

WTO Notification G/TBT/N/BEL/39

Comments from Canada

Introduction

1. Regarding the Belgium draft law on the prohibition of the production and marketing of products derived from seals, Canada appreciates the opportunity to provide the following written comments. Those comments are provided in accordance with Article 2.9.4 of the WTO TBT Agreement. In addition, as per Article 2.9.4, Canada would request a meeting in person with Belgium to further discuss their draft law and Canada's concerns.

Canada's Seal Hunt

Canada's Seal Hunt

2. The Government of Canada makes every effort to ensure that the seal hunt is conducted in a safe and humane manner. Canadian seal hunting methods have been studied and approved by Canada's Royal Commission on Seals and Sealing. The Commission found that the methods used in hunting seals compare favourably to those used to hunt any other wild animals or to kill domesticated livestock. Moreover, an independent veterinarians' report published in 2002 in the Canadian Veterinary Journal found that the large majority of seals taken during the hunt (98%) are killed in an acceptable humane manner.

3. Canada is committed to conservation and the sustainability of seal populations, which are a valuable natural resource that is hunted sustainably to provide economic benefits to coastal communities. The Canadian seal hunt is a sustainable activity based on sound conservation principles. The harp seal population is healthy and abundant; nearly triple what it was in the 1970s. An aerial survey of harp seal pups was carried out in April 2004. Based on this survey, the harp seal population was estimated to remain stable and healthy at approximately 5.8 million animals.

4. The Government of Canada closely monitors and tightly regulates the seal hunt. Canada's enforcement of sealing regulations is thorough and comprehensive. Regulations and licensing policies stipulate hunting seasons, quotas, vessel size, methods of dispatch, as well as instruction and training of seal hunters.

5. The seal hunt provides valuable income to many Canadian sealers and their families. Estimates by Fisheries and Oceans Canada and the Province of Newfoundland and Labrador find that between 5,000 and 6,000 individuals derive some income from sealing. Seal landings are relatively small in comparison with shellfish landing, but are a significant source of income for many individual fishers and their families. Prior to processing, the value of harp seal pelts to sealers exceeded \$16.5 million in 2005. This may appear negligible, but is tremendously valuable to those individuals who use it as their employment during a time when economic opportunities are limited in many

remote, coastal communities. Some sealers have stated that their income from sealing can represent from 25-35 per cent of their total annual income.

Questions and Comments

Concerns regarding the possible contravention of Article 2.1 of the *TBT Agreement*

Article 2.1

“Members shall ensure that in respect of technical regulations, products imported from the territory of any Member shall be accorded treatment no less favourable than that accorded to like products of national origin and to like products originating in any other country.”

6. Imported seal products are “like” the domestic non-seal products. Therefore, the trade ban modifies the conditions of competition for the covered products to the detriment of the imported products. As a result, Canada considers that the trade ban would be a violation of Article 2.1 of the *TBT Agreement* which stipulates that members “shall be accorded treatment no less favourable than that accorded to like products of national origin and like products originating in any other country”.

Concerns regarding the possible contravention of Article 2.2 of the *TBT Agreement*

Article 2.2

“Members shall ensure that technical regulations are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade. For this purpose, technical regulations shall not be more trade-restrictive than necessary to fulfil a legitimate objective, taking account of the risks non-fulfilment would create. Such legitimate objectives are, inter alia: national security requirements; the prevention of deceptive practices; protection of human health or safety, animal or plant life or health, or the environment. In assessing such risks, relevant elements of consideration are, inter alia: available scientific and technical information related processing technology or intended end-uses of products.”

7. The trade ban is considered an extreme measure which is more trade restrictive than necessary to fulfil a legitimate objective given the risks non fulfillment would create. There are less restrictive measures available that can fulfil the legitimate objectives under Article 2.2 of the *TBT Agreement*.

8. Canada is also concerned with Belgium’s stated reasons for banning the production and marketing of seal products: public opinion and animal suffering. In Canada, as demonstrated earlier, the seal hunt is a sustainable activity based on sound environmental principles and is conducted in a humane manner that compares favourably to methods used to hunt other wild animals or to kill domestic livestock. Canadian regulations for hunting are established and enforced in the context of a healthy abundant population of seals. Moreover, strict conditions are in place to ensure thorough and comprehensive enforcement of sealing regulations concerning hunting seasons, quotas, vessel sizes, methods of dispatch, etc.

9. Canada, therefore, considers that the ban would violate Article 2.2 of the *TBT Agreement*.