

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 198 final

Brussels, 26 April 1989

Proposal for a  
COUNCIL REGULATION (EEC)

on the importation of certain furs

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(presented by the Commission)

PROPOSAL FOR A REGULATION ON THE IMPORTATION  
OF CERTAIN FURS

EXPLANATORY MEMORANDUM

THE LEGHOLD TRAP

The leghold trap is a device designed to restrain or capture an animal by means of metal (or similar) clamps which close tightly upon one or more of the animal's limbs and, in doing so, often breaks bones and lacerates the skin.

The device has been banned in over 60 countries worldwide and in five of the Member States of the European Community (United Kingdom, Ireland, Denmark, Federal Republic of Germany, Greece. The majority of other Member States have imposed strict conditions on their use. Moreover, the Convention on the conservation of European wildlife and natural habitats, concluded by the European Community in December 1981 by Council Decision 82/72/EEC prohibits the use of indiscriminate means of capture and killing for certain species, including traps.

Research into the development of humane trapping methods is, however, already well underway and focuses on the creation of either instant killing devices (such as the modified Conibear trap - used in drowning sets) or on live holding devices (such as box traps or the Kim Novak leg snare) that are best suited to the individual species. Moreover, International Trapping Standards are being elaborated under the auspices of the International Standardisation Organisation with the participation of several Member States.

THE FOURTH ENVIRONMENT ACTION PROGRAMME

In the framework of the Fourth Environment Action Programme (1987-1992) whose guidelines were in general approved by the Council in its Resolution of 19 October, 1987 (OJ C 328 of 7 December, 1987), the

Commission recalled its intentions in relation to animal welfare as set out in the Commission programme for 1985 :

"An improvement in the quality of life also entails respect for animals in the Member States and in the Member States dealings with the rest of the world ... The Commission will examine all possible steps which can be taken in this connection."

#### THE EUROPEAN PARLIAMENT

In July 1988, a written Declaration (n° 9/88) was tabled by Mr Seligman (ED - UK) and Mrs Castle (S - UK) under Rule 65 of the Parliament's Rules of Procedures calling on the Commission to initiate an EC-wide ban on the manufacture, sale and use of the leghold trap and to introduce proposals for the labelling of fur products imported into the Community to indicate whether they derive from animals caught in leghold traps. This Declaration was subsequently signed by 272 Members and has therefore been transmitted officially as the Opinion of the European Parliament to the Community institutions named in the Resolution, in this case the Commission.

#### ACTION WITHIN THE EEC

In the context of its proposal for a Council Directive ' ' on the protection of natural and semi-natural habitats and of wild fauna and flora, the Commission has proposed that Member States prohibit the manufacture, sale and use of leghold traps. This proposal is now being considered by the Council and Parliament.

#### THE PRESENT PROPOSAL

The present proposal is intended to supplement the measures mentioned in the preceding paragraph.

Nowadays, most furs on the market come from farms (80-90 %). However some species remain almost exclusively wild caught. The list of species in the annex to this proposal for a Regulation is restricted to those that are known to be commercially harvested in countries

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1) OJ Ref....

that still use the leghold trap for the capture of the animals of these species.

In view of the measures taken within the European Community, this present proposal intends to prohibit the importation for commercial purposes, from 1st January, 1996, of certain goods that are made from or include fur of the species listed in the annex where they originate in a country where the leghold trap is still used or where the trapping methods being used for the listed species, do not meet internationally agreed humane trapping standards.

This prohibition can be suspended for a two year period, expiring on 1st January, 1998, if the Commission has determined, as a result of a review undertaken before July 1994, in cooperation with the competent authorities of the countries concerned, that sufficient progress is being made in developing humane methods of trapping in their territory. The Commission will also be seeking active participation in the elaboration of the international humane trapping standards once the present proposal is adopted.

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THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Having regard to the Opinion of the Economic and Social Committee,

Whereas Council Directive .../.../EEC of ..... on the protection of natural and semi-natural habitats and of wild fauna and flora<sup>1</sup> requires Member States to prohibit the manufacture, sale and use of the leghold trap;

Whereas the Convention on the Conservation of European Wildlife and Natural Habitats,<sup>2</sup> concluded by the Community by Council Decision 82/72/EEC, prohibits the use of indiscriminate means of capture and killing, including traps, for certain species;

Whereas the leghold trap is a non-selective and cruel method of trapping; whereas, however, research into the development of humane trapping methods is already in progress; whereas, in addition, the Community's Fourth Environmental Action Programme<sup>3</sup> lays down some general guidelines for action in the field of animal welfare;

Whereas, in view of the measures taken within the Community, it is appropriate that, from 1 January 1996, the importation for commercial purposes of certain goods consisting of or including the fur of the species listed in Annex I should be prohibited when they originate in a country where the leghold trap is still used

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(1) OJ No L

(2) OJ No L 38, 10.2.1982, p. 1.

(3) OJ No C 328, 7.12.1987, p. 1.

in their territory or where trapping methods do not meet internationally agreed humane trapping standards;

Whereas this prohibition can be suspended for a two-year period, expiring on 31 December 1997, if the Commission has determined before 1 July 1994, as a result of a review undertaken in cooperation with the competent authorities of the countries concerned, that sufficient progress is being made in developing humane methods of trapping in their territory,

HAS ADOPTED THIS REGULATION :

#### ARTICLE 1

This Regulation applies to the importation of furs of the species listed in Annex I and of goods including the fur of those species.

#### ARTICLE 2

For the purposes of this Regulation:

Specified goods : means all goods listed in Annex II which consist of or include the fur of any of the animals listed in Annex I.

Leghold trap : means a trap designed to restrain or capture an animal by means of clamps which close tightly upon one or more of the animal's limbs thereby preventing the limb or limbs from being withdrawn from the trap.

#### ARTICLE 3

1. The entry for free circulation for commercial purposes of the specified goods shall be prohibited from 1 January 1996, unless the Commission has certified that, in the country where the goods originated:
  - there exist adequate administrative or legislative provisions, in force, to prohibit the use of the leghold trap in its territory; or
  - the trapping methods used in its territory for the species listed in Annex I meet internationally agreed humane trapping standards.

The Commission shall publish in the Official Journal of the European Communities a list of countries in respect of which certificates have been granted.

2. The prohibition of the entry for free circulation for commercial purposes of the specified goods shall be suspended by the Commission for a two-year period, expiring on 31 December 1997, if the Commission has determined before 1 July 1994, as a result of a review undertaken in cooperation with the competent authorities of the countries concerned, that sufficient progress is being made in developing humane methods of trapping in their territory.

Article 4

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council

ANNEX I

List of species :

Beaver	:	Castor canadensis
Otter	:	Lutra canadensis
Coyote	:	Canis latrans
Wolf	:	Canis lupus
Lynx	:	Lynx canadensis
Bobcat	:	Felis rufus
Sable	:	Martes zibellina
Raccoon	:	Procyon lotor



ANNEX II

N°	CN CODE	DESCRIPTION
4103		Other raw hides and skins (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split, other than those excluded by note 1 (b) or 1 (c) to this chapter :
4103	90 00	- Other
4301		Raw furskins (including heads, tails, paws and other pieces or cuttings, suitable for furriers' use), other than raw hides and skins of heading No 4101, 4102 or 4103 :
4301	40 00	- Of beaver, whole, with or without head, tail or paws
4301	80	- Other furskins, whole, with or without head, tail or paws :
4301	80 50	- - Of wild felines
4301	80 90	- - Other
4301	90 00	- Heads, tails, paws and other pieces or cuttings, suitable for furriers' use
4302		Tanned or dressed furskins (including heads, tails, paws and other pieces or cuttings), unassembled, or assembled (without the addition of other materials) other than those of heading No 4303 : - Whole skins, with or without head, tail or paws, not assembled :
4302	19	- - Other :
4302	19 10	- - - Of beaver
4302	19 70	- - - Of wild felines
4302	19 90	- - - Other
4302	20 00	- Heads, tails, paws and other pieces or cuttings, not assembled
4302	30	- Whole skins and pieces or cuttings thereof, assembled :
4302	30 10	- - 'Dropped' furskins - - Other :

N°	CN CODE	DESCRIPTION
4302 30 35	- - - Of beaver	
4302 30 71	- - - Of wild felines	
4302 30 75	- - - Other	
4303	Articles of apparel, clothing accessories and other articles of furskin :	
4303 10	- Articles of apparel and clothing accessories :	
4303 10 90	- - Other	
4303 90 00	- Other	



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