

COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMUNICATION FROM THE COMMISSION

in compliance with Council Directive 85/444/EEC of 27 September 1985
amending Council Directive 83/129/EEC concerning the importation
into Member States of skins of certain seal pups and
products derived therefrom

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Member States of skins of certain seal pups and products derived therefrom**

1. INTRODUCTION

- 1.1. With Directive 83/129/EEC ⁽¹⁾, the Council decided that Member States should take or maintain all necessary measures to ensure that the products listed in the Annex to the Directive were not commercially imported into their territory.

The Directive was to be applicable from 1 October 1983 to 1 October 1985 unless the Council decided otherwise, by a decision taken by qualified majority on a proposal from the Commission.

The products affected by the Directive are raw, tanned and dressed furskins, and articles thereof, of whitecoat pups of harp seals and of pups of hooded seals (bluebacks).

The Directive does not apply to products resulting from traditional hunting by the Inuit people. This hunt does not involve whitecoats but does produce a number of blueback skins.

- 1.2. On 11 June 1985, the Commission proposed an amendment to Article 2 of Directive 83/129/EEC to the effect that its applicability was extended indefinitely ⁽²⁾.
- 1.3. On 27 September 1985, the Council decided, however, to extend the applicability of the Directive with four years by changing the date of 1 October 1985 in Article 2 of Directive 83/129/EEC into 1 October 1989.

(1) OJ L 91 of 9/4/1983, p. 30

(2) Document COM (85) 246 final

The Council Directive concerned, n° 85/444/EEC ⁽¹⁾, contains in its preamble the following consideration :

"... it will be necessary to review the situation on the basis of a report that the Commission will submit to the Council by 1 October 1987 at the latest, together with, where necessary, appropriate proposals, it being understood that this report will concern itself in particular with, on the one hand, the developments in scientific data on the conservation and the population status of harp and hooded seals and, on the other hand, the development, which on the basis of information available is negative, of the market in seal skins derived from the Inuits' traditional hunting and of the market in other seal skins which are also excluded from the scope of Directive 83/129/EEC".

2. The developments in scientific data on the conservation status of populations of harp and hooded seals

2.1. Since early 1985 there have been four major international meetings concerned with harp and hooded seals.

In January 1985 the ad hoc Working Group on Seals of the Northwest Atlantic Fisheries Organization (NAFO) met and a meeting of the International Council for the Exploration of the Sea (ICES) Working Group on Harp and Hooded Seals in the Greenland Sea took place in September 1985. The Joint Norwegian-Soviet Sealing Commission met in November 1985 and November 1986.

The Canadian Royal Commission on Seals and the Sealing Industry in Canada published its report Seals and Sealing in Canada in September 1986.

Additional information was published in the form of papers in the general scientific literature.

(1) OJ L 259 of 1.10.1985, p. 70

In order to obtain a comprehensive scientific assessment of the above information, the Commission contracted the Sea Mammal Research Unit of the Natural Environment Research Council. A summary of its report is given below and the full report is available from the Commission and the Secretariat General of the Council.

3. Harp seals

3.1. The Northwest Atlantic stock

3.1.1. Population size

On the basis of mark-recapture analyses the total Northwest Atlantic harp seal population is estimated at around two million animals. There is, however, a general belief that these estimates are biased upwards.

3.1.2. Population trends

ICES and NAFO Working Groups concluded that the stock probably increased from the mid-1960s to the mid-1970s, although the possibility of a decline could not be ruled out.

The Canadian Royal Commission concluded that the population probably increased between 1972 and 1983 and that if it did decrease the rate of decrease was very slow. It also concluded that the population has certainly increased since 1983, possibly by up to 5 % per year. This view is supported by some analyses but others conclude that none of the available data sets are sufficient to distinguish between a decrease or an increase in pup production over the last ten years and that, although the population can probably sustain catches at their current low levels, the current rate of increase cannot be estimated reliably.

3.2. The Jan Mayen stock

3.2.1. Population size

On the basis of the mark-recapture method, the total Jan Mayen or West Ice population of harp seals was estimated at about 200,000 animals. This estimate is, however, based on a very small number of recoveries and therefore probably substantially less reliable than that for the Northwest Atlantic stock.

3.2.2. Population trends

The stock is estimated to have declined by 70-80 % between 1945 and 1965 and in recent years quotas appear to have been set using potentially unreliable estimates of pup production and on the assumption that the stock could sustain the same proportional harvest of pups as in the Northwest Atlantic.

The reduced catches between 1983 and 1986 must have benefitted the stock, but it is not possible to evaluate the extent thereof.

3.3. The East Ice stock

3.3.1. Population size

Estimates for 1978 implied a total population of around 800,000 and recent reports of the Norwegian-Soviet Sealing Commission refer to Norwegian estimates of a stock size of 1,200,000 animals. It is, however, not clear how these have been obtained.

3.3.2. Population trends

Assessments indicate a steady increase in the mid-1970s but also a major decline in pup production between 1962 and 1965.

Since the mid-1970s, Norwegian scientists have consistently expressed the view that the stock was increasing and quotas should be raised to stop that growth, whereas Soviet scientists adopted a more cautious approach.

There is agreement, however, that recent changes in the age structure indicate a decline in productivity. Norwegian scientists suggest this is because the population is now limited by its food supply, but Soviet scientists have expressed concern about excessive exploitation. The stock as such now appears to be stable or possibly decreasing.

3.4. Harp seal catches since 1982

Reports show a sharp decrease of catches in the Northwest Atlantic, from 191,000 in 1982 to 18,000 in 1985, and at Jan Mayen, from 11,900 in 1982 to 600 in 1985.

In the Northwest Atlantic catches remain relatively low (1986 : 25,000 and 1987 : 39,000), but at Jan Mayen they increased again in 1986 (4,800) and reached their pre-1983 level in 1987 when 11,400 harp seals were taken.

There has been a reduction in catches in the Canadian Arctic. Catches on the East Ice remained at the level of +/- 80,000 since 1982.

Greenland catches are only known until 1983, but do not appear to have decreased since. They showed an important increase in previous years : from 13,000 in 1979 to 19,000 in 1983.

3.5. The invasion of harp seals into Norwegian coastal waters

Early 1987 some 60,000 harp seals have been reported trapped in fishing nets off the Norwegian coast.

Norwegian authorities argue that this relates to the reduced catches in recent years and to the resulting increase of the Jan Mayen harp seal population (see, however, point 3.2.2. above).

They further claim this to be proof that the population is currently underexploited and thus not the subject of proper management which requires adequate markets for seal products.

A discontinuation of the Directive would in their view allow the proper management of seal stocks to be restored.

In the N.E.R.C. report on the evolution of scientific data it is deemed more likely that the invasion was the result of unusual weather conditions or changes in the distribution and abundance of preferred prey species.

The latter appears to be the most probable cause. Although, some of the animals trapped in nets had been tagged as pups at Jan Mayen, it is not certain that these animals actually came from that area. There appears to be a certain degree of interchange of animals between the Jan Mayen and the East Ice stock and the animals concerned may thus have moved to the Barents Sea, the feeding area of the East Ice stock, before moving to Norwegian coastal waters.

Before 1986 it was generally believed that invading seals originated in the Barents Sea where fish stocks have declined substantially because of overfishing. Capelin stocks declined by +/- 98 % since 1980 and total allowable catches in the area had to be reduced from over two million to just over 100,000 tons since. Capelin being an important prey species for harp seals this situation may very well have caused their need to look somewhere else for food.

A further indication for the Barents Sea origin of the "invaders" is the poor condition of many of the trapped animals. Capelin stocks on which the Jan Mayen population feeds are namely believed to be in a relatively good condition.

The claim that the Jan Mayen harp seals stocks has dramatically increased since 1983 does not appear to be compatible with the poor physical condition of the animals. It is very unlikely that a seal

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stock with many animals in a bad condition which are travelling long distances in search of food would at the same time show a rapid increase.

Finally, the claim that the invasion is caused by reduced catches as a result of the EC Directive does not explain similar invasions that took place, not only at the beginning of this century but also every year from 1978 to 1984.

4. Hooded seals

4.1. The Northwest Atlantic stock

4.1.1. Population size

Estimates of the abundance of hooded seals are less reliable than those for harp seals.

Analyses of data obtained through aerial surveys of the Newfoundland and Davis Strait whelping patches conducted in 1984, produce estimates of a total Northwest Atlantic stock size of 300,000 animals.

4.1.2. Population trends

Calculations on the basis of the survival index method suggested a total population of 150,000 animals in the second half of the 1960s.

If the results of the 1984 aerial survey are comparable with these estimates the stock has increased substantially over the last decade. There is, however, a number of inconsistencies in the available data which need to be resolved before it can be confidently concluded that the stock is increasing.

4.2. The Jan Mayen stock

4.2.1. Population size

The status of this stock is unclear and at present there appears to be no objective basis for estimating the population size.

4.2.2. Population trends

What is said in point 4.2.1. is also true for estimates of population trends. The only clear implication is that the stock declined dramatically throughout the 1950s and 1960s.

4.3. Hooded seal catches since 1982

In the Northwest Atlantic hooded seal catches involved 7,753 bluebacks out of a total of 10,393 in 1982.

In 1983, no bluebacks were taken and the total number of older hooded seals taken was only 128. From 1984 to 1986 total catches were 202 pups out of 442, 369 pups out of 784 and 21 pups out of 33. In the same period, total allowable catches were reduced from 15,000 to 2,340.

The situation at Jan Mayen is different. As in the case of harp seals, hooded seal catches dropped sharply in 1983, from 15,837 (12,593 bluebacks) in 1982 to 612 (419 bluebacks). In 1984, a total of 582 hooded seals of which 99 bluebacks were taken. An important increase took place in every subsequent year : 2,119 (1,886) in 1985; 4,770 (3,810) in 1986 and the provisional figure for 1987, which does not include the Soviet catch, is 7,794.

Also where quotas are concerned, the Norwegian attitude differs notably from that of the Canadian government.

As indicated above, the latter drastically reduced the total allowable catch but those for Jan Mayen developed as follows :

1982 : 20,000; 1983 : 20,000; 1984 : 11,800; 1985 : 11,300 ;
1986 : 9,300 and 1987 : 20,000.

Catches of hooded seals in Greenland were as follows :

1982 : 6,433; 1983 : 5,476; 1984 : 4,692 and 1985 : 6,883.

5. The development of the market for seal skins produced by Inuits and for other seal skins not covered by Directive 83/129/EEC

A report produced for the Commission by Market and Industry Analysts, a firm that had carried out similar studies for the Canadian Royal Commission and the Canadian Sealers Association, contains a comprehensive review of past and current markets for seal skins. It is available from the Commission and the Secretariat General of the Council.

The report shows that worldwide demand for seal skins has declined from about 425,000 skins a year in the early 1980s to about 110,000 a year at present.

About 150,000 of the 425,000 skins were whitecoats and bluebacks for which there is now almost no demand and demand for other seal skins has fallen by about 60 %.

The Community now accounts for about 65 % of world demand compared to about 80 % previously. In Canada, Norway and Japan demand has declined less sharply.

The main market for seal skins was for the manufacture of fur coats, which accounted for 70 % of demand. In Europe, that market has almost totally collapsed except in Denmark.

The seal skin footwear market, which accounted for 20-25 %, has declined less sharply and there is a continuing market in Europe, especially in Germany, France and Norway.

As a result of declining demand, prices for raw seal skins have fallen by up to 75 % between 1982 and 1986, but recently there is some evidence of a slight increase in prices.

It is universally agreed by both opponents and proponents of sealing that the decline in the market has been due to the anti-sealing campaign, although there is some evidence that even without the campaign, demand

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would have declined due among other things to changing fashions and economic factors. The widespread reaction against the use of furbearing animals in general also plays an important role.

The Directive is specifically blamed for the collapse in the market by people connected with sealing and the seal skin trade, claiming that it gave official approval to the anti-sealing campaign and that the public does not distinguish between the large scale commercial whitecoat and blueback hunt and other seal hunts. The Royal Commission on Seals and the Sealing Industry in Canada concluded that most markets had already collapsed prior to the adoption of the Directive.

The modest upturn in demand, at least for footwear in Europe, may, however, have been helped by the fact that since the adoption of the Directive, anti-sealing propaganda has stopped.

6. The report of the Royal Commission on Seals and the Sealing Industry in Canada

In June 1984, the Canadian Government appointed a Royal Commission on Seals and the Sealing Industry in Canada.

The Commission's report was published in September 1986.

In the context of this communication it is worth noting some of its many recommendations :

- The killing of seals should be permitted only when subject to appropriate controls on the numbers killed, the methods of killing and the purposes for which they are killed. (Recommandation 1)
- The commercial hunting of the pups of harp seals (whitecoats) and hooded seals (bluebacks) is widely unacceptable to the public and should not be permitted. (Recommendation 2)
- Non-commercial hunting of pups of harp seals (whitecoats) and hooded seals (bluebacks), to the extent that it occurs at all, should be carefully regulated and strictly limited. (Recommendation 3)

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- In view of the suffering involved, the government should take action with a view to phasing out, as rapidly as possible, the netting of seals in those communities which now rely largely on this method to take harp seals both for subsistence and to provide a substantial part of their income. Netting of seals in other areas should be prohibited immediately. (Recommendation 6)

 - The Canadian Government, recognizing that the European Council's Directives were explicitly not aimed at Inuit seal products, should assist Inuit organizations in exploring opportunities for marketing their products in the European Community and elsewhere and should encourage co-operation among the Inuit of Canada and Greenland, and between Inuit and European authorities. (Recommendation 11)

 - The Canadian Government should encourage the development of community and co-operative enterprises in Inuit communities for processing and marketing clothing and other products. It should also encourage establishment of a recognizable trademark to identify products directly derived from traditional Inuit activities and promote its widest possible public recognition in Canada and elsewhere. Care should be taken, however, not to encourage any commercial hunt that would endanger the traditional hunting for subsistence needs. (Recommendation 12)

7. Summary

- 7.1. It is possible that the Northwest Atlantic harp seal population is increasing under the current, reduced catches but the available evidence for this is not yet conclusive.

- 7.2. The status of the Jan Mayen (West Ice) population of harp seals is unclear.

- 7.3. The White Sea (East Ice) harp seal population appears to be stable or possibly decreasing.

7.4. Catches of harp seals in the Northwest Atlantic dramatically decreased after 1982 and remained low until today.

At Jan Mayen they decreased at first but again reached their pre-1983 level in 1987.

Subsistence catches decreased in the Canadian Arctic but not in Greenland. Catches on the East Ice remained at the same level since 1982 after having increased in previous years.

7.5. The invasion of harp seals into Norwegian coastal waters is not new and the origin of the animals is probably the East Ice (Barents Sea). It certainly is not due to an increase of populations as a result of the Directive. The hunt on the East Ice is not affected by the Directive and the number of extra pups that survived on the West Ice since 1983 have not yet been recruited to the breeding population.

7.6. There is a possible increase of the Northwest Atlantic hooded seal population but a number of inconsistencies in the available data need to be resolved before this statement can be made with confidence.

7.7. The size of the Jan Mayen (West Ice) hooded seal stock cannot be objectively estimated because of the continuing lack of scientific data. Population trends can for that reason not be calculated either.

7.8. Catches of hooded seals in the Northwest Atlantic dropped sharply after 1982 and at the same time the Canadian government drastically reduced total allowable catches.

Also at Jan Mayen catches decreased after 1982, but showed an important increase in 1985, 1986 and 1987.

The Norwegian government reduced the quotas in 1984, 1985 and 1986 but in 1987 a quota of 20,000 was set, the same as that for 1982.

Greenland catches dropped slightly in 1983 and 1984 but were higher in 1985 than in 1982.

7.9. See point 5 above.

8. CONCLUSIONS

- 8.1. Although there are certain positive indications for the populations of harp and hooded seals in the Northwest Atlantic, the overall picture of the conservation status of these species does not differ much from the one that was available in 1985.
- 8.2. By the end of 1986, the Canadian Government responded to the report of the Royal Commission on Seals and the Sealing Industry in Canada by announcing that it did not foresee a commercial hunt of whitecoat or blueback sealpups in the foreseeable future and would not support a revival of such a hunt. On 30 December 1987 the Canadian Minister of Fisheries and Oceans announced the implementation of a number of important recommendations of the Royal Commission. Under its new seal policy, the Canadian Government will no longer permit the large vessel offshore seal hunt in Canadian waters and all commercial hunting of whitecoats and bluebacks will be ended. Only the annual harvest of older seals by Inuit and other coastal people will continue. New seal protection regulations will ensure that this harvest is conducted as humanely as possible and in accordance with the principles of the World Conservation Strategy. The netting of seals will be phased out over 5 years except for traditional hunts north of 53° north latitude.
- 8.3. In spite of the uncertainties that still surround the conservation status of populations of both harp and hooded seals at Jan Mayen, recent quotas set by the Norwegian Government, as well as actual catches, reached pre-1983 levels.
- 8.4. There has been a modest upturn in demand for certain products derived from skins of seals which are not covered by the Directive, a recovery that reportedly may have been helped by the fact that the Directive stopped anti-sealing propaganda. The fact that the Directive as such had no negative effect on markets for sealskins not covered by it has now been clearly established.

- 8.5. In view of the above it would obviously be inappropriate to revoke Directive 83/129/EEC at the present time. The Commission proposes that the situation be reviewed in the light of the developments by mid-1989 i.e. before the expiry of the Directive on 1 October 1989.