Opinion of the European Economic and Social Committee on the Proposal for a Regulation of the European Parliament and of the Council banning the placing on the market and the import of or export from the Community of cat and dog fur and products containing such fur


(2007/C 168/08)

On 4 December 2006 the Council decided to consult the European Economic and Social Committee, under Articles 95 and 133 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 21 March 2007. The rapporteur was Mr Retureau.

At its 435th plenary session, held on 25-26 April 2007 (meeting of 25 April), the European Economic and Social Committee adopted the following opinion by 128 votes to one with five abstentions.

1. Conclusions and recommendations

1.1 The EESC endorses the legal basis (Article 95 EC Treaty) and the kind of instrument (regulation).

1.2 The Commission has no power under the EC Treaty to take action to combat cruelty to animals, inflicted outside the EU moreover, and can only address the issue by using its powers in the area of trade and the internal market in fur and on the grounds of the need to harmonise differing national laws.

1.3 The EESC shares the Commission’s view that only a total ban can succeed in dissuading importers of garments or toys from bringing large quantities of cat and dog fur and fur-based items into the EU, thus impeding the large-scale trafficking of banned fur.

1.4 The EESC would like the concept of ‘fur’ to be legally clear, referring explicitly to fur itself and to its different components (hair, skin), so that all possible uses of cat and dog fur are covered by the ban.

1.5 The EESC stresses the importance of effective monitoring methods and of using comitology to establish the most appropriate monitoring arrangements.

2. Reasons

2.1 By means of a draft regulation based on Article 95 of the EC Treaty (internal market), the Commission proposes to ban the production, sale, import and export of cat and dog fur, into and from the European Union.

2.2 The draft regulation comes in response to demands from civil society and the European Parliament, and is one of the German presidency’s priorities.

2.3 In Asia, in particular, cats and dogs are reared and slaughtered under appalling conditions so that their fur can be used to make garments, accessories and toys. Such fur has been detected on the European internal market.

2.4 The fur is usually chemically treated or dyed, and sold under designations which conceal its origin; scientifically, it is difficult to identify the exact animal origin of fur processed in this way, either from its appearance and texture or through DNA analysis, since DNA is destroyed by processing. Apparently, only a comparative mass spectrometry technique would make it possible to identify the exact animal origin of such a product. Customs control could therefore be extremely difficult, and that is the reason for the derogations laid down in Article 4 of the draft, in particular.

2.4.1 Article 4 states that the possession for personal use of clothes or items incorporating banned fur may be tolerated. The EESC feels that the ownership and personal use or possession of these private items in very limited quantities should be clearly excluded from the scope of the regulation in order to avoid any increase in red tape.

2.4.2 Any use of skins not obtained from cats or dogs bred for fur production and labelled to this effect may, where necessary, be addressed under the comitology procedure.

2.5 From the point of view of proportionality, a total ban on production, import and trading is the only measure possible, given that such imports are illegal or undeclared and consumers are misled by the unreliable labelling of garments and items which might contain dog or cat fur.

2.6 Many Member States and some third countries have already adopted laws introducing bans of different kinds and scope. Community action is justified by the need to harmonise the internal market.

2.7 An information and follow-up system relating to the detection of banned fur and the detection methods used is being established. A list of appropriate monitoring arrangements can be drawn up under the comitology procedure.
2.8 Proportionate, dissuasive penalties must be laid down by Member States.

3. General comments

3.1 The EESC endorses the legal basis and form of the regulation: the animal welfare provisions applied to farm animals cannot be applied as such to dogs and cats.

3.2 It is a social reality that in Europe these animals have become pets, not reared for their meat or fur or to work, with the exception of certain breeds of dog used to help and guide people with disabilities, to find people who are missing or buried under rubble or snow, or to assist people in other tasks, all of which only serves to endear them more to the public.

3.3 The Commission has no power under the EC Treaty to take action to combat cruelty to animals, inflicted outside the EU moreover; it can only address the issue by using its powers in the areas of trade and harmonisation of the internal market in fur and of removing barriers to trade in fur on the grounds of the need to harmonise differing national laws to prevent market fragmentation.

3.4 Given the major technical difficulties involved in identifying processed cat and dog fur, a proposal limited to labelling requirements would, in practice, have been ineffective. The EESC shares the Commission’s view that only a total ban can succeed in dissuading importers of garments or toys from bringing large quantities of cat and dog fur and fur-based items into the EU, thus impeding the large-scale trafficking of banned fur.

3.5 The WTO should be notified of the regulation as a non-tariff barrier (NTB), once it has been adopted. It is in line with international trade rules.

4. Specific comments

4.1 The EESC would like the concept of ‘fur’ to be legally clear, referring explicitly to fur itself and to its different components (hair, skin), so that all possible uses of cat and dog fur are covered by the ban.

4.2 The EESC feels that it should be specified that customs controls must be avoided on individuals carrying strictly personal items that they possess in very limited quantities when crossing internal borders or coming from a third country; nor must the exchange or sale of a garment or a gift to a charity be deemed to be trade falling within the scope of the regulation.


The President
of the European Economic and Social Committee

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