



EUROPEAN
COMMISSION

Brussels, 13.6.2013
COM(2013) 412 final

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on the application of Regulation (EC) No 1523/2007 banning the placing on the market
and the import to, or export from, the Community of cat and dog fur, and products
containing such fur**

(Text with EEA relevance)

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1. BACKGROUND

Regulation (EC) No 1523/2007¹ bans the placing on the market and the import to or export from the Union of cat and dog fur and products containing such fur.

The ban was adopted in order to address the concerns of European citizens, who consider cats and dogs as pet animals, and therefore do not want to buy products containing fur from cats or dogs.

It harmonized the measures to prohibit cat and dog fur and products containing such fur at EU level since fifteen Member States² had adopted national legislation in order to restrict the production and trade of cat and dog fur.

Cat and dog fur is not easily distinguishable from other types of fur or synthetic material used to imitate fur. This is in particular the case when fur is used as lining or ornament on clothes (e.g. collar of a coat) or on toys or accessories (e.g. key rings with furry animals).

The ban on cat and dog fur applies in the European Union since 31 December 2008.

Article 7 of the Regulation states that "*The Commission shall report to the European Parliament and the Council on the application of this Regulation, including customs activities related thereto, no later than 31 December 2010*". This report is the Commission's response to this request.

The report aims to give an overview on the implementation of the ban on cat and dog fur in the EU during 2009 and 2010. The adoption of this report was delayed due to the need for the Member States to collect enough information on the implementation of the ban. Some data were received only at the beginning of 2012 allowing a full analysis only during 2012.

It describes the enforcement measures put in place by the Member States in order to prevent the placing on the market, the import to or export from the Union of cat and dog fur, and products containing such fur.

In particular, the report provides an overview on the methods of analysis used by the Member States to identify the species of origin of fur and on the penalties applicable in case of infringements. The report highlights the main implementing issues signalled by stakeholders and Member States to the Commission.

¹ Regulation (EC) No 1523/2007 of 11 December 2007 banning the placing on the market and the import to, or export from, the Community of cat and dog fur, and products containing such fur; OJ L 343, 27.12.2007, p. 1.

² The Report is on the application of the Regulation for the period between 2009 and 2010.

Finally, this document reports the impact of the application of this Regulation as perceived by the main stakeholders.

2. MEMBER STATES' OBLIGATIONS

Member States are primarily responsible for the application of the ban³.

In addition they are required to:

- inform the Commission of the analytical methods they use to identify the species of origin of fur (Article 5 of the Regulation);
- lie down and notify to the Commission the rules on penalties applicable in case of infringements to the Regulation (Article 8 of the Regulation).

3. METHODOLOGY

In order to produce the report, the Commission used the following sources of information:

- The replies of Member States to a questionnaire sent by the Commission in 2011 on the enforcement of the ban on cat and dog fur in 2009 and 2010⁴.
- The information sent by Member States on the penalties applicable in case of infringements to the Regulation;
- Correspondence from stakeholders or Member States received by the Commission.
- The outcomes of a meeting⁵ organised on 18 January 2012 by the Commission to discuss the implementation of the ban with Member States representatives and main stakeholders⁶.

4. IMPLEMENTATION OF THE BAN

4.1. Controls in the Member States

Member States had to set up systems of controls in order to implement the ban. This consisted mainly in integrating checks for the ban in their existing systems of controls and will be described in the following sections.

The actions taken were more or less elaborate depending on the Member States; in particular, actions regarding training and procedures as well as dissemination of information were engaged by a limited number of Member States.

Because most cat and dog fur and products containing such fur originate from third countries, the primary objective of the systems of controls put in place in the Member States is to prevent the entry into the EU of illegal commercial imports of cat and dog fur from third countries. There is no evidence of production of cat and dog fur in the EU and the likelihood for export is therefore theoretical.

³ The ban stands for "the ban on cat and dog fur". This is applicable for the rest of the text.

⁴ All Member States replied except Greece.

⁵ The agenda and presentations of the meeting are available at http://ec.europa.eu/food/animal/welfare/seminars/docs/agenda_implementation_ban_cat_dog_fur_en.pdf

⁶ The list of organisations attending the meeting is available in annex to the report.

4.1.1. National legislations banning cat and dog fur

National legislations prohibiting cat and dog fur in place prior to the adoption of the Regulation were repealed and/or amended in the Member States concerned. The entry into force of the Regulation allowed therefore for harmonized rules at EU level on the ban. This simplifies the tasks of official staff performing the controls as well as for operators trading legal fur and fur products or imitations of fur.

4.1.2. Penalties applicable in case of infringements to the ban

Member States are responsible for laying down the penalties applicable in case of infringements to the provisions of the Regulation. The penalties shall be effective, proportionate and dissuasive.

Most Member States amended their national legislations in order to introduce administrative and/or criminal sanctions in case of infringements to the ban. Other Member States already had penalties laid down in general for importing or placing on the market illegal goods that would apply in case of infringements to the Regulation.

Administrative sanctions consist mainly in fines imposed on operators and they do not exclude the possibility to use also criminal sanctions.

Criminal sanctions require in general that the case is referred to a national court of justice. As illustrated in table 1, the level of penalties applicable is quite variable between Member States.

Finally, all Member States have the legal powers to seize illegal products and to request their destruction.

Table 1: Summary of penalties applicable in Member States in case of infringements on the ban on cat and dog fur

Penalties	Range of penalties
Administrative sanction	From 250 - 500 € up to 20 000 €
Criminal sanction	Fines from 1500 € up to 40 000 € Imprisonment from 4 months up to 3 years

Source: Member States' replies to the questionnaire on implementation sent by the Commission

4.1.3. Competent Authorities responsible for the implementation of the ban

Since the main objective of the controls was to prevent the entry into the Union of illegal imports of cat and dog fur from third countries, Customs Authorities or Customs Authorities and Veterinary Authorities were the main Competent Authorities designated by the Member States as responsible for the implementation of the ban.

Customs Authorities were responsible for identifying potential illegal commercial consignments from third countries suspected of containing cat and dog fur. Their experience gained in other areas to prevent illegal imports was essential to identify consignments at risk. In case of suspicion, customs services will perform checks to confirm the suspicion. Therefore, the control procedure on importations of cat and dog fur was integrated in the general customs procedures which already include risk based controls. Due to the low number of controls performed, the implementation of the ban is unlikely to have created a substantial burden for the Customs Authorities.

Where Veterinary Authorities were involved, they were mostly responsible for the physical inspection of the suspicious consignments, sampling and sending samples for analysis where necessary.

Where several competent authorities were involved, most Member States concerned have taken measures to ensure that they cooperate and exchange information.

4.1.4. *Training and procedures*

At EU level, the Commission integrated control measures concerning the ban in the European online Customs Tariff Database called TARIC⁷.

TARIC is a multilingual database available online to officials and business operators in which in particular measures relating to measures on import and export restrictions are integrated. In 2009, a list of products and Combined Nomenclature (CN) codes⁸ of goods suspected of containing cat and dog fur was defined at EU level and integrated into TARIC.

Several Member States mentioned the usefulness of TARIC to help them to identify potential illegal consignments. However, one Member State considered that the list of goods and CN codes suspected of containing cat and dog fur was too exhaustive.

When officials performing controls on imports or exports of fur enters a product or CN code belonging to the list mentioned above into TARIC, the database will show that it is necessary to check whether the business operator ticked a box in its customs declaration stating that the fur imported or exported are not from cats and dogs as mentioned by Regulation (EC) No 1523/2007.

In addition to TARIC, some Member States issued guidelines and information to their official staff on the implementation of the ban. These included practical information for performing controls, as well as information on the provisions of the Regulation and national law. An example of such documents is available at the following link:

<https://findok.bmf.gv.at/findok/targetSearchSubmit.do;jsessionid=9605F10870FC605A9F5E848516744BF5>

4.1.5. *Methods of analysis to identify the species of origin of fur*

Member States used the following methods of analysis to identify the species of origin of fur:

- Visual identification,
- Microscopic hair identification,
- DNA analysis (Polymerase Chain Reaction, PCR),
- Species Identification of Animals (SIAM) by MALDI–TOF mass spectrometry.

The list of the methods and laboratories used in each Member State is provided in Annex I to the report.

⁷ TARIC database is accessible on line at the following link:

http://ec.europa.eu/taxation_customs/customs/customs_duties/tariff_aspects/customs_tariff/index_en.htm

⁸ When declared to customs in the Union, goods must generally be classified according to the Combined nomenclature or CN. Imported and exported goods have to be declared stating under which subheading of the nomenclature they fall.

Member States used mostly microscopy, DNA analysis and species Identification of Animals by MALDI – TOF mass spectrometry. Each of these methods has its pros and cons depending on the type of samples taken, the level of identification required, the repeatability and the costs involved.

Microscopic hair identification can determine whether the sample contains animal or synthetic fur.

DNA analysis can identify whether the sample is not from a domestic cat or dog and the species of origin of the fur provided the relevant species-specific primers are available; DNA analysis can differentiate samples of domestic dog fur from fox, coyote, jackal and raccoon dog fur. However, DNA analysis cannot differentiate fur of domestic cats from fur obtained from hybrids of domestic and Bengal cats. To be successful, DNA analysis requires a minimum amount and quality of isolated DNA which may be difficult to obtain sometimes when the sample is coming from treated fur (e.g dyed).

Species identification of animals by MALDI-TOF mass spectrometry has a larger spectrum of species of origin that can be identified compared to DNA analysis and can detect the species of origin of the fur even on treated fur.

Further details on the different methods of analysis were provided at the stakeholders and Member States meeting organized by the Commission on 18 January 2012 and are available at the following link:

http://ec.europa.eu/food/animal/welfare/seminars/docs/methods_analysis_identifying_species_origin_fur_en.pdf

The range of costs of the methods of analysis used to identify cat and dog fur is given in the table below.

Table 2: Costs of methods of analysis to identify the species of origin of fur

Method	Costs
Microscopy	30 – 60 €
Species identification of Animals (SIAM) by MALDI – TOF mass spectrometry	150 – 250 €
DNA analysis	150 – 1075 €

Source: Member States' replies to the questionnaire on implementation sent by the Commission

Most Member States designate a laboratory on their territory where samples for detection of cat and dog fur can be sent by their official staff. Several Member States chose or consider subcontracting samples to a laboratory located in another Member State, due to the current lack of expertise of their laboratories and the small number of samples to be analysed.

4.1.6. *Dissemination of information*

As mentioned earlier, the customs tariff database TARIC is available on line to business operators. Through TARIC, business operators can have access to the Regulation and be informed that in order to import or export fur they will have to state in their customs declaration stating that the goods they intend to import or export do not contain cat and dog fur.

In addition, several Member States provided information to the potential business operators concerned, importers and retailers, and to consumers. Letters of information were published in the official journal or in the official website of the Member States.

4.2. Results of the controls

Member States focussed their control activities on imports. In addition, these controls were completed within the Union by checks carried out mainly in retail shops.

Where necessary, samples were taken for analysis to confirm the presence of cat and dog fur. Illegal products were seized and destroyed when identified. Sanctions were pronounced in case of infringements.

A summary of the checks performed by the Member States and their outcomes is provided in the tables below. The Member States did not provide specific data on the quantity of cat and dog fur found and the sanctions applied.

Table 3: Controls performed for preventing commercial illegal imports of cat and dog fur

Year	Number imported commercial consignments checked	Number imported commercial consignments sampled for analysis	Number consignments not accepted for import	Number consignments seized	Number imported consignments destroyed
2009	9687	0	1	0	0
2010	25275	5	2	67	0

Source: Member States' replies to the questionnaire on implementation sent by the Commission

Table 4: Control performed for illegal placing of cat and dog fur on EU market

Year	Number of controls performed in shops and retailers	Number of consignments sampled for analysis	Number of commercial consignments seized in shops and retailers ⁹	Number of commercial consignments destroyed from shops and retailers ¹⁰	Number of targeted checks on internet selling websites	Number of targeted checks on packages sent by - mail
2009	119	46	66	56	0	0
2010	169	52	40	28	0	0

Source: Member States' replies to the questionnaire on implementation sent by the Commission

⁹ Consignments seized were not necessarily sampled for analysis since non-compliance may have been detected for other reasons than positive results from analysis.

¹⁰ Consignments destroyed were not necessarily sampled for analysis since non-compliance may have been detected for other reasons than positive results from analysis.

Table 5: Number of samples analysed

Member State	Number of Samples analysed	
	2009	2010
Austria	1	10
Czech Republic	0	1
Germany	1	
Denmark	15 for 2009 and 2010 together	
Finland	0	2
France	46 (of which 17 non complied ¹¹)	20 (all samples complied)
Italy	20	
UK	0	3
Total	119	

Source: Member States' replies to the questionnaire on implementation sent by the Commission

The number of controls increased in 2010 compared to 2009 as well as the number of samples taken and sent for analysis. 2009 was the first year when the Regulation came into force and the level implementation increased in 2010 as by that time Member States had taken measures to organise the checks.

From the information sent by the Member States, goods identified by Member States as potentially containing cat and dog fur were mainly jackets and coats, scarves, neckerchiefs, key rings and skin.

5. IMPLEMENTATION ISSUES

Some stakeholders considered that, not enough official controls were performed regarding the placing on the EU market of cat and dog fur and in particular on sales on the Internet.

The issue of labelling requirements was also discussed in the frame of the future application of Regulation (EC) No 1007/2011¹² with regards labeling of clothes containing a small part of fur as obliged by Member States.

Regulation (EC) No 1007/2011 requires indicating the presence of non-textile parts of animal origin on the labelling or marking of textile products containing such parts, in order to enable consumers to make informed choices. The labelling or marking should not be misleading.

¹¹ Non-compliance means positive results to the presence of cat or dog fur.

¹² Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products (OJ L 272, 18.10.2011, p. 1–64).

6. IMPACT OF THE REGULATION

Main stakeholders highlighted the positive impact of the Regulation. The ban on cat and dog fur is now in place in all Member States. The Regulation harmonises the rules and simplifies therefore the work of business operators importing or placing on the EU market fur or articles with part of fur. In addition, according to the European Fur Breeders Association, the ban did not have a negative impact on fur trade.

Based on stakeholders' opinion, it could be assumed that the ban and the controls performed in the Member States ensure that the risk for European consumers to be placed in a situation where they could buy cat and dog fur is very limited.

7. CONCLUSION

Member States set up a system of controls in order to implement the ban. They mainly integrated checks for the ban in their existing systems of controls by taking the following actions:

- The modification of national legislations in order to repeal previous national measures prohibiting cat and dog fur and to introduce penalties;
- The designation of the competent authorities and officials responsible;
- The designation of the methods of analysis and laboratories performing them in order to identify whether the fur comes from a domestic dog or cat in case of suspicion;
- The training and elaboration of procedures in order to inform officials performing the controls;
- The dissemination of information to business operators and general public.

The primary objective of the systems of controls is to prevent the entry into the Union of illegal commercial imports of cat and dog fur from third countries because most of it originate from there.

In 2009 and 2010, Member States' controls were therefore mainly focussed on preventing illegal imports. Direct involvement of Customs authorities and the use of the Commission database TARIC by business operators and Member States allow for a harmonized implementation of the ban regarding illegal imports.

Overall the application of the Regulation had a positive impact as it simplifies the work of business operators since it has replaced several national bans applied with different procedures. In addition, according to stakeholders' opinion, the ban contributed to limit the risk that European consumers may be exposed to buying cat and dog fur or products containing such fur.

ANNEX I: Methods of identification of cat and dog fur used in Member States

No	Member State	Method applicable
1	Austria	Microscopic hair identification + DNA analysis has been considered
2	Belgium	No information available in the reply to the questionnaire
3	Bulgaria	Microscopic hair identification + MALDI-TOF
4	Cyprus	MALDI-TOF
5	Czech Republic	DNA analysis
6	Denmark	DNA analysis
7	Estonia	Visual identification + Microscopic hair identification
8	Finland	Microscopic hair identification
9	France	Microscopic hair identification + DNA analysis
10	Germany	DNA analysis + MALDI-TOF
11	Greece	No reply to the questionnaire
12	Hungary	Microscopic hair identification + DNA analysis
13	Ireland	MALDI-TOF
14	Italy	Visual identification + Microscopic hair identification + DNA analysis + MALDI-TOF
15	Latvia	Microscopic hair identification
16	Lithuania	Microscopic hair identification + DNA analysis under consideration
17	Luxembourg	MALDI-TOF
18	Malta	DNA analysis
19	The Netherlands	Microscopic hair identification + MALDI-TOF
20	Poland	Visual identification + DNA analysis
21	Portugal	Subcontracted Laboratory in abroad is under consideration
22	Romania	MALDI-TOF
23	Slovakia	Microscopic hair identification + DNA analysis + MALDI-TOF
24	Slovenia	Microscopic hair identification + DNA analysis
25	Spain	Microscopic hair identification + DNA analysis
26	Sweden	DNA analysis + MALDI-TOF
27	The United Kingdom	DNA analysis

Source: Member States' replies to the questionnaire on implementation sent by the Commission

ANNEX II: List of stakeholders consulted

Name of Organisation
AEDT - The European Association of Fashion Retailers
COTANCE
GAIA
HSI Humane Society International
IFTF, International Fur Trade Federation
European Fur Breeders Association
Euroleather
UNIC (Unione Nazionale Industria Conciaria)
Fondation Brigitte Bardot
IFAW, International Fund for Animal Welfare