



COMMISSION OF THE EUROPEAN COMMUNITIES

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COM(97) 17 final

97/0019 (CNS)

**Proposal for a Council Decision concerning the signing and conclusion of an
International Agreement between the European Community, Canada and the
Russian Federation on humane trapping standards**

(presented by the Commission)

**Proposal for a Council Decision concerning the signing and conclusion of an
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Russian Federation on humane trapping standards**

Explanatory Memorandum

1. Article 3 of Council Regulation (EEC) No 3254/91 prohibits the introduction into the Community of pelts and manufactured goods of certain wild animal species unless the country where the pelts originate has prohibited the use of leghold traps or uses methods that meet internationally agreed humane trapping standards.
2. This ban was supposed to have come into effect on 1 January 1996. However, problems at the ISO meant that no suitable international standard was available on that date. At the Commission's initiative a quadrilateral working party comprising experts from the Community, Canada, Russia and the United States had been set up in September 1995 to speed the development of standards. In spite of genuine progress, these standards were not ready in time.
3. Towards the end of 1995 the Commission carefully examined the likely impact of the introduction on 1 January 1996 of import restrictions on the development of humane trapping standards and on the Community's obligations under international trade rules. It concluded that import restrictions should be deferred to enable the drafting of standards to continue.
4. In June 1996 the Council authorized the Commission to negotiate a framework agreement on humane trapping methods with Canada, the United States, the Russian Federation and any other country interested. The starting point for the negotiations was the work accomplished by the quadrilateral working party, which submitted its report on 20 June 1996.
5. After the fourth negotiating meeting, which took place in Brussels on 25 and 26 November 1996, an agreed text was initialled by Canada and the Community on 6 December and by Russia on 17 December. The text is wholly consistent with the negotiating directives.
6. The Agreement's objectives are to establish humane trapping standards for traps designed to kill or capture certain species of wild animals (and in particular those covered by Regulation No 3254/91), to improve communications and cooperation between the Parties for the application and further development of the standards, and to facilitate trade between the Parties.
7. Its approval by all the Parties will bring trapping methods, in the Community and elsewhere, up to a level adequate for the welfare of trapped animals and create favourable and stable conditions for trade between the Parties in traps and pelts.

**Proposal for a Council Decision concerning the signing and conclusion of an
International Agreement between the European Community, Canada and the
Russian Federation on humane trapping standards**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 113 and 100a in conjunction with the first part of Article 228(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the Council's decision of June 1996 authorizing the Commission to negotiate an agreement on humane trapping standards with Canada, the Russian Federation, the United States of America and any other country interested;

Whereas Council Regulation (EEC) No 3254/91,¹ and in particular the second indent of Article 3(1) thereof, refers to internationally agreed humane trapping standards with which trapping methods used by third countries that have not prohibited leghold traps must conform in order for those countries to be able to export pelts and products manufactured from certain species to the Community;

Whereas no international humane trapping standard had been established on 1 January 1996; whereas this situation meant that countries had no way of guaranteeing that the methods used on their territory for trapping the species listed in Annex I to Regulation (EEC) No 3254/91 complied with internationally agreed humane trapping standards;

Having regard to the proposal for a Regulation amending Regulation (EEC) No 3254/91 transmitted to the Council on 12 January 1996,²

Whereas the Agreement annexed to this Decision is consistent with the negotiating directives referred to above; whereas it therefore satisfies the concept of internationally agreed humane trapping standards referred to in the second indent of Article 3(1) of Regulation (EEC) No 3254/91;

Whereas the Agreement's main purpose is to lay down harmonized technical standards offering a sufficient level of protection to the welfare of trapped animals and governing both the production and use of traps, and to facilitate trade between the Parties in traps, pelts and products manufactured from species covered by the Agreement;

Whereas implementation of the Agreement requires the establishment of a timetable for testing and certifying the conformity of traps with the standards laid down and for the replacement of uncertified traps;

¹ OJ No L 308, 9.11.1991, p. 1.

² COM(95)737 final, 15.12.1995.

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Whereas the Agreement between the European Community, Canada and the Russian Federation on humane trapping standards should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community, Canada and the Russian Federation on humane trapping standards is hereby approved.

The text of the Agreement is annexed to this Decision along with the declarations to be lodged when the Agreement is signed.

Article 2

The President of the Council is hereby authorized to appoint the person authorized to sign the Agreement.

Done at Brussels,

For the Council

The President

INTERNATIONAL AGREEMENT ON HUMANE TRAPPING STANDARDS

PREAMBLE

CANADA,

the EUROPEAN COMMUNITY,

and

the RUSSIAN FEDERATION,

hereinafter referred to as "Parties";

Recalling their deep commitment to the development of international humane trapping standards that are based on scientific research as well as empirical and practical evidence;

Reaffirming that the Parties have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies and that Parties are responsible for conserving their biological diversity and for using their biological resources in a sustainable manner;

Acknowledging that the sustainable use of wild animals for human benefit is in keeping with the principles of the World Conservation Strategy, the World Commission on Environment and Development and the UN Conference on Environment and Development;

Noting the commitment, also undertaken by the Member States of the International Union for the Conservation of Nature and Natural Resources (IUCN) at its 18th General Assembly in Resolution 18.25, to eliminate as soon as practicable the use of inhumane traps;

Recognizing that the process of developing international humane standards for the trapping of mammals undertaken by ISO, the International Organization for Standardization, in 1987, is not yet complete;

Acknowledging that the purpose of any international technological standard is to, *inter alia*, improve communication and facilitate trade;

Acknowledging the considerable research carried out, in particular in Canada, the United States, the Russian Federation and the European Community, towards the evolution of more humane, practical trapping methods;

Underscoring the considerable work carried out by the working group on the development of international humane trapping standards that was comprised of experts from Canada, the USA, the Russian Federation and the European Community;

Appreciating that, despite the absence of an international humane trapping standard, a number of jurisdictions have followed different approaches and introduced legislation to improve trapping methods and the welfare of wild animals;

and

Recognizing that the internal constitutional and institutional rules of each Party determine the primary authority for the implementation of the Humane Trapping Standards within its jurisdiction;

Hereby agree as follows:

ARTICLE 1

Definitions

For the purpose of this Agreement the following definitions apply:

Traps: both killing and restraining mechanical capturing devices, as appropriate.

Trapping Methods: refer to the traps and their set conditions (e.g. target species, positioning, lure, bait and natural environmental conditions).

Humane Trapping Methods: the traps certified by competent authorities that are in conformity with the Humane Trapping Standards (the "Standards", found in Annex I to this Agreement) and used in the setting conditions specified by the manufacturers.

ARTICLE 2

Objectives

The objectives of the International Agreement on Humane Trapping Standards (the "Agreement") are:

1. to establish standards on humane trapping methods;
2. to improve communication and cooperation between Parties for the implementation and development of these standards; and
3. to facilitate trade between the Parties to the Agreement.

ARTICLE 3

Scope

This Agreement applies to trapping methods and the certification of traps for the trapping of wild terrestrial or semi-aquatic mammals listed in Annex I for wildlife management purposes including pest control; obtaining fur, skin or meat; and the capture of mammals for conservation.

ARTICLE 4

Obligations under other existing international Agreements

1. Nothing in this Agreement affects the rights and obligations of the Parties that are Members of the WTO under the *Marrakesh Agreement establishing the World Trade Organization*.
2. For Parties which are not Members of the WTO, nothing in this agreement affects the rights and obligations under bilateral agreement between the Parties which are listed in Annex II.

ARTICLE 5

Existing Measures

A Party may continue to prohibit the use, in its territory, of traps that had been prohibited for use at the date of entry into force of this Agreement.

ARTICLE 6

International Cooperation

Without prejudice to Article 9 :

1. The Parties agree to cooperate with one another directly or through competent international organizations, in respect of matters of mutual interest related to this Agreement.
2. The Parties agree to develop and enhance multilateral cooperation in the field of humane trapping methods on the basis of mutual benefits and the desire to facilitate trade.

ARTICLE 7

Commitment of the Parties

The Parties shall take the necessary steps, in accordance with the schedule in Annex I, to ensure that their respective competent authorities:

1. establish appropriate processes for certifying traps in accordance with the Standards;
2. ensure that the trapping methods conducted in their respective territories are in accordance with the Standards;

3. prohibit the use of traps that are not certified in accordance with the Standards¹; and
4. require manufacturers to identify certified traps and provide instructions for their appropriate setting, safe operation and maintenance.

ARTICLE 8

Implementation of the Standards

In implementing the Standards, the competent authorities of the Parties should use their best efforts to ensure that:

1. appropriate processes are in place for:
 - a) granting or removing permission for the use of traps;
 - b) enforcing legislation on humane trapping methods;
2. trappers are trained in the humane, safe and effective use of trapping methods, including new methods as these are developed, and,
3. the trap testing guidelines, as set out in the annex I, are taken into account when establishing domestic certification processes.

ARTICLE 9

Ongoing development of the Standards

1. The Parties agree to promote and encourage research aiming at the ongoing development of the Standards.
2. The Parties shall re-evaluate and update, the first time 3 years after the entry into force of this Agreement, the Annex I, using in particular the results of the research referred to in paragraph 1.

¹ The Parties agree that article 7 does not prevent individuals from constructing and using traps, provided that such traps comply with designs approved by the relevant competent authorities.

ARTICLE 10

Derogations

1. Derogations to the commitments referred to in Article 7 may be granted by the competent authority on a case-by-case basis, provided that they are not applied in a manner that would undermine the objectives of the Agreement, for the following purposes:
 - a) in the interests of public health and safety;
 - b) for the protection of public and private property;
 - c) for the purposes of research, education, repopulation, re-introduction, breeding or for the protection of fauna and flora;
 - d) for traditional traps essential for preserving cultural heritage of indigenous communities;
2. Derogations granted under paragraph 1 must be accompanied by written reasons and conditions.
3. The Parties shall notify the Joint Management Committee in writing of the derogations granted under paragraph 1 and the written reasons and conditions referred to in paragraph 2.

ARTICLE 11

Notification and Exchange of information

1. The Parties shall regularly exchange information on all matters related to their implementation of this Agreement. They shall inform each other on the progress of the work done concerning the evaluation of the traps carried out in the application of the schedule set forth in Annex, on related research and on certified traps.
2. The Parties shall notify each other of the competent authorities that are responsible for the implementation of this Agreement.

ARTICLE 12

Mutual Recognition

1. A Party may authorize the use in its territory of traps certified by another Party. Any refusals must be justified in writing.
2. Each Party shall recognize the trapping methods of any other Party as equivalent if the other Party's trapping methods meet the Standards.

ARTICLE 13

Trade in fur and fur products between the Parties

1. Without prejudice to Article 15 and paragraph 2 of this article and the relevant provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora done at Washington on 3 March 1973, no Party may impose trade restrictive measures on fur and fur products originating from any other Party.
2. At the point of importation into the customs territory, a Party may request a certificate of origin, certifying that the furs or furs incorporated into products to be imported have been obtained from animals that are caught or farmed in the territory of any other Party. This certificate will include a reference to a documentation of origin issued by the competent authorities.

ARTICLE 14

Joint Management Committee

1. The Parties establish a Joint Management Committee (the "Committee") consisting of representatives of the Parties. The Committee may consider any matters relating to this Agreement.
2. The Committee shall have its first meeting within 12 months of the entry into force of this Agreement, and will meet periodically thereafter. The Committee may also address issues out of session by correspondence or be convened at the request of any Party. The Committee shall adopt its rules of procedure during its first meeting.
3. Decisions of the Committee shall be reached by consensus. The Committee may also propose to the Parties amendments to this Agreement and its annexes, taking into account the relevant recommendations of expert working groups as appropriate.
4. The Committee may, from time to time, establish *ad hoc* scientific and technical expert working groups, as appropriate, to make recommendations to the Committee regarding:
 - a) any scientific and technical matters; and
 - b) questions of interpretation as proposed by the Parties, and recommendations on the resolution of disagreements.

ARTICLE 15

Settlement of disputes

1. The Parties shall endeavour to arrive at a mutually satisfactory resolution of any matter that may affect the operation of this Agreement through negotiations. Where the Parties concerned are unable to resolve their differences, the Committee shall be convened, at the request of one of the Parties, for discussion and resolution. The Committee, when addressing the issue put to its considerations, may establish, if appropriate, an *ad hoc* scientific and/or technical working group in accordance with Article 14.4 of this Agreement.
2. If the Committee fails to resolve the dispute within 90 days, the Parties shall, on the request of the complaining Party, refer the matter to an Arbitration Body established pursuant to the provisions in Annex III.
3. The Arbitration Body may issue rulings in respect of any dispute concerning the interpretation and application by the Party complained against of the Agreement.
4. The Arbitration Body shall not exceed the terms of reference agreed to by the Parties and shall not issue a ruling beyond the scope provided for in this article.
5. This Article is applicable *mutatis mutandis* to cases where there is more than one complaining or responding Party.

ARTICLE 16

Accession

Any country may accede to this Agreement, subject to the terms and conditions as may be agreed between such country and the Parties.

ARTICLE 17
Final Provisions

1. The Annexes are an integral part of this Agreement.
2. This Agreement enters into force sixty days following the date of the deposit of the last instrument of ratification, conclusion or adoption, according to the rules applicable for each Party.
3. This Agreement is not self-executing. The Parties shall implement the commitments and obligations arising from this Agreement in accordance with their internal procedures.
4. Any Party may at any time propose amendments to this Agreement. Any amendment agreed to by the Parties enters into force on the day following the deposit of the last instrument of ratification, conclusion or adoption of the agreed amendment, according to the rules applicable for each Party.
5. A Party may withdraw from this Agreement by giving at least six months' notice in writing. In such an event, the obligations under this Agreement as regards the withdrawing Party shall come to an end on the expiry of the period of notice.
6. This Agreement is drawn up in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Russian languages, all texts being equally authentic. This Agreement will be deposited in the archives of the Secretariat of the Council of the European Union, which shall deliver certified copy thereof to each Party.

ANNEX I

PART I: THE STANDARDS

1. AIM, PRINCIPLES AND GENERAL CONSIDERATIONS OF THE STANDARDS

1.1 AIM

The aim of the Standards is to ensure a sufficient level of, and further improve the welfare of trapped animals

1.2 PRINCIPLES

1.2.1 In the evaluation of whether or not a trapping method is humane, the welfare of a trapped animal must be assessed.

1.2.2 The principle for deciding which trapping methods are humane is that they meet the threshold requirements outlined in sections 2 and 3 of the Standards.

1.2.3 In setting the Standards, traps should be selective, efficient and in compliance with the relevant requirements for human safety of each Party.

1.3 GENERAL CONSIDERATIONS

1.3.1 Welfare of animals is indicated by measures of the extent of ease or difficulty in coping with the environment and the extent of failure to cope. Since animals vary in the methods which they use to try to cope with their environment a range of measures should be used when assessing welfare.

Indicators of welfare of trapped animals include those of physiology, injury and behaviour. Since some of those indicators have not been studied for a variety of species, further scientific studies will be necessary to set thresholds within the Standards, as appropriate.

Although welfare can vary widely, the term humane is used only for those trapping methods where the welfare of the animals concerned is maintained at a sufficient level, although it is acknowledged that in certain situations with killing traps there will be a short period of time during which the level of welfare may be poor.

1.3.2 The thresholds established in the Standards for the certification of traps include:

- * for restraining traps: the level of indicators beyond which the welfare of trapped animals is considered poor;
- * for killing traps: the time to unconsciousness and insensibility and the maintenance of this state until death of the animal.

1.3.3 Notwithstanding that the trapping methods must meet the threshold requirements, consideration should be taken to continue improvement of the design and setting of traps, in particular:

- to improve the welfare of animals trapped in restraining traps, during the period of restraint.
- to produce rapid onset of unconsciousness and insensibility of animals trapped in killing traps.
- to minimize the capture of non-target animal

2. REQUIREMENTS FOR RESTRAINING TRAPPING METHODS

2.1 DEFINITION

Restraining Trapping Methods: traps designed and set with the intention not to kill the trapped animal but to restrain its movements to such an extent that a human can make direct contact with it.

2.2 PARAMETERS

In the evaluation of whether or not a restraining trapping method meets the standards the welfare of an animal which is trapped must be assessed.

The parameters must include indicators of behaviour and injury listed in Paragraphs 2.3.1. and 2.3.2.

The magnitude of responses for each of those parameters must be assessed.

2.3. INDICATORS

2.3.1. BEHAVIOURAL INDICATORS

Behavioural indicators recognized as an indicator of poor welfare in trapped wild animals:

1. Self directed biting leading to severe injury (Selfmutilation)
2. Excessive immobility and unresponsiveness

2.3.2. INJURY INDICATORS

Injury recognized as an indicator of poor welfare in trapped wild animals :

1. Fracture
2. Joint luxation proximal to the carpus or tarsus
3. Severance of a tendon or ligament
4. Major periosteal abrasion
5. Severe external haemorrhage or haemorrhage into an internal cavity
6. Major skeletal muscle degeneration
7. Limb ischemia
8. Fracture of a permanent tooth exposing pulp cavity
9. Ocular damage including corneal laceration
10. Spinal cord injury
11. Severe internal organ damage
12. Myocardial degeneration
13. Amputation
14. Death

2.4 THRESHOLD

A restraining trapping method would meet the Standards if :

- the number of specimens of the same target species from which the data are derived is at least 20;
- and at least 80 % of these animals show none of the indicators listed in paragraph 2.3.1. and 2.3.2.

3. REQUIREMENTS FOR KILLING TRAPPING METHODS

3.1 DEFINITION

Killing Trapping Methods : traps designed and set with the intention of killing a trapped animal of the target species.

3.2. PARAMETERS

The time of occurrence of unconsciousness and insensibility produced by the killing technique must be determined and the maintenance of this state until death must be checked (i.e. until heart function has ceased irreversibly).

Unconsciousness and insensibility must be monitored by checking corneal and palpebral reflexes or any other scientifically proven suitable substitute parameter².

3.3 INDICATORS AND TIME LIMITS

Time limit to loss of corneal and palpebral reflexes	Species
45 seconds	<i>Mustela erminea</i>
120 seconds	<i>Martes americana</i> <i>Martes zibellina</i>
300 seconds	all other species as referred to in paragraph 4.1 ³

² In cases where further tests are necessary to determine if the trapping method meets the Standards, additional Electroencephalogram (EEG), Visual Evoked Responses (VERs), and Sound Evoked Responses (SERs) measurements can be made.

³ The Committee will evaluate the time limit at the 3 year review, and when data warrant such action to adapt the time limit requirement on species by species basis, with a view to lower the 300 seconds time limit to 180 seconds, and to define a reasonable timeframe for implementation

3.4 THRESHOLD

A killing trapping method would meet the Standards if :

- the number of specimens of the same target species from which the data are derived is at least 12;
- and at least 80 % of these animals are unconscious and insensible within the time limit, and remain in this state until death.

PART II: LIST OF SPECIES AND CALENDAR

4. LIST OF SPECIES REFERRED TO IN ARTICLE 3 AND SCHEDULE FOR IMPLEMENTATION.

4.1 SPECIES LIST

The Standards apply to the species listed below. Additional species will be included in the future as appropriate.

Common name:	Species
Coyote:	<i>Canis latrans</i>
Wolf:	<i>Canis lupus</i>
Beaver (North American):	<i>Castor canadensis</i>
Beaver (European):	<i>Castor fiber</i>
Bobcat:	<i>Felis rufus</i>
Otter (North American):	<i>Lutra canadensis</i>
Otter (European):	<i>Lutra lutra</i>
Lynx (North American):	<i>Lynx canadensis</i>
Lynx (European):	<i>Lynx lynx</i>
Marten:	<i>Martes americana</i>
Fisher:	<i>Martes pennanti</i>
Sable:	<i>Martes zibellina</i>
Badger (European):	<i>Meles meles</i>
Ermine:	<i>Mustela erminea</i>
Raccoon dog:	<i>Nyctereutes procyonoides</i>
Muskrat:	<i>Ondatra zibethicus</i>
Raccoon:	<i>Procyon lotor</i>
Badger (North American):	<i>Taxidea taxus</i>

4.2 IMPLEMENTATION SCHEDULE

4.2.1 As referred to in article 7, the trapping methods must be tested to demonstrate they are in accordance with the Standards and as such, certified by the competent authorities of the Parties within:

- 3 to 5 years after the entry into force of the Agreement for restraining trapping methods, depending on the testing priorities and availability of testing facilities, and
- 5 years after the entry into force of the Agreement for killing trapping methods.

4.2.2 Within three years after the end of the periods referred to in 4.2.1, the Parties prohibit the use of traps that are not certified in accordance with the Standards, except for conventional steel-jaw leghold restraining traps to be prohibited within four years of the entry into force of this Agreement.

4.2.3. With the exception of conventional steel-jaw leghold restraining traps, where a competent authority determines that the results of trap testing do not support the certification of traps for specific species or under specific environmental conditions, a competent authority may continue to permit the use of traps on an interim basis while research continues to identify replacement traps. The competent authority shall give prior notification to the other Parties to the Agreement of the traps to be authorized for interim use and the status of the research programme.

PART III: GUIDELINES

5. GUIDELINES FOR THE TESTING OF TRAPS AND RESEARCH ON THE ONGOING DEVELOPMENT OF TRAPPING METHODS

To assure accuracy and reliability, the studies for testing the trapping methods in order to demonstrate they fulfil the standard requirements, should follow the general principles of good experimental practices.

In the event that testing procedures are established under the framework of the International Standardization Organization (ISO) and are relevant for the assessment of the conformity of trapping methods with some or all the requirements of the Standards, they shall be used as appropriate.

5.1 GENERAL GUIDELINES

The tests should be performed according to comprehensive study protocols.

In order to test traps, there should be testing of the functioning of the trap mechanism.

The testing of traps in the field should be carried out in particular for the assessment of selectivity. This test can also be used to collect data on capture efficiency and user safety.

Restraining traps should be tested in a compound, in particular to evaluate behavioural and physiological parameters. Killing traps should be tested in a compound, in particular to identify unconsciousness.

In the field tests, traps should be checked daily.

The effectiveness of the killing trap to render the animal unconscious and kill the target animal should be tested on conscious, mobile animals, by laboratory or compound and field measurements. The ability of the trap to strike the target animals at vital locations should be evaluated.

The order of testing procedures may be varied to ensure the most effective evaluation of the traps to be tested.

Traps should not expose the operator to undue hazard under normal use.

If appropriate, a broader range of measures should be checked when testing traps. The field testing should include studies of the effects of trapping on both target and non-target species.

5.2 STUDY SITUATION

The trap should be set and used according to the best advice from manufacturers or others on how to do so.

For compound testing, a compound should be used which provide a suitable environment for the animals of the target species to move freely, hide and show most normal behaviour. It should be possible to set traps and monitor trapped animals. The trap should be set so that a video and sound recording can be made of the whole trapping episode.

For field testing, sites should be selected which are representative of those which will be used in practice. Since the selectivity of the trap and any possible adverse effects of the trap on non-target species are important reasons for field testing, sites for field testing may need to be chosen in different habitats where different non-target species are likely to be encountered. Pictures of each trap and its set and of the general environment should be taken. Make the trap identification number a part of the photographic record before and after a strike.

5.3 STUDY PERSONNEL

The test personnel should be appropriately qualified and trained.

Amongst the test personnel there should be at least one person experienced in the use of the traps, and capable of trapping the animals used in the test and at least one person experienced in each of the methods of welfare assessment for restraining traps and in methods of assessing unconsciousness for killing traps. For example, the assessment of behaviour responses to trapping and of aversiveness should notably be done by a trained person who is familiar with the interpretation of such data.

5.4 ANIMALS

Compound test animals should be in good health and representative of those which are likely to be caught in the wild. The animals used should not have prior trapping experience of the trap being tested.

Prior to testing, animals should be housed in appropriate conditions and provided with adequate food and water. Animals should not be housed in a manner which might in itself result in poor welfare.

Animals should be acclimatised to the testing compound prior to the start of the test.

OBSERVATIONS**Behaviour**

Behavioural observations should be made by a trained person, particularly in reference to the knowledge of the ethology of the species.

Aversiveness can be assessed by trapping the animal in a readily recognized situation, then re-exposing the animal to the trap in the appropriate situation and evaluating its behaviour.

Care should be taken to distinguish responses to additional stimuli from responses to the trap or the situation.

Physiology

Some animals should be fitted with telemetric recorders (heart rate, respiratory rate, etc.) before testing. Such fitting should occur long enough before trapping for the animal to recover from any disturbance caused by fitting the recorder.

All precautions should be taken to limit inadequate or biased observations and parameters, notably due to human interference when sampling.

When biological sampling is performed (blood, urine, saliva...), it should be done at relevant times regarding the trapping event and the time dependence considerations of the parameter being evaluated. Control data from animals kept elsewhere in good conditions and for different activities, and baseline data before the trapping event occur, as well as some reference data after extreme stimulations (for example a challenge test with adrenocorticotrophic hormone) should be also collected.

All biological samples should be taken and stored according to the best knowledge to assure conservation before analysis.

Analytical methods used should be validated.

For killing traps, when neurological examinations using reflexes (pain, eyes, etc.) are performed in combination with the measurement of an EEG and/or VER's or SER's, they should be done by an expert, to provide relevant information concerning the consciousness of the animal or the effectiveness of the killing technique.

When the animals are not unconscious and insensible within the time described in the test protocol they should be killed in a humane way.

Injuries and pathology

Each test animal should be carefully examined so as to assess any injury. Radiographic examination should be conducted to confirm possible fractures.

Further detailed pathological examination of dead animals should be carried out. Post mortem examination should be performed in accordance with accepted veterinary examination practices by an experienced veterinarian.

The affected organs or/and regions should be examined macroscopically, and histologically if appropriate.

5.6

REPORT

The study report should contain all relevant information about the experimental design, material and methods, and results, in particular :

- the technical description of the trap design including construction material
- manufacturers' instructions for use
- the description of the test situation
- weather conditions, in particular temperature and snow depth
- the test personnel
- the number of animals and traps tested
- the total number of captured target and non-target animals of each species, and their relative abundance expressed as rare, common or abundant in that area
- selectivity
- details of any evidence that the trap fired and injured an animal which was not caught
- behavioural observations
- values of each physiological parameters measured and methodologies
- description of injuries and post mortem examinations
- time to loss of consciousness and sensibility
- statistical analyses

PART IV: RESEARCH

6. RESEARCH PROGRAMMES TO IMPROVE THE SCOPE OF THE STANDARD

An appropriate range of measures of the welfare of animals which are trapped must be assessed when testing trapping systems. While such measures, in particular additional behavioural and physiological measures have not been developed and used for a variety of species, their use in the Standards for the species under consideration will have to be verified by scientific studies carried out to determine baseline levels, ranges of response, and other relevant measures.

Objectives

The research carried out by the Parties according to article 9, shall in particular be aimed to establish the baselines and reference data necessary to set thresholds for additional parameters, or to evaluate the relevance of other welfare measurement, not included in the present scope of sections 2.3 of the standard(s) including a number of behavioural and physiological indicators.

Species specific research programmes

In order to improve scientific knowledge in the field of the evaluation of the welfare of animals when trapped, each Party shall promote further research for the species listed in the following table. The Parties shall also have completed the research programmes under their responsibilities in the defined timeframe after the entry into force of the Agreement.

Species	Party responsible	Timeliness post entry into force of the Agreement
<i>Ondatra zibethicus</i>	European Community	3 years
<i>Procyon lotor</i>	Canada	3 years
<i>Martes zibellina</i>	Russia	3 years

Particular measurements to be studied

The parameters to be studied must include in particular:

- behavioural responses after trapping, including vocalizations, extreme panic, delay before return to normal behaviour after release from trap and aversiveness. In aversiveness testing, the extent of avoidance or resistance to close approach to the previously experienced trapping situation must be evaluated.

physiological parameters including heart rate and arrhythmia, and biochemical parameters (blood, urine or saliva measures) as appropriate for the species including glucocorticoid concentrations, prolactin concentrations, creatine kinase activity, lactate dehydrogenase (and possibly iso-enzyme 5) and Beta Endorphin levels (if assays exists);

The magnitude of response of the physiological parameters will refer to basal and extreme levels and time dependency.

Basal level means the quantity, concentration or rate for that physiological variable when the individual is not disturbed by the environmental conditions.

For physiological variables which change over periods of a few seconds or minutes, this basal level should refer to a particular activity, for example lying, standing, walking or running and jumping. Extreme level means close to the maximum or minimum level for such animals. The physiological responses referred to below are likely to be shown by all mammals, but exact basal and extreme levels and the pattern of change between these have to be determined for each species tested.

The aspects of measures of physiological responses which are of interests to indicate poor welfare are whether the measured level is far from the normal level and whether the duration of that altered level is significant.

Monitoring of the research programmes

The Committee shall monitor and coordinate the research carried out by the responsible Parties.

ANNEX II

- 1) Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Russian Federation, of the other part, done at Brussels on the 17.07.1995, entered into force on 1.2.96
- 2) Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, done at Corfu on 24.06.1994.
- 3) Agreement on trade and commercial relations between the Russian Federation and Canada, entered into force on 29.12.1992

ANNEX III

THE ARBITRATION BODY

Article 1

The complaining Party shall notify the Committee that it wishes to refer the dispute to arbitration pursuant to Article 15 of the Agreement. The notification must include the subject matter of arbitration and, in particular, the provisions of the Agreement the interpretation or application of which are at issue.

Article 2

1. The Arbitration Body will consist of three members.

2. In disputes between two Parties, each of the disputing Parties shall appoint an arbitrator. In disputes between more than two Parties, Parties with the same interest shall appoint one arbitrator jointly by agreement. In either case, the two arbitrators so appointed shall designate by common agreement a third arbitrator as President of the Arbitration Body.

3. The President of the Arbitration Body must not:

- i) be a national of the disputing Parties to the dispute;
- ii) be affiliated with the disputing Parties; and
- iii) have dealt with the case in any other capacity.

4. Any vacancy on the Arbitration Body must be filled in the manner prescribed for the initial appointment.

Article 3

If, within 60 days of the appointment of the arbitrators by the Parties, the President of the Arbitration Body has not been designated, any Party may request the President of the International Court of Justice to appoint it.

Article 4

1. The Arbitration Body shall make its ruling strictly in accordance with the provisions of the Agreement, international law and standard terms of reference as follows:

"To determine, in the light of the facts and the relevant provisions of the agreement (specify here the relevant provisions), whether a Party is in compliance with its obligations under the Agreement, and to issue a ruling to that effect"

2. The Arbitration Body must satisfy itself that the claim is well founded in fact and law.

Article 5

1. Unless the Parties to the dispute otherwise agree, the Arbitration Body shall determine its own rules of procedure.
2. The rules of procedure of the Arbitration Body must in any event be in accordance with this Annex, the scope of the Arbitration Body's authority to issue rulings and the principles of procedural fairness in international law and practice.

Article 6

The disputing Parties shall facilitate the work of the Arbitration Body and, in particular, using all means at their disposal, shall:

- i) Provide it with all relevant documents, information and facilities, subject only to domestic legal and administrative requirements; and
- ii) Enable it, when necessary, to call witnesses or experts and receive their evidence.

Article 7

The Parties and the arbitrators shall protect the confidentiality of any information they receive in confidence during the arbitration proceedings.

Article 8

The Parties shall bear the costs of the arbitration proceedings, including the arbitrators' honoraria and costs of travel, translation and secretarial services, and other related costs, in equal shares.

Article 9

The Arbitration Body may hear and determine counterclaims arising directly out of the subject matter of the dispute.

Article 10

The tribunal shall make its rulings both on procedure and substance of the case by a majority vote of the arbitrators. Vote cast shall not be disclosed.

Article 11

1. The Arbitration Body shall issue its ruling no later than 180 days after the date on which it is fully constituted.
2. Subject to the consent of the disputing Parties, the Arbitration Body may on a unanimous vote delay the issuance of its ruling.

Article 12

1. The ruling of the tribunal must be accompanied by a written statement setting out the reasons on which its findings are based.
2. A dispute concerning the interpretation or manner of implementation of the ruling of the Panel may be submitted by either Party to the Arbitration Body that issued the ruling.

Article 13

The rulings of the tribunal will be final and will not be subject to appeal.

**JOINT DECLARATION OF THE RUSSIAN FEDERATION AND THE EUROPEAN
COMMUNITY TO ARTICLE 10 PARAGRAPH 1 POINT D :**

In order to further the objectives of this Agreement, the Russian Federation and the European Community shall hold consultations concerning the derogations provided for in article 10, paragraph 1, point d.

UNILATERAL DECLARATION BY THE EUROPEAN COMMUNITY TO BE ANNEXED TO THE AGREEMENT

The European Community understands that the signature of the International Agreement on humane trapping standard is an important and substantial step forward in the direction of ensuring a sufficient level of welfare for trapped animals.

The EC confirms therefore that it will not take any measure implementing EC Council Regulation 3254/91 during the time reasonably needed to the other Parties to ratify this Agreement and, after ratification, as long as this Agreement remains in force and is applied according to its provisions.

**JOINT DECLARATION BY THE EUROPEAN COMMUNITY AND THE RUSSIAN
FEDERATION CONCERNING ARTICLE 4, PARAGRAPH 2, AND ARTICLE 15**

The European Community and the Russian Federation agree that the provisions under article 15 of this Agreement take precedence on the corresponding provisions under the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Russian Federation, of the other part, done at Brussels on the 17.07.1995, entered into force on 01.02.96 (the "Interim Agreement") and the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, done at Corfu on 24.06.1994 (the "PCA").

The European Community and the Russian Federation will review the situation in case any implementing measures are taken under article 27.4 of the Interim Agreement and/or under article 101 of the PCA.

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