>
<td>2006</td>
<td>The European Parliament issues a written declaration in September requesting the European Commission draft legislation to ban the trade in seal products. In November, the Council of Europe adopts a recommendation on seal hunting, inviting member and observer states to “ban all cruel seal hunting methods.”</td>
</tr>
<tr>
<td>2008</td>
<td>The European Commission publishes a legislative proposal concerning the trade in seal products.</td>
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<td>2008-2009</td>
<td>The proposal is debated and amended by the European Parliament</td>
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<tr>
<td>September 2009</td>
<td>The European Union, through the European Parliament and the Council of the European Union, adopts the basic regulation (the ban) on the importation of seal products into the European Union.</td>
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<tr>
<td>August 2010</td>
<td>The European Commission adopts the implementing regulation that outlines the conditions of the ban. The ban on seal products takes full effect.</td>
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Canadian sealing plays an important role in the preservation of maritime life in eastern and northern Canada. As sealing has decreased in recent years, the Department of Fisheries and Oceans is now having to consider seal culling as a means to mitigate conflicts that overabundant seal populations pose to many fisheries.

**Ecosystem challenges:**

- Seals feed primarily on groundfish (cod, haddock, halibut), octopus, crustaceans, and pelagics (herring, capelin, mackerel). Canadian fisheries target these same species. On an annual basis, however, the harp seal population alone consumes approximately fifteen times more seafood than fishermen land from Canadian waters.

- While there has been a moratorium on cod fishery in effect since 1992, the Department of Fisheries and Oceans estimates that seals consume about 600,000 tons of cod annually (about 4% of their total diet). This has serious implications for Atlantic Cod, as they are classified as “vulnerable species” on the IUCN Red List.

- In addition to preying on groundfish, seals also carry a parasite known as larval seaworm that accumulates in the flesh of these species, which both impairs their health and breeding capacities and destroys their value to commercial fisheries.

**QUICK FACTS**

- The Northwest Atlantic Harp Seal population is around 7.3 million, 3X 1970 levels.

- The Grey Seal population in Eastern Canada is over 400,000, an 80-fold increase since the 1960’s.

- Seal meat and oil provide locally-sourced organic and highly nutritional protein and Omega 3 essential fatty acids for human consumption.

- Seal meat is a local staple food in rural Newfoundland and Labrador, Quebec and Nunavut.
Sealing plays a vital role in the economies of Inuit and coastal communities in Canada and in the livelihoods of thousands of Canadians.

- There are 10,000 licensed sealers in Canada. This seasonal source of income can account for 35% of a sealer’s annual income, and is available during a time of year when other rural employment opportunities are virtually non-existent.

- Thousands more rely on the sealing industry in supporting sectors, such as truck drivers, supply shop owners, plant workers, furriers, Omega 3 producers and distributors.

- Between 2005 and 2011, Canada exported $70 million (USD) worth of seal products to more than 35 countries.
The Ban by Issue

Science on Animal Welfare and Sustainability

EU Argument

The Seal Hunt is inhumane and unsustainable.

Seals are sentient animals that can experience pain. There is a belief in the EU that sealing is an especially cruel endeavor that does not aim to minimize animal suffering and pain. The perception of methods used to kill seals, such as shooting, clubbing and trapping raised serious concerns among EU citizens in terms of animal welfare. While there are ways to kill seals effectively and without causing avoidable pain, evidence from the EFSA Scientific Opinion shows that such methods are not always used in practice. Some parties argue that it is unsustainable because there are too many seals being harvested each year.

Canadian Arguments

1. The Canadian seal hunt is a sustainable, well-regulated and a necessary use of natural resources.

The Northwest Atlantic harp seal population numbers over 7.3 million, while the grey seal population has multiplied by almost 80-fold since the 1960s. Both harp seal and grey seal are listed as species of “least concern” by the International Union for the Conservation of Nature (IUCN). Therefore, the assertion that seal hunting is damaging seal populations is false.

Since 1987, it has been illegal to hunt immature (whitecoat and blueback) animals. There are several regulations on a national and sub-national level that ensure that the seal hunt addresses animal welfare concerns and is carried out in a sustainable way. Seal hunting practices in Canada conforms to practices recommended by a variety of international groups such as the Independent Veterinarians’ Working Group (IVWG), the European Food Safety Authority (EFSA) and the North Atlantic Marine Mammal Conservation Organization (NAMMCO).

2. The ban is not based in scientific evidence.

Much of the ban and its implementation measures contradict the EU’s own scientific opinions. In 2007 the European Food Safety Authority’s study concerning the animal welfare aspects of seal hunting concluded that “seals can be, and are, killed rapidly and effectively without causing avoidable pain, distress, fear and other forms of suffering.” Despite this, EU legislators still effectively adopted the claim that any ‘commercial’ form of seal hunting is “inherently inhumane.” They also concluded that monitoring and enforcement of animal welfare is impossible, without providing sufficient evidence to support this argument.

Moreover, the EU continues to claim that the total allowable catch of Canada’s commercial seal hunt is set above sustainable limits, despite Canada’s peer reviewed scientific evidence to the contrary.
EU Argument

A ban is the most effective means to improve seal welfare.

The EU argues that verification of killing and skinning practices would be too difficult. Similarly, they claim that labeling requirements for seal product would be too costly and ineffective in guaranteeing the welfare of seals. A ban, they argue, would dramatically lower the number of seals being hunted each year thereby “saving” the seals. Banning the trade in seal products would also promote the sustainable management of marine resources by protecting seal populations that are an important part of marine ecosystems.

Canadian Argument

The ban may actually negatively affect seal welfare.

The ban did away with any chance of incentivizing good practice. In Canada, a commercially viable seal hunt ensures best quality products for optimum market value, which go hand in hand with best practices for animal welfare. Based on independent veterinary recommendations – and even endorsed by the European Union’s own food safety authority (EFSA) – Canada’s own regulations ensure that each animal is handled with care and that the meat, fat and fur are of the best quality. These are the same regulations that the EU deemed inadequate, without proposing any alternative.

Moreover, the ban will not end the hunting of seals in the Northwest Atlantic. It may even lead to an increase in poaching and a reduction to animal welfare as seals are often considered pests. Seals would therefore be killed wastefully.
EU Argument

The Inuit people will not be affected because of the exemption for Inuit products.

The EU argues that the exemption for Inuit seal products protects the Inuit from any negative economic effects that the seal ban may have because they still have a right to place seal products derived from traditional hunting on the EU market. According to the EU, the economic and social interests of the Inuit were taken into account when the regulations were made.

Canadian Arguments

1. The seal hunt has strong economic value for coastal and Inuit communities. A ban, therefore, negatively affects the livelihood of these people.

Many coastal communities in eastern and northern Canada rely on seals and their derivative products for economic growth. In 2006, the seal harvest in Atlantic Canada amounted to approximately $34 million CAD.

For the Inuit, harvesting seals is an important part of life. Inuit people have been harvesting seals for millennia. Currently, the harvest of seals has been an important contributor to the development of Inuit economies. Prior to 2008, the seal hunt contributed approximately CAD 1 million to Nunavut’s economy, half of which was paid directly to Inuit hunters. The previous European Communities ban of 1983 on whitecoat and blueback seal skins had a disastrous effect on Canada’s northern and eastern sealing communities, leading to a decrease in hunting and a reduced supply in seal product for the Inuit. This economic stress has been associated with a variety of social problems including juvenile delinquency and higher suicide rates among the Inuit. While the Inuit do have an exemption, the ban has effectively collapsed the market for seal products in the EU.

Moreover, the EU commissioned COWI report concluded that a ban would have a significant (negative) impact on non-EU countries, such as Canada and Norway.

2. The Ban infringes on Inuit rights established by the European Convention on Human Rights (ECHR).

The Inuit people were never given any reasonable opportunity to put their case to the EU before the adoption of the ban in 2009, even though the ban infringes on their human rights. This is against the EU’s obligations to the European Convention on Human Rights (ECHR).
Article 1 of the ECHR states that all EU member states are obligated to respect human rights. While the ECHR covers a number of such rights from the right to life to the right to marry. The Inuit argue more specifically that the ban affects their right to respect for private and family life (article 8 of the ECHR) in light of their right to freedom of thought, conscience and religion and the right to freedom of expression (articles 9 and 10 of the ECHR).

The Inuit argue that the EU ban interferes with their private and family life because it seriously impacts their health and wellbeing. The ban also places a considerable restriction on the right of the Inuit to gain income by selling seal products commercially in the European Union. Secondly, the seal hunt forms an important part of Inuit moral convictions and beliefs about the relationship between man, nature and animals. These beliefs are rooted in thousands of years of traditional knowledge and practice. For the Inuit, seal hunting is not immoral. The objection to seal hunting as something that is morally wrong ignores the connection with nature that the Inuit have and fails to respect others’ moral and religious beliefs.

For more information on the European Convention on Human Rights (ECHR), please visit: http://hub.coe.int/what-we-do/human-rights/european-convention

3. The Ban is harmful to Inuit economic, social, cultural, physical and mental health

Seal skins are an unavoidable by-product of hunting seals for meat. Seal meat is one of the most important components of an Inuit diet. However, hunting seals is very expensive and the revenue for selling seal skins was used to cover these costs. The ban on seal products will lead to a decrease in hunting and, therefore, a decrease in seal meat available to share within the community.

The ban will also lead to even higher unemployment rates among the Inuit. Employment opportunities are very limited in the arctic and the traditional fur harvesting sector is supported by the Canadian government as a legitimate and important alternative to the modern economy. Without a market to sell to, though, hunting may no longer be economically viable.

Seal hunting is vitally important to Inuit health and well-being since it embodies the Inuit connection to the land, sea and ice. The sharing of seal meat is also a central part of Inuit social relationships within their families and their communities.

Overall, the ban may cause the Inuit to lose their very way of life.
EU Argument

Most EU Citizens are in favour of the ban.

This issue was brought before the European Parliament because of concern from European citizens and consumers. Tens of thousands of EU citizens wrote to the EU and their national governments in favour of banning the seal hunt. Therefore, the ban is a response to widespread and intense action by EU citizens.

The ban is also meant to prevent consumer confusion about products similar to those derived from seal products and also, to preserve the personal choice of EU consumers.

Canadian Argument

Accurate, unbiased information is lacking.

Many Canadian parties who have knowledge of seal hunting feel that European citizens need better information on sealing in order to arrive at meaningful, informed opinions. To date, there has been a lack of unbiased, contextual education on the topic of seal hunting. By contrast, much debate and discussion has been framed by selective imagery and inflammatory statements meant to raise political ire rather than to inform.

In 2010, the Seals and Sealing Network conducted a Canadian public opinion poll with the two-fold approach of first gauging public knowledge of seal hunting, seal populations and seal products – which turned out to be quite low – and then polling on more principle questions about support for ethical hunting, in order to gauge potential attitudes. The results were very much in support of the responsible hunting of seal populations.

In 2013, the Seals and Sealing Network (SSN) commissioned a poll of Canadian public opinion towards seal hunting showing a clear majority of Canadians support the seal hunt (70 per cent) in some form, while 22 percent of Canadians oppose the seal hunt in any form. To view the poll, please visit: http://sealsandsealing.net/resources/Polling%20press%20release.pdf

Legal

Canada and Norway argue that the European Union trade ban on seal products and the subsequent implementing measures (those that actually bring the ban into effect) are against international trade law and are in violation of the European Union’s obligations to the World Trade Organization. The legal arguments are as follows:

1. Canadian seal products are being treated unfairly in comparison to other like products from other countries within and outside the European Union. The ban shuts out Canadian seal products from the European market, while allowing EU domestic seal products (including those from Greenland) to be sold in Europe.

2. The EU has imposed a restriction or prohibition on the importation of seal products into the EU despite the fact that GATT 1994, on which the WTO is based, explicitly states that such measures are not allowed. Basically, the ban creates an unnecessary obstacle to international trade.

3. The ban does not actually achieve and in some cases, undermines the objectives it was originally designed to do. These include, ‘saving’ seals from being killed in inhumane ways, harmonizing the EU market, preventing consumer confusion, protecting the Inuit and indigenous sealing industries and promoting the sustainable management of marine resources.
The EU Ban: An Overview

The original EU ban on trade in seal products- (EC) No. 1007/2009 states that “seals are sentient beings that can experience pain, distress, fear and other forms of suffering”. Based on this conviction, the EU aimed to ensure that commercially-derived products would no longer be found on the European market by putting in place the following measures:

1. All seal products, including meat, oil, blubber, organs, raw fur skins and tanned or dressed fur skins, resulting from commercial hunts shall not be allowed on the EU market.

2. Seal products resulting from hunts traditionally conducted by Inuit and other indigenous communities and that contribute to their subsistence shall be allowed on the EU market.

3. The import of seal products will also be allowed for the personal and non-commercial use of travelers and their families.

4. Seal products will also be allowed on the market, on a non-profit basis if they are the by-products of nationally regulated hunting conducted for the purpose of the sustainable management of marine resources.

The implementing measures- (EU) No. 737/2010 set out more specific conditions for the placing of seal products on the EU market.

1. All seal products resulting from hunts traditionally conducted by Inuit and other indigenous communities, for personal use of travelers or those resulting from the sustainable management of marine resources that are brought into the European Union must be accompanied by an attesting document (paper or electronic), prepared by a recognized legal national or regional body, that proves that the product meets the above three conditions.

2. All EU Member states must appoint a competent authority to verify attesting documents, control the issuing of attesting documents and to preserve a copy of these documents issued for seal products originating from seal hunts in that Member state.

The implementing measures also provide an example attesting documents, as well as more detail on what conditions must be met for seal products to enter the EU market.

For more information on the conditions of the EU ban, http://ec.europa.eu/environment/biodiversity/animal_welfare/seals/seal_hunting.htm

The ban and implementing measures came into full effect on the 20th of August 2010.
A dispute arises when one or more member states feel that other members of the WTO have broken international trade law. The Dispute Settlement Body (DSB) is the main dispute solving organ of the WTO. Dispute settlement in the WTO is a structured process with clearly defined stages in the process. Cases typically take approximately 15 months to reach a first ruling, although this was not the case with the Seal product dispute.

Step 1: Consultations
This is the initial phase of the Dispute Settlement Process. Consultations are direct talks and meetings between the Parties to the dispute that attempt to stop a dispute before formal legal action is required.

Step 2: A Panel is formed
A panel is composed of WTO diplomats chosen by the WTO in conjunction with the countries involved in the dispute. It helps the DSB reach a decision by examining all of the arguments and evidence from both sides and puts together a Final Report.

Step 3: Arguments are presented to the panel
Both parties submit their argument in written form, as well as present them in oral hearings. During the oral hearings, third parties can present their arguments. Third Parties are countries who are not directly involved in the dispute but have an interest in the outcome.

Step 4: Panel Issues Final Report
After hearing all of the arguments, the Dispute Panel issues a Final Report. The final report documents the decision of the panel. If they decide that the disputed trade measure does break WTO rules they will make recommendations on how to make the measure conform to WTO rules.

Step 5: The WTO General Assembly adopts the Final Report

Step 6: Appeals to the Appellate Body
Either of the parties to the dispute can appeal the final decision of the dispute panel. The Appellate Body hears appeals. It is composed of well-respected individuals in the fields of law and international trade.

Step 7: Appellate Body reaches final decision
This is the final step of the process.
## WTO Legal Action

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>November 2009</td>
<td>Canada requests consultations with the European Union to begin to settle the dispute around Regulation (EC) No. 1007/2009 on trade in seal products. Norway also launches a complaint.</td>
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<tr>
<td>December 2009</td>
<td>Consultations are held between the European Union, Canada and Norway. Consultations fail.</td>
</tr>
<tr>
<td>October 2010</td>
<td>Canada requests supplementary consultations with the European Union to take into account European Commission regulation (EC) No. 737/2010 on the implementation of the previous ban of trade in seal products established by (EC) No. 1007/2009.</td>
</tr>
<tr>
<td>December 2010</td>
<td>Subsequent consultations are held between the EU and Canada. Consultations fail to settle the dispute.</td>
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<tr>
<td>February 2011</td>
<td>Canada requests the Dispute Settlement Body (DSB) to establish a panel to examine the dispute.</td>
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<tr>
<td>March 2011</td>
<td>The Dispute Settlement Body establishes a panel.</td>
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<tr>
<td>October 2012</td>
<td>The panel is composed. Parties to the dispute must draft and submit written presentations.</td>
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<tr>
<td>February 2013</td>
<td>Parties to the conflict (Canada, Norway, the European Union and third parties) make oral presentations to the panel (Oral Hearing). (Third Parties: Argentina, Namibia, China, Colombia, Ecuador, Iceland, Japan, Mexico, United States and Russia)</td>
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<tr>
<td>February-April 2013</td>
<td>Parties answer written questions from the panel, based on the oral hearing and must submit a second round of written arguments</td>
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<tr>
<td>April 2013</td>
<td>Second Oral Hearing- Panel informs DSB that they expect to issue final report to the parties by October 2013</td>
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<tr>
<td>October 2013</td>
<td>Consultations are held between the European Union, Canada and Norway. Consultations fail.</td>
</tr>
<tr>
<td>November 2013</td>
<td>The Dispute Settlement Body releases its decision in to uphold the EU ban.</td>
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<tr>
<td>January 2014</td>
<td>Canada and Norway submit appeals to the WTO Appellate Body.</td>
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<tr>
<td>March 2014</td>
<td>The WTO Appellate Body holds appeal hearing March 17-19th.</td>
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<tr>
<td>Spring 2014</td>
<td>Expected Final judgment in the dispute settlement.</td>
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</tbody>
</table>
After hearing the final presentations of the parties to the conflict in the second hearing, held in April 2013, the Dispute Settlement Panel ruled in favour of the European Union and submitted its final report to the parties (Canada, Norway, EU) in November 2013. While the report said the ban undermines international trade obligations, the WTO said it was justified under “public moral concerns” over animal welfare.

Canada and Norway submitted appeals to the WTO Appellate Body in January 2014. Appeals have to be based on points of law, such as legal interpretation. The Appellate Body can uphold, modify or reverse the legal findings and conclusions of a panel. Appellate Body Reports, once adopted by the Dispute Settlement Body (DSB), must be accepted by the parties to the dispute.

**Canada/Norway Win**

The appeal ruling will overturn the previous decision to uphold the ban by the WTO Dispute Settlement Panel. While member states of the WTO are obligated to respect the outcome of the settlement, the EU can change the legislation to bring it into compliance with WTO rules or they can maintain the law and pay an annual fine to Canada and Norway.

**EU Win**

The ban will remain in place. This outcome may have a serious impact on the World Trade Organization, as it would mean that member states may now enact trade restrictions and trade bans on the basis of “public morality” and “animal welfare” as long as they remain within WTO rules.

**Status as of March, 2014**

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Celebration of the Seal, Iqaluit 2012

Sealers prepare a pelt - Magdalen Islands

© Yoanis Mange
While Canada is pursuing the sealing issue as a trade dispute against the EU through the World Trade Organization, the Inuit and the organizations that represent them are attempting to annul the ban on seal products through the EU’s own court systems. According to EU law, it is possible for non-EU individuals or organizations to bring cases before the European General Court and the European Court of Justice if they feel that they have been negatively affected by a legal action taken by the EU. In this case, Inuit and other groups have launched several legal cases against the EU on the grounds that the ban on seal products has and will continue to have a devastating impact on Inuit economic, social and cultural life. The goal: to have the seal ban lifted.

**European Courts Legal Process**

If an individual or organization (the applicant) feels that an EU law has infringed on their rights or negatively harmed them, they may take direct legal action against the EU.

The first point of action takes place in the European General Court. The court first has to look at whether or not an applicant actually has the right to appear before the EGC (admissibility) and then if the court deems that the applicant is allowed to be at the court, they will look at the validity of the arguments being made (merit).

During this time, the applicant can ask for interim measures to be taken to suspend the law or action in question until the court has reached a final decision. Due to the lengthy nature of EU court cases, interim measures are meant to prevent any (more) damage from being done by the law in question to the applicants. In order for interim measures to be granted the applicant have to show that the case is urgent and that the law is harming them directly.

If the individual or organization loses at any stage, they can appeal the decision at the European Court of Justice.

**LEGAL TERMS**

- **Admissibility** is the right to bring a case before a court.
- **Merit** is the validity and persuasiveness of an argument.
- **Interim Measures** (or an injunction) suspend the law in question for the duration of the legal action.
**EGC/EJC Legal Action**

<table>
<thead>
<tr>
<th>Month</th>
<th>Event</th>
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<tbody>
<tr>
<td>January 2010</td>
<td>First application for annulment to the EGC to have the EU seal ban lifted before it comes into force.</td>
</tr>
<tr>
<td>February 2010</td>
<td>Application for an injunction (interim measures) to suspend the ban during the legal procedures.</td>
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<tr>
<td>April 2010</td>
<td>Application for injunction rejected by the European General Court.</td>
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<tr>
<td>July 2010</td>
<td>Second Application for an injunction.</td>
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<tr>
<td>August 2010</td>
<td>Ban on seal products goes into effect.</td>
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<tr>
<td>October 2010</td>
<td>Second application for an injunction dismissed by EGC. First annulment case in the EGC begins.</td>
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<tr>
<td>November 2010</td>
<td>Second application for annulment to the EGC to have the EU seal ban lifted after it came into force.</td>
</tr>
<tr>
<td>December 2010</td>
<td>First appeal to the European Court of Justice to overturn EGC ruling on the first injunction application.</td>
</tr>
<tr>
<td>September 2011</td>
<td>The European General Court dismisses first application for annulment to lift the seal ban.</td>
</tr>
<tr>
<td>October 2011</td>
<td>Appeal to the European Court of Justice on the first injunction application rejected.</td>
</tr>
<tr>
<td>November 2011</td>
<td>Second appeal is made to the European Court of Justice.</td>
</tr>
<tr>
<td>October 2012</td>
<td>Second case for annulment in the European General Court begins.</td>
</tr>
<tr>
<td>April 2013</td>
<td>Second application for annulment to end the ban through the EGC fails.</td>
</tr>
<tr>
<td>July 2013</td>
<td>Inuit and other plaintiffs submit another appeal to the ECJ on the second application to annul the ban.</td>
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</table>
EGC/ECJ Status

Two cases have been made for annulment: one to stop the Basic Regulation to ban the importation of seal products in their territory and one to stop the Implementation Regulation that brought it into effect. Two applications were also made for injunctions (interim measures) both of which were rejected by the European General Court on grounds that there was no urgency and that the applicants were not directly affected. An appeal to the European Court of Justice on the interim measures ruling was made but also failed because the General Court had already reached a decision on the main case to end the ban.

The first case for annulment failed because the court argued that the applicants were not allowed to make a case against this particular type of law and that they were not directly affected by it (inadmissible). Another appeal was then made to the European Court of Justice to overturn this ruling. In January of 2013, an EU Advocate General recommended that the ECJ dismisses the appeal. That appeal is currently ongoing.

The second case to annul the implementation regulation began in October of 2012. This case also failed in April 2013 because the General Court argued that the EU, through the ban, took appropriate actions to prevent any disturbance in the internal market for seal and like products and that the law had adequate protection for the Inuit. An appeal was be made in July 2013 to the European Court of Justice to overturn this ruling. If the ECJ does not rule in favor of the European Union then the ban will be annulled and seal products from both traditional and commercial hunting will resume. If the ECJ rules in favor of the European Union it will be very difficult to launch another case to annul the ban.
Appendix 1:

The World Trade Organization

The World Trade Organization (WTO) is the primary body governing international trade. Founded in 1995, the WTO currently has 159 member states from across the globe. It is the institutional result of the General Agreements on Tariffs and Trade (GATT) of 1947. It is an organization that aims to liberalize international trade by diminishing barriers such as tariffs, bans and other protectionist measures. It also acts as a forum for negotiating trade agreements or resolving trade disputes between member nations.

The WTO is a powerful international organization in the world, as agreements produced within the WTO framework are binding under international law for all member states. Similarly, once a trade dispute has been resolved, the outcome is binding for all parties involved. Indeed, the WTO’s dispute settlement capacity is one of its most important functions. If one or more member states feel that another member state has adopted a trade policy measure or other action that violates WTO agreements, they may launch a complaint through official WTO channels.

For more information: www.wto.org

European Union

The European Union is an economic and political partnership between 28 European countries. It operates through many independent institutions. These include the European Parliament, the European Council and the European Commission. The Council of the European Union was also involved in popularizing the anti-sealing movement in Europe.

European Parliament
The European Parliament is the only directly elected body of the European union. There are currently, 766 Members of the European Parliament. The parliament functions to draft laws that effect EU citizens, such as environmental protection, consumer rights and the free movement of people, services and goods.

Council of the European Union
The Council of the European Union, often in conjunction with the European Parliament is responsible for adopting legislative acts (Regulations, Directives etc.) that are relevant to the lives of EU citizens and have a considerable international impact. The Council is composed of 28 national ministers, representing the executive of the 28 EU members.
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European Commission
The European Commission is the EU’s executive body and represents the interests of Europe Union as a whole. It can set objectives for EU action and propose legislation to the Parliament and the Council. The EU commission is responsible for drafting and applying EU laws. The European Commission put forth a legislative proposal for the seal trade in Europe.

Council of Europe
The Council of Europe is a separate body from the European Union that has 47 European member states. It is the continent’s leading human rights organization. It advocates for the freedom of expression and of the media, freedom of assembly, equality, and the protection of minorities. They are also involved with issues relating to democratic governance and the rule of law. The Council of Europe recommended that all of its member states adopt stricter regulations on seal hunting within Europe.

For more information: www.europa.eu
The European Court of Justice (ECJ) is the highest legal authority of the European Union. It was designed to review the legality of actions taken by EU institutions and to ensure that EU member states comply with their obligations under the EU treaties. It also acts to settle disputes between EU governments and EU institutions. Other non-EU individuals, companies or organizations can bring cases before the ECJ if they feel an EU institution has infringed on their rights. This is called a Direct Action case. Appeals to decisions made by the European General Court are also made to the ECJ.

European General Court

The European General Court (EGC) is an independent court that is attached to the European Court of Justice. It deals with direct actions brought by individuals, companies and organizations against the EU. It is the first point of contact, before the ECJ.

For more information: http://curia.europa.eu/
Appendix 2:

Legal Documents

Proposal (EC) No. COM (2008) 469 final: This was the European Commission proposal for a regulation concerning trade in seal products. The proposal suggests a ban on trade of seal products in the EU, however, it allows for trade of seal products harvested in a humane way (ie. Avoiding animal pain, distress and suffering). It set out specific conditions for how sealers can meet this animal welfare requirement based on the EFSA Scientific Opinion.

Regulation (EC) No. 1007/2009 (The Ban): This is the basic for the regulation for the ban on seal products. It essentially states that there will be a ban on the trade in seal products in the European Union except for those harvested as part of traditional (Inuit) hunting practices, personal use and marine management.

Regulation (EU) No. 737/2010 (The Implementing Measure): This lays out more specifically what the ban will look like in practice.

Scientific Documents

2007 EFSA Scientific Opinion on Animal Welfare aspect of the killing and skinning of seals: This was a scientific study requested by the European Commission and carried out by the European Food Safety Authority on the welfare aspects of the killing and skinning of seals. It reviews different types of seal species being harvested and the different hunts found in seal harvesting states, including the harvesting methods and regulatory regimes. The report concludes that there is nothing inherently inhumane in Canada’s seal hunt.

The COWI Reports (2008/2010): These reports were also requested by the European Commission and produced by a Danish consulting agency-COWI A/S. The first report Assessment of the potential impact of a ban on derived by seals looked at the seal hunt management systems and the socio-economic context of the hunts. It also contains several policy options to address animal welfare concerns surrounding the seal hunt. It concludes that the most restrictive option, a ban, will negatively affect the Canadian economy. The second report Study on implementing measures for trade in seal products evaluated the likely impacts of implementing the ban concluded that Inuit products would be difficult to separate from other seal products and that Greenland would likely be the only one able to make use of the Inuit exemption.