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EU Nears Compliance With WTO Seal Meat Ruling

From [Daily Report for Executives](#)

FREE TRIAL

By [Michael Scaturro](#)

Sept. 10 — The EU Parliament passed a new law regulating the trade of seal meat and products made of seals in order to comply with a World Trade Organization (WTO) ruling issued last year.

The new law, approved Sept. 9, leaves in place exemptions that will continue to allow Inuits living in Greenland and other indigenous communities living in the EU to sell seal-derived products made from seals that they hunt as part of their traditional lifestyles. But it ends an exemption that had permitted the trade in seal meat caught by fishermen who, in the past, have sought to remove seals that were depleting their fishing stocks.

“Basically, if you can't prove that the seal products come from Inuits living in Greenland [which is part of Denmark, and thus part of the EU] then you can't sell them in the EU,” an EU Parliament spokesman told Bloomberg BNA in a telephone interview Sept. 10.

Non-Inuit fishermen can still hunt seals, but they will no longer be allowed to sell their seal meat or seal products. Hunting could not be banned at the EU level, the spokesman noted, because national states—rather than the EU—regulate hunting.

Back for Adoption

The bill will now be sent back to the European Council for its adoption. After this step takes place, a formal signature is necessary from the EU Parliament and the EU Council to finalize the procedure so that the EU Commission can proceed with the

adoption of the Implementing Regulation, an EU Commission spokeswoman for Environment, Maritime Affairs and Fisheries told Bloomberg BNA in an email Sept. 10.

“This procedure needs to be completed by 18 October which is the WTO deadline,” the spokeswoman said. “We see no reason to think that this will not be done in time.”

If approved, the EU would be in line with the ruling issued by the WTO's Dispute Settlement Body on June 18, 2014.

Canada, Norway Challenge

Canada and Norway had challenged the EU's seal ban at the WTO on behalf of Canadian Inuit and Norwegian seal hunters. Both nations maintained that the EU violated the Technical Barriers to Trade (TBT) Agreement and the General Agreement on Tariffs and Trade (GATT).

The countries also took issue with the EU seal product trading ban, waivers for Inuit and other indigenous communities, and Marine Resource Management (MRM) exceptions that had allowed EU fishermen to hunt seals that they said were depleting their fishing stocks, and then sell their seal catches in the EU on a not-for-profit basis.

According to the [WTO ruling](#), “The indigenous communities and marine resource management exceptions to the EU ban on seal products were inconsistent with Article I:1 of the GATT.” The WTO said Inuits could sell seal meat because Greenland was likely to fall under the indigenous community exception, given that 90 percent of Greenlanders are Inuit.

Legal scholars have been debating the WTO seal ruling because they worry it could set a precedent in which WTO members can seek to ban “imports based on public morals concerns regarding animal welfare, labor, or other human rights,” according to a recent [blog post](#) by authors Alexia Herwig and Gregory Shaffer on the American Society of International Law website.

Authors Gregory Shaffer of the University of California, Irvine School of Law and David Pabian of the University of Minnesota Law School said in a paper that the WTO seal ruling was of “immense systemic importance since it is the first time that the AB has found that a trade ban on animal welfare grounds falls within the Article XX(a) exception for measures necessary to protect public morals.”

Protecting Tradition

Despite protests from European animal rights groups, which maintained that the Inuits kill and skin the seals “in a way that causes pain, distress, fear and other forms of suffering,” the EU parliament cited the [United Nations Declaration on the Rights of Indigenous Peoples](#) as its justification for allowing the Inuits to continue their seal hunts.

Two articles in the bill seek to promote and collect data on the Inuit seal meat trade. Article 5a would essentially act as an advertising vehicle to get skeptical European shoppers interested in buying Inuit seal products. Article 7 would require that the EU Commission “report by the end of 2019 on the implementation of the new rules, paying particular attention to the impact of those rules on the Inuit community.”

While Article 7 seems straightforward—the EU Commission will essentially gather data for the first time on the Inuit seal product trade—Article 5a could be more difficult to implement, according to the parliamentary spokesman.

“The EU Commission still has to figure out how to inform society that it is now ok to eat seal meat as long as it is from the Inuit,” the spokesman said. “Most people believe that the seal product ban applies to Inuit seal products as well. So the EU is going to have

to help Inuit seal products gain acceptance.”

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