EXPLANATORY MEMORANDUM TO

THE SEAL PRODUCTS (AMENDMENT) REGULATIONS 2022

2022 No. 771

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument will prevent the need for instruments to be made each time there is a change to the list of recognised bodies for the trade in seal products. Instead, Great Britain will be able to conduct this work administratively streamlining the process for both recognised bodies and Great Britain. This list of recognised bodies establishes who can issue attestation certificates which allow the importation of seal products into Great Britain under the Inuit or other indigenous communities exemption. The Regulation does not make any changes to the eligibility requirements or assurance process for bodies recognised under this exemption.

3. Matters of special interest to the Joint Committee on Statutory Instruments.

3.1 None.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is Great Britain.

4.2 The territorial application of this instrument is Great Britain.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

6. Legislative Context

6.1 These Regulations are made in exercise of powers conferred by Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products (EUR 2009/1007), in particular, articles 3(4) and 4a(2).

6.2 They amend Commission Implementing Regulation (EU) 2015/1850 laying down detailed rules for the implementation of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products (EUR 2015/1850) ("the 2015 Regulation"). The Regulations grant powers to the Secretary of State to recognise a body that meets the requirements set out in the 2015 Regulation and to suspend or remove the recognition of bodies that do not meet these requirements. They also grant power to the Secretary of State to amend the name of a body as it appears on the list of recognised bodies. The effect of these Regulations is that these actions can be performed administratively without the need for an instrument each time.

7. Policy background

7.1 The inhumane nature of seal hunting practices in certain parts of the world caused considerable concern to members of the public, animal welfare NGOs, and governments. The UK Government shares the British public's high regard for animal welfare which is why we have retained the legislation banning the importation of seal products with limited exemptions. These exemptions highlight the UK Government's commitments to honour the rights of communities to engage in traditional practices while also upholding its high regard of animal welfare.

7.2 The regulations outlined in section 6 introduce a ban on the commercial import and marketing of all seal products and any related products which includes products from seals, walruses and sea lions (for example fur skin pelts, clothing and accessories). The trade ban applies to seal products produced in the UK and to imported seal products unless any of the following are true. If they:

- result from traditional hunts conducted by Inuit and other indigenous communities and contribute to their subsistence.
- are exclusively for the personal use of travellers or their families and only occasionally imported.

7.3 Under the legislation exemptions for traditional hunts by Inuit and other indigenous communities, the seal product must be supported by attestation certificate issued by the relevant recognised body where the pinniped was killed. These documents are to be checked and certified by customs authorities in the UK. Bodies qualified to provide these attestation documents are named recognised bodies.

7.4 In order to make changes to the list of recognised bodies Great Britain currently needs to make an instrument for each of the changes. This Regulation permits the Secretary of State to recognise a body that meets the requirements and suspend or remove the recognition of bodies that fails to meet the requirements. The effect of this Regulation is that these actions can be performed administratively without the need for an instrument to be made each time. The Regulation does not make any changes to the eligibility requirements for bodies recognised under this exemption.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 This SI is not a consolidation instrument.

10. Consultation outcome

10.1 A proportionate private consultation on this instrument took place between May and June 2022 through correspondence to the recognised bodies listed for the trade in seal products. Following the consultation, we have agreed that the notification period for delisting will be extended to 6 months. Engagement with the devolved administrations also took place and the SI draft was shared. There is no requirement for mirror legislation. These discussions proposed no changes to the instrument. No other bodies or persons were consulted.

11. Guidance

11.1 Guidance to Border Force Officials and the public on the import of seal products will be unaffected by this instrument. The public guidance document can be found at https://www.gov.uk/guidance/bringing-seal-products-into-great-britain.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument because of the low level of impact on businesses as it is maintaining the status quo.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The approach to monitoring of this legislation is, as needed, in line with wider developments to the seal imports ban policy.

15. Contact

15.1 Catriona Kirkup at the Department for Environment, Food and Rural Affairs. Email: Catriona.Kirkup@defra.gov.uk can be contacted with any queries regarding the instrument.

15.2 Marc Casale, Deputy Director for Animal Welfare, at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.

15.3 The Rt Hon Lord Goldsmith at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.