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AVIS DU COMITÉ DES ÉVALUATIONS D'IMPACT

**PROPOSITION DE REGLEMENT DU CONSEIL CONCERNANT LE COMMERCE DE
PRODUITS DERIVES DU PHOQUE**

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EUROPEAN COMMISSION
IMPACT ASSESSMENT BOARD

Brussels, 23 MAY 2008
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Opinion

Title

Impact Assessment on: The Potential Impact of a Ban of Products Derived from Seal Species

(draft version of 6 May 2008)

Lead DG

DG ENV

1) Impact Assessment Board Opinion

(A) Context

The initiative provides a response to both Council and Parliament concerns regarding animal welfare standards. The analysis draws on work done by the European Food and Safety Authority. Existing EU legislation (the "seal pups directive") prohibits imports to the EU of skins and products derived from the pups of two seal species (harp and hooded seals), however it does not apply to Inuit people. The biggest exporters to the EU are Canada, Greenland, and Namibia. Several Member States have recently introduced national bans on the import and use of seal skins and seal products of certain (or all) seal species. This has led e.g. Canada to raise the issue with the WTO.

(B) Positive aspects

The report provides a good overview of the trade in seal derived products, as well as of killing methods currently practiced. It also provides a good framework for an estimation of impacts on the communities dependent on seal hunting.

(C) Main recommendations for improvements

The recommendations below are listed in order of descending importance. Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

General recommendation: The report should provide more analysis as to the effectiveness of the various options in addressing non-acceptable killing methods for seals. This includes: i) assessing potential trade diversion resulting from import bans; ii) clarifying further the scale of the problem by better estimating the proportion of EU trade in seal products which results from seals killed in a non-acceptable way and iii) assessing more clearly the feasibility of introducing a monitoring system for the certification and labelling of seal products resulting from acceptable killing methods. The report should also provide a clear analysis of the content of the preferred policy package, its overall impact, and specific

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impacts on transit trade, Inuit activity and fish stocks.

(1) The IA should better outline scope of the problem and discuss the proportionality of the proposed measures. The report should make clear the limitations in terms of data availability and the consequences of this for assessing both the scale of the problem and the proportionality of the options. It should nevertheless attempt to estimate how many seals are killed in a non-acceptable way (e.g. by combining data contained in the annexes), and on this basis assess the potential for improvement in seal welfare. The report should also include in the problem definition the internal market issues that arise as a result of measures taken by individual Member States. The IA should assess the impact of the proposed measures on demand in third countries and on the potential for trade diversion (in case for introduction of an import ban). The IA should also clarify to what extent the perception and misperceptions of the issue by the general public have impact on policy options and the proposed measures. Finally, more information should be provided on the compatibility of the proposed measures with the WTO rules.

(2) More details are needed on the enforcement and monitoring system. The IA should explain in greater detail how the monitoring system would be organised, who would bear its costs (hunters, traders, public authorities, etc), and whether and how an independent audit would be ensured. It should also explain how it would differ from existing systems (such as for the 'pups' directive), and how it would solve the current problems with enforcement explained on pages 16 and 17 (such as monitoring on ice). The possible role of the European Centre for the Protection and Welfare of Animals should be explained.

(3) Assessment of some impacts needs to be completed. While the IA report provides a proportionate assessment of expected impacts, three aspects deserve more attention. First, if it is expected that the proposal will lead to a decrease in the number of seals killed¹, the impact of a bigger seal population on fish stocks and fishermen communities should be discussed. Secondly, both the content and the impacts of the preferred option should be clarified, including impacts on Inuit and the issue of goods in transit.

(4) The legal basis of the proposal (internal market) should be clarified.

(D) Procedure and presentation

The report is clearly written and all procedural requirements seem to be complied with.

2) IAB scrutiny process

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External expertise used	No
Date of Board Meeting	21 May 2008
Date of adoption of Opinion	23 MAI 2008

¹ Due to higher costs (or lower speed) of seal killing for range countries complying with the proposed EU hunting standards on the one hand, and lower prices of seal derived products in the third countries which would not require such hunting standards.