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COM (83) 463

Vol. 1983/0176

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In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(83) 463 final

Brussels, 23 august 1983

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

in compliance with Article 2 of Council Directive (83/129/EEC) of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom

COM(83) 463 final

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

in compliance with Article 2 of Council Directive (83/129/EEC) of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom (1)

(1) OJ N° L 91 of 9.4.83, p. 30

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I. Introduction

Council Directive 83/129/EEC provides that Member States shall take or maintain all necessary measures to ensure that the products listed in its Annex are not commercially imported into their territory. The Directive shall be applicable from 1 October 1983 to 1 October 1985, unless the Council decides otherwise, by a decision taken by qualified majority on a proposal from the Commission.

The Directive requests the Commission to make every effort in its contacts with the countries in question, to bring about a situation which makes the application of the Directive superfluous. In this context it should be recalled that for the adoption of the Directive the Council based itself on the following considerations :

- a) the Resolution of European Parliament of 11 March 1982,
- b) voluntary or statutory measures taken in the Member States to restrict the importation or marketing of sealpup skins, and
- c) doubts concerning the population status of the harp and hooded seals raised in various studies

The Directive requests the Commission further to present a report to the Council before 1 September 1983.

The present report responds to that request and in particular contains the information that has become available to the Commission since the Council meeting of 28 February 1983. It should be taken into account in any further consideration of the matter by the Council together with the information and conclusions contained in the Commission's communication to the Council of 15 February 1983 (Council doc. 4914/83 ENV 20)

2. Results of further contacts with third countries

2.1. Canada

As a follow-up of the Council Directive a first meeting with Canadian representatives took place in Brussels on 13 April 1983. The Commission expressed the hope that Canada would be ready to cooperate in further discussions. The Canadian representatives in response emphasized that any restriction on sealskin imports is not compatible with GATT and took the view that the terms of the Directive and the recourse to Article 235 of the Treaty indicated a shift of emphasis in the direction of relying purely on scientific considerations - the point of view that had all along been taken by Canada - but reserved their position regarding a continuation of the discussions with the Commission. The Commission indicated that whilst it was true that the Directive places greater emphasis than hitherto on scientific considerations,

considerations, it would be necessary to cover all aspects of the matter in the report to the Council. Subsequently there was a brief discussion of the matter at the EC/Canada High Level consultations of 25 April 1983 at which the Canadian representatives indicated that a reply to the Commission's invitation to them to continue discussions would shortly be given and would indicate conditions as a prerequisite for Canada's willingness to continue the discussions.

A note verbale was received on 30 May (Annex 1) setting out the conditions for further discussion of the issue. Canada undertook to take new measures in relation to the management, killing methods and the conservation of harp and hooded seals if there was scientific proof showing their necessity in exchange for a commitment from the Commission to exclusively base its report and recommendations to the Council on scientific considerations concerning management and killing methods as well as on a cooperative approach towards the elaboration of an international framework for the management of sealstocks.

The Commission had no difficulty in agreeing that, in the light of the terms of the Council Directive, further discussions should address scientific and conservation aspects and alternatives for international cooperation in the field of the management of seal stocks. It pointed out, however, that the report must necessarily deal with all aspects of the sealpup question referred to in the Directive and that accordingly it could not agree that its report should be based solely on scientific considerations.

(Annex 2). There has since - inspite of repeated reminders by the Commission - been no further communication from the Canadian side and accordingly no action has been possible on the Commission's request for a meeting in Ottawa between Canadian government and Commission representatives.

2.2. Norway

A first meeting following the adoption of the Council Directive with Norwegian government representatives took place on 12 April 1983 during which it was pointed out that the Norwegian government attached great importance to continued discussions with the Commission on the seal issue.

A second meeting was held on 24 June 1983 at which both the Canadian proposals for research (see Annex II of the Commission report of 15 February 1983 and the results of the 13-17 June NAFO meeting (see point 4.1.1.) were discussed. The Norwegian authorities also provided the Commission with information on the

1983 hunt, the market situation and future research on the seal species concerned. The Norwegian position on the Council Directive can be summarized as being one of full readiness to cooperate with the Commission and with Canada on the definition and execution of necessary research. Norway has all along argued for the management of stocks on a purely scientific basis and that in consequence there is no basis for the Council Directive, which is considered to be an infringement of the Free Trade Agreement with Norway; the Directive is moreover unnecessary because of the absence of a market for the products concerned - a situation which seems likely to continue for at least the operative period of the Directive.

3. Results of the 4th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) concerning seals

A proposal from the Federal Republic of Germany to include all true seals (Phocidae) in Appendix II to the Convention was rejected by the Conference of the Parties. It was the view of most Parties present that measures concerning the hooded seal were justified, but that the inclusion of the entire family for look alike reasons was not. This differentiated view could, however, not be expressed because the vote only concerned the comprehensive proposal.

4. Scientific aspects and consequences for the management of harp and hooded seal stocks

4.1. Assessment of harp and hooded seal stocks

4.1.1. Northwest Atlantic

On a joint request of Canada and the European Economic Community on Management in 1984 and 1985 of Seal Stocks in the Northwest Atlantic the ad hoc Working Group on Seals of the NAFO Scientific Council met in Dartmouth from 13 to 17 June 1983. Its task was to review and advise for both harp and hooded seals on :

- a) current stock size and pup population and recent trends in these parameters;
- b) current replacement yield and sustainable yield at present stock size and in the long term under varying options of age compositions in the catch, including that recently occurring; specifically, how would the replacement yield change if the age composition of the catch changed from that recently observed?

- c) trends in population size based upon differing levels of catch assuming quota regulation of all removals except that by traditional hunting in the Canadian Arctic and at Greenland;
- d) trends in catches in Canada, north of 60° N Latitude and at Greenland
- e) future research requirements and need for coordination with ICES;
- f) consideration of the limits to any change in the population abundance of hooded seals over the next five years, given a range of catch levels maintained during the period.

4.1.1.1. Results concerning harp seals

The conclusions to be drawn from the meeting remain substantially the same as those of the ICES study: the possibility that the population has decreased since 1967 cannot be ruled out. (1)

It must, however, be noted that the low catch in 1983 means that the population should almost certainly increase if catches stay around the 1983 level. If the low estimates of natural mortality are correct there should be a very large (up to 50%) increase in population size over the next five years.

4.1.1.2. Results concerning hooded seals

Apart from the fact that virtually no hooded seals were taken by Canada and Norway in 1983, there was no new information. Some trial calculations were made using a minimum estimate of 15,000 for pup production in 1979 and a range of mortality rates (0.07 - 0.13). These indicated that for quite a wide range of mortality rates the population cannot sustain even the catch in Greenland. Otherwise the general conclusions do not differ from those of ICES.

(1) A revised version of a paper presented by Roff and Bowen to the October 1982 ICES meeting concerning harp seal population dynamics was available to the Working Group. This paper used a different method to calculate the age-structure of the population in 1967 as a result of which the estimated natural mortality was even lower than that presented to ICES (around 0.07 rather than 0.08 - 0.10). The Working Group considered that this increased the range of feasible values for natural mortality from the 0.08 - 0.11 used by ICES to 0.05 - 0.11. This has the effect of increasing upwards the range of sustainable yields for the population. The effectiveness of the Roff and Bowen techniques for estimating natural mortality has, however, not been assessed by the Working Group.

The Working Group repeated the calculations carried out by ICES using ranges for pup production in 1967 and 1978-80 and various mortality rates.

4.1.2. Northeast Atlantic

No analyses of Northeast Atlantic harp and hooded seal stocks were published or have been made available to the Commission. The Norwegian authorities indicated, however, that they are considering the regular submission of their scientific data on the Jan Mayen stocks to the ICES ad hoc Working Group on seals for advice to the Norway-USSR Fisheries Commission.

4.2. Research

4.2.1. Hooded seals

The inability to provide scientifically determined estimates of current pup production and replacement yield of hooded seals is to a large extent related to the lack of reliable information on the size of the stocks. For the Northwest Atlantic there are no sufficient data on the size of the Front and Davis Strait herds, the extent to which these mix along the coast of Greenland, the amount of interchange between these two herds and the possibility of interchange with the Jan Mayen herd.

Such information is critical for future advice on harvest levels of hooded seals and the NAFO ad hoc Working Group therefore strongly recommended an intensive one-year coordinated research program involving :

- simultaneous aerial surveys of the Front and Davis Strait breeding populations and the requisite ground-truthing;
- collection of adequate biological samples (500-750 females) for age composition analysis and reproductive rates at the Front, Davis Strait and along the Greenland coast;
- tagging of pups at the Front, Davis Strait and Jan Mayen.

The age-sample from the Davis Strait herd is considered to be particularly important because of the information it can provide on total mortality rate for this herd, its reproductive parameters and degree of mixing with other whelping herds.

The Canadian authorities have proposed to prepare such a comprehensive research program (which closely corresponds to the Canadian proposal given in Annex II to the Communication from the Commission to the Council of 15 February 1983) for consideration by the relevant parties for implementation in 1984. The situation as regards the future implementation of necessary research work for hooded seals is thus an encouraging one. The Commission remains fully ready to cooperate in such work.

4.2.2. Harp seals

The Commission agrees with the view that research on hooded seals is more important than on harp seals but existing programmes on the latter species should of course continue. A particularly important area for future research on harp seals is that of their interaction with fish stocks. Given the low number of the 1983 catch and the expected rapid increase of the stocks if catches stay around that level, the demand for management measures is likely to increase as well.

The Commission will follow up this matter in its future requests for advice to the NAFO Scientific Council.

4.3. Consequences for the management of harp and hooded seal stocks

4.3.1. Management strategies

A factor to be taken into account is that, in view of the low demand for whitecoat and blueback pelts, the actual commercial take of harp and hooded seals by Canada and Norway was low in 1983 and lower than the confidence limits of any proposed TAC. This situation is not likely to change in the next couple of years.

TAC's should, however, be established on basis of sound stock management principles, whilst both the size and nature of the actual take may vary within the given limits as a result of economic considerations. In 1983, TAC's for harp seals were set at the same level as in previous years despite of the uncertainties reflected in the ICES report. The Northwest Atlantic TAC for hooded seals was only reduced by 20 %. The Commission accepts the view expressed by IUCN in December 1982 that - given the existing uncertainties and as long as these cannot be adequately removed - a cautious management of harp seals, with sufficient safety factors to allow for these uncertainties, is necessary. Consequently, on scientific grounds catch quotas for harp seals should be set more conservatively than heretofore until such time as the status and trends in the populations can be more firmly established; for hooded seals, given the more dangerous level of uncertainty surrounding their status, there should be significantly reduced quotas or even a temporary cessation of the hunt. The implementation of the research programmes discussed above would contribute considerably to the reduction of existing uncertainties.

4.3.2. Framework for the management of seal stocks

The Commission, as indicated in its communication to the Council of 15 February 1983, holds the view that the creation of an international sealing convention as proposed by Canada is not the proper response to the problems involved in the management of seal stocks in particular because of the overlap with existing international organizations (NAFO and ICES) and the fact that Norway might find it difficult to participate in such organization.

The Norwegian intention to involve ICES in scientific matters concerning the Northeast Atlantic strengthens the Commission in this view.

5. The 1983 hunt

5.1. Harp seals

5.1.1. Northwest Atlantic

Provisional information on the regulated Canadian catch in 1983 indicates that this was substantially lower than in previous years : around 50,000 compared with 160,000 - 190,000, because of low demand. Very few whitecoats were taken. From a conservation viewpoint it is important to note that a shift of the hunt to animals over 1 year of age did not take place. It is expected that, as in previous years, an additional 20 - 25,000 seals will be taken in the Arctic Canadian and Greenland catch. Norway did not participate in the Newfoundland seal hunt during 1983.

5.1.2. Northeast Atlantic

No exact figure can be given for the 1983 hunt in the White Sea, where an average of 50,000 harp seal pups has been taken in recent years, (of which 15-17,000 beaters were taken by Norwegian vessels). In 1983 4 Norwegian vessels took 18,089 harp seals from the White Sea herd of which 431 were pups of between 4 and 20 weeks.

At Jan Mayen 2 Norwegian vessels took 3,318 harp seals (12,000 in 1982) of which 742 were young of the year but included no whitecoats.

5.2. Hooded seals

5.2.1. Northwest Atlantic

No hooded seals were taken at the Front by large vessels during 1983 because of low demand for hooded seal pelts. Up to 3 June 50 pups and 64 older seals had been taken by landsmen at the Front. If the Greenland catches

of hooded seals remain at the previous level (most recent estimate is 5,600 in 1980) the expected catch for the Northwest Atlantic will be less than 6,000, whereas the estimated average catches since the early 1970's have been about 16,000.

5.2.2. Northeast Atlantic

Only 86 adult hooded seals were taken by Norwegian vessels at Jan Mayen in 1983 (as compared with approximately 13,500 - of which between 70 and 80% bluebacks - in 1982).

6. Measures taken in the Member States

The Commission is at present examining recent information provided by Member States on measures taken to prevent the importation of sealpup skins.

For its part the Commission is investigating the possibility of creating new NIMEXE subheadings in order to facilitate the surveillance by customs of the effectiveness of the measures to be taken by Member States in accordance with Council Directive 83/129/EEC and to guard against the deliberate or accidental mis-description of the skins and products concerned under an allied heading.

7. Methods and circumstances of the 1983 hunt

7.1. Killing methods

As almost no baby seals were hunted in 1983 the use of clubs and hakapiks as stunning devices was practically non-existent. Since the communication from the Commission to the Council of 15 February 1983 there is no new information on the use and the development of alternative killing methods for seal pups.

7.2. Market situation

The low demand for sealskin products in general, and for those derived from sealpups in particular, has over recent years led to the build up of large unsold stocks of skins. Together with the uncertain outlook for trade on the Community market this situation made the main buyers of seal pelts announce before the opening of the 1983 sealhunt that they would not buy any whitecoat or blueback pelts this year and probably not in the next two or three years either.

8. Sommaire

- (i) The June 1983 NAFO assessments support the doubts raised concerning the population status of the harp and hooded seals by the October 1982 ICES study.
- (ii) Intensified research efforts concerning hooded seals stocks are essential for the establishment of a scientific basis for future decisions on their management.
- (iii) Research on harp seals should continue. Their interaction with fish stocks is likely to become a major future issue and, given the present lack of information, this aspect should be examined more closely.
- (iv) However, it must be recognized that results of the research efforts referred to in point 4.2. will only be available in a couple of years.
- (v) The results of the NAFO study underline the necessity for a cautious management of harp seals as long as the existing uncertainties cannot be adequately removed. In the case of the hooded seal there should be significantly reduces TAC's and quotas or even a cessation of the commercial hunt.
- (vi) The Conference of the Parties to CITES was unable to take measures for the hooded seal.
- (vii) The directive 83/129/EEC has lead to a reduction of the harvest below the lower limit of the replacement yield, effect which is likely to last 2 - 3 years, thereby making a considerable contribution to improving the conservation status of both the harp and the hooded seal.
- (viii) In view of the general attitude towards the traditional Inuit hunt it is to be hoped that the application of the Directive will contribute to reducing possible negative effects of the present low demand for sealskin products in general on the commercial outlets for Inuit produced pelts.
- (ix) The further contacts of the Commission with Canada and Norway did not bring about a situation which would make the application of Directive 83/129/EEC superfluous because:

- (a) The fact that hardly any whitecoats and bluebacks were taken in 1983 is the result of the very low demand for these products in recent years and the poor outlook for this trade as a result of the measures taken or envisaged in connection with the Resolution of the Council and the representatives of the governments of the Member States of 5 January 1983 and the Council Directive of 28 March 1983.
- (b) Both Canada and Norway set the total allowable catches at the same levels as in previous years notwithstanding the uncertainties over the conservation status of harp and hooded seals raised by the October 1982 ICES study.
- (c) No action was taken by Canada and Norway to meet the objections against the killing of newborn seals. It seems probable that had there been a market for whitecoat and blueback pelts, there would have been a hunt as in previous years on the same scale, with the same methods and under the same circumstances.

9. CONCLUSION

- In view of the above the Commission has decided not to make a proposal to modify Directive 83/129/EEC and is of the opinion that it should be applied for the envisaged period and that the situation should be reconsidered by September 1985.

MISSION OF CANADA
to the European Communities



MISSION DU CANADA
auprès des Communautés Européennes

Rue de Loxum, 6,
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NO. : 1804

La Mission du Canada présente ses compliments à la Commission des Communautés européennes et a l'honneur de se reporter à une suggestion avancée récemment par la Commission en vue d'organiser une série de rencontres pour discuter de la suite à donner à la Directive du Conseil des Ministres de l'Environnement, en date du 28 mars 1983, concernant l'importation de certaines peaux de phoques et de produits dérivés de ces phoques.

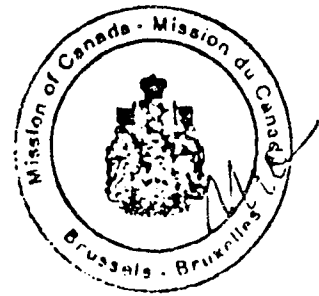
Le Gouvernement du Canada a été encouragé de ce que la Communauté a accepté de collaborer à la préparation d'une demande conjointe sollicitant l'avis du Conseil Scientifique de l'Organisation des Pêches de l'Atlantique Nord-Ouest (OPANO), relativement à la gestion des populations de phoques, vu l'entente de part et d'autre que cet avis était sollicité parce qu'il est pertinent aux décisions à prendre par les parties requérantes.

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Le Gouvernement du Canada sera heureux, suite à la Directive du Conseil du 28 mars 1983, de participer à des discussions supplémentaires sous réserve de l'engagement par les deux parties de baser leur recommandations et leurs actions futures, exclusivement sur des preuves scientifiques objectives et sur les approches coopératives de gestion internationale qui pourront être élaborées. Pour sa part, le Gouvernement du Canada serait prêt, si la preuve scientifique en démontrait la nécessité, à prendre de nouvelles mesures relativement à la gestion, aux méthodes de capture et à la conservation des stocks de phoques harpés (du Groenland) et à capuchon. En contre partie le Gouvernement du Canada demanderait à la Commission de souscrire à un engagement équivalent touchant son rapport et ses recommandations au Conseil des Ministres sur la nécessité de restreindre le commerce des produits du phoque ou d'envisager des solutions de rechange, de sorte qu'ils soient fondés aussi exclusivement sur des considérations scientifiques relatives à la gestion, à la conservation, et aux méthodes de capture utilisées pour les stocks de phoques harpés (du Groenland) et à capuchon, ainsi que sur les approches coopératives de gestion internationale qui pourront être élaborées.

Si la Commission est prête à coopérer sur cette base, le Gouvernement du Canada sera heureux de désigner des représentants pour rencontrer les représentants de la Commission à Ottawa, aux fins des discussions susmentionnées.

La Mission du Canada saisit cette occasion pour renouveler à la Commission des Communautés européennes l'assurance de sa très haute considération.



BRUXELLES

30 mai 1983

DELEGATION OF THE COMMISSION OF THE EUROPEAN COMMUNITIES

DELEGATION DE LA COMMISSION DES COMMUNAUTES EUROPEENNES

NOTE VERBALE

The Delegation of the Commission of the European Communities in Canada presents its compliments to the Department of External Affairs and refers to the Note of the Mission of Canada to the European Communities no. 1804 of 30 May 1983, regarding the follow-up to be given to the Council Directive of 28 March 1983 on the importation into the Community Member States of the skins of certain seal pups and of products derived therefrom.

The Commission is convinced of the necessity to continue its discussions with Canadian government representatives on the follow-up to be given to the Council Directive and welcomes the willingness of the Canadian government to participate in such discussions. It agrees that, in the light of the terms of the Directive, such discussions should concentrate on the scientific and conservation aspects of the matter and on alternatives for international cooperation in the field of the management of seal stocks. It renews its suggestion that an early meeting should be arranged for this purpose.

While the Commission will certainly be ready to bring to the attention of the Council the request of the Canadian government that future decisions related to harp and hooded seals should be based on scientific grounds only, it cannot, however, accept the Canadian suggestion that it should commit itself to basing its report and recommendations to the Council exclusively on scientific considerations relating to management, conservation and hunting methods. Its report must necessarily deal with all aspects

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of the sealpup question that are referred to in the Directive.

In the Note from the Canadian Mission dated 30 May 1983 the Canadian government proposes a meeting in Ottawa with representatives of the Commission. In the Commission's view it would be helpful if such a meeting could take place as soon as possible after the NAFO meeting on harp and hooded seals to be held in Halifax from 13-17 June 1983. The Commission accordingly suggests that the proposed meeting in Ottawa should be held on 27 or 28 June 1983.

The Delegation of the Commission of the European Communities in Canada avails itself of this opportunity to renew to the Department of External Affairs the assurances of its highest consideration.

Ottawa, 15 June 1983

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