

2010 No. 2068

ANIMALS

The Seal Products Regulations 2010

<i>Made</i>	- - - -	<i>15th August 2010</i>
<i>Laid before Parliament</i>		<i>17th August 2010</i>
<i>Coming into force</i>	- -	<i>20th August 2010</i>

The Secretary of State is a Minister designated^(a) in relation to products derived from pinnipeds under section 2(2) of the European Communities Act 1972^(b).

These Regulations make provisions for a purpose mentioned in that section and it appears to the Secretary of State that it is expedient for references to Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products of 16th September 2009^(c) to be construed as references to that Regulation as amended from time to time.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972.

Title and commencement

1. These Regulations may be cited as the Seal Products Regulations 2010 and come into force on 20th August 2010.

Interpretation

2. In these Regulations—

“general customs official” means a customs official designated under section 3 of the Borders, Citizenship and Immigration Act 2009^(d);

“the EU Regulation” means Regulation (EC) No. 1007/2009 of the European Parliament and of the Council on trade in seal products of 16th September 2009 as amended from time to time;

“seal products” means all products, either processed or unprocessed, deriving or obtained from seals, including meat, oil, blubber, organs, raw fur skins and fur skins, tanned or dressed, including fur skins assembled in plates, crosses and similar forms, and articles made from fur skins.

^(a) S.I. 2009/3214.

^(b) 1972 c. 68.

^(c) OJ No L 286, 31.10.2009, p 36.

^(d) 2009 c. 11.

Penalty for breach of the EU Regulation

3.—(1) A person who breaches Article 3 of the EU Regulation is guilty of an offence and is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
- (b) on conviction on indictment, to a fine not exceeding £75,000.

Enforcement authorities

4.—(1) It is the duty of a general customs official to enforce the EU Regulation at a place where goods are subject to customs supervision by that general customs official.

(2) For the purpose of paragraph (1), goods are subject to customs supervision within the meaning of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code^(a).

Competent Authority

5. The Secretary of State is the Competent Authority for the purpose of the EU Regulation.

15th August 2010

Jim Paice
Minister of State
Department for Environment, Food and Rural Affairs

(a) OJ No L 302, 19.10.1992, p 1, as last amended by Council Regulation (EC) 1791/2006 (OJ No L 363 20.12.2006, p 1).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Regulation (EC) No. 1007/2009 of the European Parliament and of the Council on trade in seal products of 16 September 2009^(a) as amended from time to time (“the EU Regulation”). In accordance with the EU Regulation Article 3, the placing on the market of seal products is allowed only if the seal products result from hunts traditionally conducted by Inuit and other indigenous communities and contribute to their subsistence. These conditions apply at the time or point of import for imported products.

The placing on the market of seal products is also allowed where the seal products result from by-products of hunting that is conducted for the sole purpose of the sustainable management of marine resources. Such placing on the market is only allowed on a not-for-profit basis. The nature and quantity of the seal products must not be such as to indicate that they are being placed on the market for commercial reasons (Article 3(2)(b) of the EU Regulation).

The import of seal products is allowed only where it is of an occasional nature and consists exclusively of goods for the personal use of travellers or their families. The nature and quantity of such goods must not be such as to indicate that they are being imported for commercial reasons (Article 3(2)(a)).

No powers of enforcement (including investigation, obstruction of an officer, forfeiture and destruction of goods) have been included in this instrument since all the necessary powers are already granted by the Customs and Excise Management Act 1979^(b).

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Animal Welfare Core Team of the Department for Environment, Food and Rural Affairs, 9 Millbank, London SW1P 3JR.

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^(a) OJ No L286, 31.10.2009, p.36.

^(b) 1979 c. 2.