

BSAC response to the Commission's questionnaire and call for evidence on the fitness check of the EU rules on trade in seal products

Date: 07/08/2024

Ref. number: BSAC/2025-2025/15

With the letter ARES (2024)2860492¹, dated 18th April. 2024, the BSAC was encouraged to contribute to the public consultation and the call for evidence², to assess “the effectiveness, efficiency, relevance, coherence and EU added value of the Regulation on Trade in Seal Products and of the Seal Pups Directive, as well as their socio-economic impact and their impact on the seal populations within and outside the EU”.

At the same time, all BSAC members were encouraged to take part individually in the questionnaire.

Background:

Regulation (EC) No 1007/2009 on trade in seal products ('the seals regulation') prohibits the sale on the EU market of seal products, with 2 exceptions:

- 1) where those products come from hunts by Inuit or other indigenous communities.
- 2) occasional imports of seal products that are exclusively for personal use by travellers or their families.

As stated in the call for evidence;

- The fitness check will examine and respond to a set of questions addressing the five evaluation criteria in line with the Commission's better regulation requirements: effectiveness, efficiency, coherence (consistency), relevance and 'EU added value'.
- This consultation is aimed at gathering the views of all the groups concerned by this issue to find out how the current rules on trade in seal products are perceived and to help the Commission decide whether the seals regulation and the seal pups directive are fit for purpose.

The BSAC Executive Committee decided to provide general comments to the consultation as the “Have your say” format was not thought to be appropriate in the context of a diverse organisation like the BSAC.

¹ <https://www.bsac.dk/wp-content/uploads/2024/08/Endorsement-letter-for-targeted-consultations-Ares20242860492.pdf>

² https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14031-Trade-in-seal-products-fitness-check-of-EU-rules_en

BSAC comments:

In 2018 the BSAC proposed an amendment to the Regulation (EC) 1007/2009 on trade in seal products³. In a letter addressed to the Director General of DG Mare on 28th June 2018, the BSAC explained that the Regulation making it illegal to make commercial use of seals derived from hunts conducted for the sustainable management of marine resources led to a situation where seals can and are being legally hunted in the Baltic Sea, but the catch can only be used in the hunter's own household, thus creating an ethical sustainability issue.

The BSAC also clarified that the conflict between seals and fisheries intensifies due to the increasing seal populations in the Baltic. The poor health of the Baltic ecosystem and fish stocks, as described in the BSAC recommendations for the fisheries in 2025⁴, also increases this tension. As BSAC stated it in 2018, this will probably lead to seals being hunted for management reasons round the Baltic Sea in the future. In October 2023, the BSAC organised a workshop on predators in the Baltic that focused on seals and cormorants⁵. During the workshop it was clear that hunting for management in the Baltic is already in place in Estonia, Finland, Denmark and Sweden⁶.

More information from Finland on the populations of grey seals and ringed seals, and damages to fisheries are available in Annex 1.

As was the case in 2018, this valuable resource is being turned into waste since most of the catches end up on dump sites, where the hunter must even pay in order to dispose of their catch. This might be one of the explanations for the difficulties to meet the hunting quota in some Member States. In a world where we are aiming for a circular economy and zero waste, this is unacceptable.

The BSAC therefore stands by its previous recommendations and advises the Commission to take the opportunity of this fitness check to address this problem that needs to be solved urgently.

The majority of BSAC members still see the need to amend the EU legislation on trade in seal products. Trade in products from small scale ethical seal hunting carried out in the Baltic Sea for the sustainable management of a marine resource should be made legal in a way which is accepted by the WTO as well.

Some OIG members⁷ do not see the need to facilitate trade of seal products to support hunting of seals and doubt that there is a European market for such products anyway. They

³ [\[Modtagerfelt\] \(bsac.dk\)](https://www.bsac.dk/modtagerfelt/)

⁴ <https://www.bsac.dk/wp-content/uploads/2024/07/BSACrecommendationsfisheryBalticin2025.pdf>

⁵ https://www.bsac.dk/past-meetings/?meeting_search=workshop+predators+seals&meeting_year=2023&loc=

⁶ <https://www.bsac.dk/wp-content/uploads/2023/08/BackgrounddocumentBSACworkshop27102023V3.pdf>

⁷ Swedish Society for Nature and Conservation, Coalition Clean Baltic, Finnish Association for Nature Conservation

are of the opinion that the EU seal products trade ban as it stands should continue, so as not to generate a market for such products, which could lead to an increase in the capture of these animals from their natural habitat, including to illegal hunting of seals.

Others⁸ highlight the fact that many European seal populations are still not in a good conservation status, and that therefore there is a need to continue existing seals conservation efforts and implement stronger and more targeted measures in the European Union, especially in the Baltic Sea, to support further recovery of Baltic Sea seal populations.

With regards to the important impact on the Baltic Sea environment and fisheries of any potential regulatory changes on this topic, the BSAC will hold another workshop on the 30th October in Helsinki on predators in the Baltic. It will follow on the first workshop and cover the topic of seals in a broader context. The Commission and Member States representatives are invited to this meeting and will be informed of its conclusions.

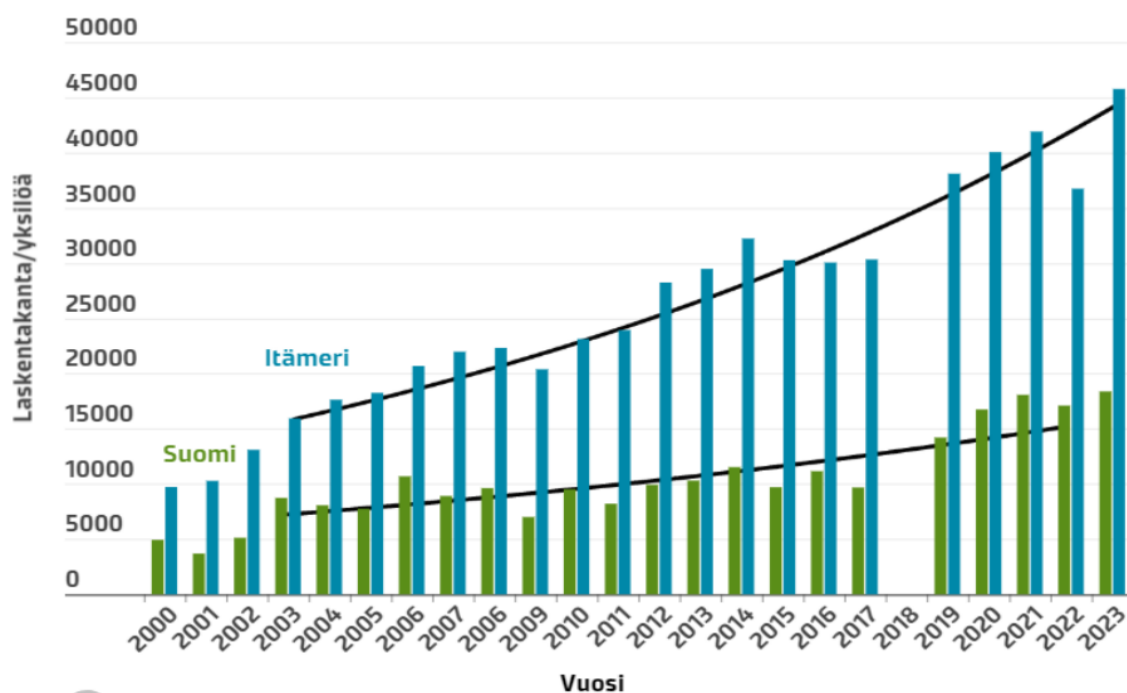
⁸ WWF Baltic Sea Programme, Swedish Society for Nature Conservation, Coalition Clean Baltic, Finnish Association for Nature Conservation

Annex 1: Information from Finland on seals populations and damages

Grey Seal

The growth rate of the population remains good, and the reproductive health of the species is normal. Since the growth of the seal population seems to continue, the maximum allowable catch of 1,050 individuals cannot be considered excessive, and even if fully realized, it will not deteriorate the condition of the population.

Hallin laskentakanta Itämerellä ja Suomessa



Luke ©LUONNONVARAKESKUS

Picture. Calculated grey seals in the Baltic Sea and in Finland. In springtime only 60-80% of the stock can be calculated so the total size of the stock is 57 500-76 700 individuals. Source: Natural Resources Institute Finland

In the Baltic Sea the bycatch mortality is estimated to be around 2,000 grey seals, but according to the results of the ECOSEAL project, the bycatch consists of individuals in poorer than average condition. Therefore, bycatch mortality does not entirely increase the overall population mortality, as the mortality of individuals caught as bycatch would apparently be higher anyway. Bycatch mortality seems to be at most a slowing factor in the growth of the seal population. According to section 62 of the Finnish Fishing Act, the holder of the fishing gear must immediately report bycatch, as defined in the regulation, to the Natural Resources Institute Finland, and this applies to animals found both alive and dead in the gear. Failure to comply with the reporting obligation is also punishable (Fishing Violation, Fishing Act section 118). So far, the reported numbers differ significantly from those presented in the literature.

The grey seal is listed in Annex V of the Habitats Directive. Article 14 of the Habitats Directive regulates species in Annex V, which are not as strictly protected as species in

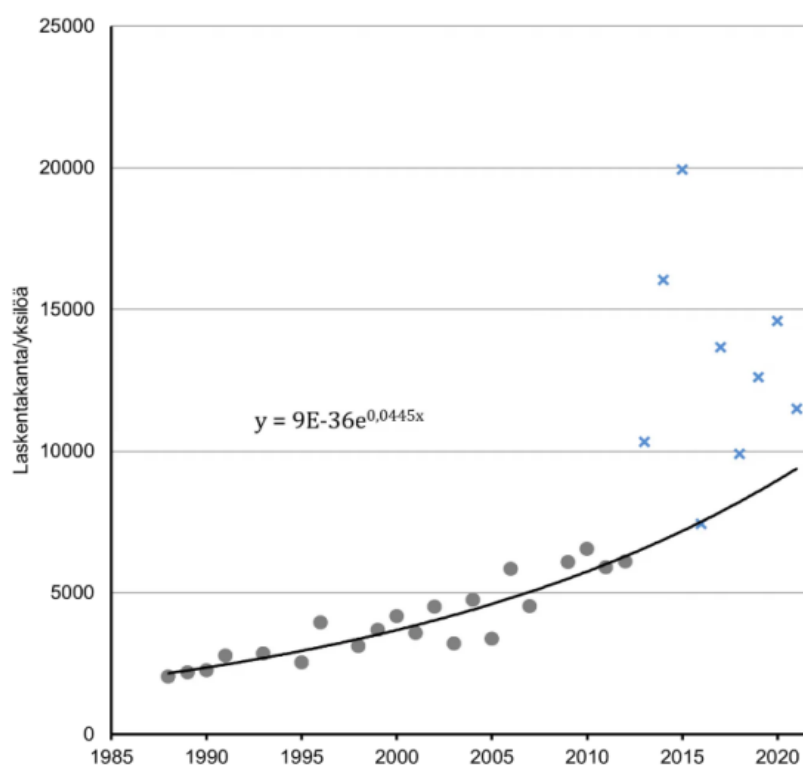
Annex IV. The Habitats Directive permits the hunting of species listed in Annex V. However, Article 14 of the Directive requires active monitoring of the conservation status of species in Annex V. In Finland, game species in Annex V include the wolf in the reindeer herding area, the European beaver, the grey seal, the ringed seal, the Baltic ringed seal, the European polecat, the pine marten, and the mountain hare. Among these, the European beaver and the Baltic ringed seal are subject to hunting permits as stipulated in Section 1 of the Hunting Decree, and the hunting of grey seals is restricted within regional quotas as stipulated in Section 5 of the Hunting Decree.

The information reported to the European Union in 2019 on the conservation status of grey seals in Finland and its development trend indicates that the conservation status is favourable and the trend is stable. This information pertains to the reporting period 2013–2018.

Ringed seal

The goal of managing the Baltic ringed seal population is to achieve a viable population within each management area and to enable the species to spread to new areas. In the Bothnian Bay, the ringed seal can remain viable in the long term and has sufficient habitat. Aerial survey results have shown that previous population estimates were underestimates, and the upper limit of the total population is unknown, but the lower limit of the total population is likely over 20,000 seals. The Baltic ringed seal population grows by an average of five percent per year, adding more than 1,000 seals to the population each year.

2 Luonnonvarakeskuksen arvio itämeren norpan laskentakannasta



Picture: Calculated amount of ringed seal in The Bothnian Bay area. Source: Natural Resources Institute Finland.

The proposal takes into account that Sweden also hunts Baltic ringed seals with a quota of 420. In Sweden, the hunting season is from May 1 to January 31, and the harvest was 291 in the 2021/2022 hunting season. During the preparation of quotas, information has been exchanged between Swedish and Finnish authorities, and the Ministry of Agriculture and Forestry regularly holds meetings with both the Swedish Environmental Protection Agency and the Ministry of Enterprise and Innovation, where seal issues are discussed. The current quota does not even regulate the population, as the population grows by 5%. The hunting in both countries, even if fully realized, would account for about 70-80 percent of the population growth and about 3-4 percent of the Bothnian Bay ringed seal population alone.

Damages⁹

In 2022, the commercial fishing catch from the sea in Finland amounted to 87 million kilograms of fish. The producer value of the catch was 28 million euros. Out of the thousand entities engaged in commercial fishing in the maritime area, 225 reported suffering losses due to seals. The reported damage caused by seals amounted to 118 tons in 2022. This included 62 tons of herring, 21 tons of whitefish, 10 tons of salmon, 9 tons of perch, 7 tons of pike-perch, and 9 tons of other species. The quantity of fish reported by fishermen as damaged by seals was 17 tons higher than the previous year. The most damage was reported in the Bothnian Sea–Kvarken area.

It is difficult to assess the damage caused by seals to the fishing industry regarding the Baltic ringed seal because the Natural Resources Institute Finland's damage studies have not differentiated between seal species. The Baltic Seal and Cormorant project, started in 2017, conducted an interview study in 2018 in collaboration with the Natural Resources Institute Finland, aiming to examine the impacts of seals and cormorants on small-scale coastal fishing in the Baltic Sea. The report presents key findings based on 219 fisherman interviews collected in six Baltic Sea countries. According to the report, seals and cormorants often cause serious problems for the continuity of the fishing industry. Fishermen indicated that seals generally hinder coastal fishing more than cormorants, although the situation varies regionally. The results also highlight the diversity of impacts as well as their complexities and uncertainties. According to fishermen, seals more frequently cause direct impacts such as reducing fish catches and damaging gear and fish.

In interviews with professional fishermen, Finnish fishermen reported suffering significant damages and that the seal problem is particularly severe in the Bothnian Bay. Although the interviews with professional fishermen did not differentiate whether the damage was caused by grey seals or ringed seals, individual fishermen in the Bothnian Bay reported that the damage was specifically caused by ringed seals.

⁹ Catch damage by seals and cormorants reported by commercial fishermen 2022, Söderkultalahti, Pirkko; Rahikainen, Mika (2023), <https://jukuri.luke.fi/handle/10024/554034>