



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 05.06.1997  
COM(97) 52 final

Proposal for a

COUNCIL DECISION

**on the list referred to in the second paragraph of Article 3(1) of 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 animals species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standard and in Article 1(1)(a) of Commission Regulation (EC) No 35/97 laying down provisions on the certification of pelts and goods covered by Council Regulation (EEC) no 3254/91**

(presented by the Commission)

## Explanatory memorandum

**Subject: Proposal for a Council Decision on the list referred to in the second paragraph of Article 3(1) of 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 standard and in Article 1(1)(a) of Commission Regulation (EC) No 35/97 laying down provisions on the certification of pelts and goods covered by Council Regulation (EEC) no 3254/91.**

1. Council Regulation (EEC) No 3254/91<sup>1</sup> prohibits inter alia the introduction into the Community of the pelts and goods manufactured thereof (listed in its Annex II) of 13 animal species unless the Commission has determined that in the country where the pelts originate:
  - a) there are adequate administrative or legislative provisions in force to prohibit the use of the leghold trap, or
  - b) the trapping methods used for the species mentioned above meet internationally agreed humane trapping standards.
2. Paragraph 2 of Article 3(1) of Council Regulation (EEC) No 3254/91 provides that the Commission shall publish in the Official Journal of the European Communities a list of the countries which meet at least one of the conditions referred to in 1
3. Article 4 of Council Regulation (EEC) No. 3254/91 provides that the Commission shall determine the appropriate forms of certification that such pelts originate in a country appearing in the list referred to in 2.
4. With Commission Regulation (EEC) No 1771/94<sup>2</sup>, the entry into force of this import prohibitions was deferred from 1 January 1995 to 1 January 1996, pursuant to the provision of Article 3(2) of Council Regulation (EEC) No. 3254/91
5. In view of the failure of the development of international humane trapping standards in the context of the International Organisation for Standardisation, the implications of the Regulation on the Community's obligations under international trade rules and the impracticability of implementing Regulation 3254/91, the Commission, on 22 November 1995, decided to propose to the

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<sup>1</sup> OJ L 308 of 9.11.1991, p. 1

<sup>2</sup> OJ L 184 of 20.7.1994, p. 3

Council to, amongst other things, suspend the entry into force of the envisaged import restrictions for one additional year. A Council decision on the proposal concerned<sup>3</sup> is pending.

6. According to the authorization given by the Council in June 1996, the Commission has negotiated a draft international Agreement on Humane trapping standards which was initialled by Canada, the Russian Federation and the Commission in December 1996. A proposal for Council Decision concerning the signing and conclusion of this Agreement has been sent to the Council on 27 January 1997 (COM 97/17).
7. A draft Commission decision laying down provisions on the certification of pelts and goods in accordance of Article 4 of Council Regulation (EEC) No 3254/91 having been approved on 20 November 1996 by the Committee referred to in Article 5 of the same Regulation, these provisions were adopted with Commission Regulation (EC) No 35/97<sup>4</sup>. This regulation also provides that it shall apply from the first day of the third month following publication in the Official Journal of the European Communities of the list of countries concerned.
8. A draft Commission decision which identifies the list of authorized countries of origin was sent on 20 December 1996 for opinion to the Committee referred to in Article 5 of Council Regulation (EEC) no 3254/91.
9. As the Committee has not delivered a favourable opinion on the draft Commission decision, and in accordance with Article 5 of Council Regulation (EEC) no 3254/91, the Commission therefore submits to the Council the attached proposal.

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<sup>3</sup> Doc. COM(95) 737 final 95/0357 (SYN) of 15.12.1995

<sup>4</sup> OJ L 8 of 11.01.1997, p.2

**Proposal for a  
Council Decision on the list referred to in the second paragraph of Article 3(1)  
of 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 animals species originating in countries  
which catch them by means of leghold traps or trapping methods which do not  
meet international humane trapping standard and in Article 1(1)(a) of Commis-  
sion Regulation (EC) No 35/97 laying down provisions on the certification of  
pelts and goods covered by Council Regulation (EEC) no 3254/91**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the proposal from the Commission,

Having regard to 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, and in particular the first paragraph of Article 3, second phrase thereof<sup>1</sup>,

Whereas Commission Regulation (EC) No 35/97 laying down provisions on the certification of goods covered by Council Regulation (EEC) No 3254/91, and in particular Article 1(1)(a) thereof<sup>2</sup> is applicable only with respect to the importation of pelts of animals not born and bred in captivity from countries listed in this decision,

Whereas the list in the Annex to this Decision has been established on the basis of information requested by the Commission from countries within the known distribution area of the species referred to in Annex 1 to Council Regulation (EEC) No 3254/91;

Whereas an International Agreement on Humane Trapping Standards has been initialled and sent to the Council (COM 97/17); whereas it is appropriate to refrain from acts which would defeat the object and the purpose of the initialled Agreement; whereas the list includes therefore the countries which have initialled the International Agreement on Humane Trapping Standards;

Whereas, inter alia pending the accession to the International Agreement on Humane Trapping Standards by additional third countries or any other situation covered by Article 3(1) of Regulation 3254/91, this Decision can only be of a transitional nature; whereas the list shall be amended immediately according to the new situations in order not to hinder the trade in furs and fur related products;

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<sup>1</sup> OJ L 308 of 9.11.1991, p. 1

<sup>2</sup> OJ L 8 of 11.1.1997, p. 2

Whereas the Committee referred to in Article 5 of Council Regulation (EEC) No 3254/91, and consulted by written procedure on 20 december 1996 has not delivered a favourable opinion on the draft Commission decision identifying the list of authorized countries,

HAS ADOPTED THIS DECISION:

**Article 1**

The list of countries which meet at least one of the conditions set out in the first paragraph of Article 3(1) of Council Regulation (EC) No 3254/91 and referred to in Article 1(1)(a) of Commission Regulation (EC) No 35/97 is contained in the Annex to this Decision.

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

This Decision is addressed to all Member States.

Done at Brussels,

For the Council,

**List of countries/species referred to in Article 1(1)(a)**

<b>Country</b>	<b>Species</b>
Belize	<i>Procyon lotor</i>
Bulgaria	<i>Canis lupus</i>
Canada	<i>Canis latrans</i> <i>Canis lupus</i> <i>Castor canadensis</i> <i>Felis rufus</i> <i>Lutra canadensis</i> <i>Lynx canadensis</i> <i>Martes americana</i> <i>Martes pennanti</i> <i>Mustela erminea</i> <i>Ondatra zibethicus</i> <i>Procyon lotor</i> <i>Taxidea taxus</i>
China, People's Republic of	<i>Canis lupus</i> <i>Martes zibellina</i> <i>Mustela erminea</i> <i>Ondatra zibethicus</i>
Czech Republic	<i>Canis lupus</i> <i>Mustela erminea</i> <i>Ondatra zibethicus</i>
El Salvador	<i>Procyon lotor</i>
Greenland	<i>Canis lupus</i>
Hungary	<i>Mustela erminea</i> <i>Ondatra zibethicus</i>

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Jordan	<i>Canis lupus</i>
Korea, Republic of	<i>Martes zibellina</i> <i>Canis lupus</i>
Lebanon	<i>Canis lupus</i>
Mexico	<i>Canis lupus</i> <i>Canis latrans</i> <i>Castor canadensis</i> <i>Felis rufus</i> <i>Ondatra zibethicus</i> <i>Procyon lotor</i> <i>Taxidea taxus</i>
Moldova	<i>Canis lupus</i> <i>Mustela erminea</i>
Nicaragua	<i>Procyon lotor</i>
Norway	<i>Canis lupus</i> <i>Mustela erminea</i> <i>Ondatra zibethicus</i>
Pakistan	<i>Canis lupus</i> <i>Mustela erminea</i>
Panama	<i>Procyon lotor</i>
Poland	<i>Canis lupus</i> <i>Martes zibellina</i> <i>Mustela erminea</i> <i>Ondatra zibethicus</i>
Romania	<i>Canis lupus</i>
Russian Federation	<i>Canis lupus</i> <i>Martes zibellina</i> <i>Mustela erminea</i> <i>Ondatra zibethicus</i> <i>Procyon lotor</i>



Slovak Republic	<i>Canis lupus</i> <i>Martes zibellina</i> <i>Mustela erminea</i>
Slovenia, Republic of	<i>Canis lupus</i> <i>Ondatra zibethicus</i>
Turkey	<i>Canis lupus</i>

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