



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.12.1995  
COM(95) 737 final

95/0357 (SYN)

Proposal for a

COUNCIL REGULATION (EC)

**amending Council Regulation (EEC) No 3254/91**

**prohibiting the use of leghold traps in the Community and the introduction into the  
Community of pelts and manufactured goods of certain wild animal species  
originating in countries which catch them by means of leghold traps or trapping  
methods which do not meet international humane trapping standards**

(presented by the Commission)



## **EXPLANATORY MEMORANDUM**

1. Council Regulation (EEC) N°3254/91 envisages - in its Article 3 - the implementation of an import prohibition on certain furs and products thereof, unless the Commission had established that a third country had banned the use of leghold traps or had implemented trapping methods for the thirteen species listed in its Annex I that met internationally agreed humane trapping standards.

With Commission Regulation (EC) N°1771/94 the entry into force of this import prohibitions was deferred from 1 January 1995 to 1 January 1996.

2. The development of international humane trapping standards in the context of the International Organization for Standardization (ISO) was halted at the September 1995 meeting of the ISO Technical Committee involved. This Committee will - as a first step - now concentrate on the development of trap testing standards and intends to revisit trap performance standards as such on the basis of test results in accordance with these testing standards.
3. In view of the situation described in point 2, the Commission, Canada, the United States of America and Russia, established a "Working group on the development of international humane trapping standards" in September 1995. The work of this group is ongoing and progress is being made.
4. The Commission carefully considered the effects import restrictions as of 1 January 1996 would have on the development of humane trapping standards and on the Community's obligations under international trade rules. It came to the conclusion that a postponement of these import restrictions was necessary in order to allow the standard development process referred to in point 3 to continue and that certain provisions of Regulation N°3254/91 needed to be amended so as to facilitate its implementation and to make such implementation more proportionate to its objectives.
5. The attached proposal for the replacement of Articles 3 and 4 of Council Regulation (EEC) N°3254/91 is consistent with the aim of that Regulation and caters for the points referred to under 4 above.

**Proposal for a Council Regulation amending Council Regulation (EEC) No 3254/91 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 and Article 130s thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament

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

Whereas the suspension of the prohibition referred to in Article 3, paragraph 1, of Council Regulation (EEC) No 3254/91, decided with Commission Regulation (EC) No 1771/94, in accordance with its Article 5, has not allowed the completion of the development of international humane trapping standards;

Whereas this implies that the option for a third country to ensure that the trapping methods used for the species listed in Annex I to Council Regulation (EEC) No 3254/91 meet internationally agreed humane trapping standards is not available;

Whereas, in cooperation with the mainly affected third countries, the Commission is in the process of exploring alternative ways to achieve such standards;

Whereas, under the circumstances, it is appropriate to amend Council Regulation (EEC) No 3254/91 and to postpone the implementation of the import restrictions concerned;

Whereas the exploitation of furbearing animals forms an important part of the traditional way of life and economy of indigenous peoples and it is therefore appropriate to see to it that the interests of these peoples are not negatively affected;

Whereas in the implementation of this Regulation account should be taken of the fact that in a number of third countries trapping activities are regulated on a subfederal level,

HAS ADOPTED THIS REGULATION :

## Article 1

Articles 3 and 4 of Council Regulation (EEC) No 3254/91 are hereby replaced as follows:

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### Article 3

The Community will enter into or pursue negotiations with third countries in order to achieve a framework agreement on humane animal trapping standards, in particular for the animal species listed in Annex I. This agreement shall include a timetable for its implementation.

### Article 4

1. The Commission shall review the progress of the negotiations referred to in Article 3 no later than 31 December 1996 and at the same time, in cooperation with the competent authorities concerned, the progress made by third countries in the development of humane trapping methods.

If no framework agreement is reached, the Commission shall regularly determine for each of the species listed in Annex I, the list of countries which have not done one of the following: either made sufficient individual progress in the development of humane trapping methods or prohibited the use of leghold traps.

If a framework agreement is reached, the Commission shall regularly determine for each of the species listed in Annex I, the list of countries which have not done one of the following: either committed themselves formally to implementation of the framework agreement within an agreed timeframe or prohibited the use of leghold traps.

2. Upon publication in the Official Journal of the European Communities of the list provided for in paragraph 1, the introduction into the Community of pelts of wild animals of species listed in Annex I and the goods manufactured thereof listed in Annex II shall be prohibited if they originate in a listed country.
3. The prohibition referred to in paragraph 2 shall not apply to :
  - a) the introduction of finished goods for personal and private use;
  - b) pelts and goods manufactured thereof that are being reintroduced into the Community following an outward processing procedure and proof is given to the customs office of reintroduction that they were processed from pelts or goods previously exported from the Community;
  - c) pelts and goods manufactured thereof that are assigned to a customs procedure for external transit which is intended to convey them outside the customs territory of the Community.

4. The prohibition referred to in paragraph 2 shall not apply to pelts and goods manufactured thereof resulting from trapping activities carried out by indigenous peoples.
5. With regard to countries where trapping activities are regulated on a subfederal legislative level, the provisions of Article 4 may be applied accordingly.
6. The Community will enter into negotiations with third countries wishing that the provisions of paragraphs 4 and 5 be applied in order to establish appropriate provisions for their implementation.
7. The Commission shall in accordance with the procedure laid down in Article 5, lay down the necessary administrative provisions for the implementation of this Regulation. "

#### Article 2

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,



ISSN 0254-1475

COM(95) 737 final

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Catalogue number : CB-CO-95-767-EN-C

ISBN 92-77-98746-4

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Office for Official Publications of the European Communities

L-2985 Luxembourg