I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3254/91
of 4 November 1991

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 COMMUNITIES,

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

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parlia-
ment (2),

Having regard to the opinion of the Economic and Social
Committee (3),

Whereas the Berne Convention of 19 September 1979 on
the Conservation of European Wildlife and Natural Habi-
tats, concluded by the European Economic Community
by Decision 82/72/EEC (4), prohibits for certain species,
the use of all indiscriminate means of capture and killing
including traps, if the latter are applied for large-scale or
non-selective capture or killing,

Whereas the abolition of the leghold trap will have a
positive effect on the conservation status of threatened or
endangered species of wild fauna both within and outside
the Community, including species protected by Regulation
(EEC) No 3626/82 (5); whereas research into the
development of humane trapping methods is already in
progress and whereas the Community will take into
account the work being carried out by the International
Standardization Organization;

Whereas, in order adequately to protect species of wild
fauna and to avoid distortion of competition, it is neces-
sary to ensure that external trade measures relating to
them are uniformly applied throughout the Community;

Whereas, therefore, the use of the leghold trap within the
Community should be prohibited and measures should be
taken to enable the importation of furs of certain species
to be prohibited when they originate in a country where
the leghold trap is still used or where trapping methods
do not meet internationally agreed humane trapping stan-
dards,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation: 'leighold trap':
means a device designed to restrain or capture an animal
by means of jaws which close tightly upon one or more of
the animal's limbs, thereby preventing withdrawal of the
limb or limbs from the trap.

Article 2

Use of leghold traps in the Community shall be prohib-
ited by 1 January 1995 at the latest.

Article 3

1. The introduction into the Community of the pelts of
the animal species listed in Annex I and of the other
goods listed in Annex II, inasmuch as they incorporate
pelts of the species listed in Annex I, shall be prohibited
as of 1 January 1995, unless the Commission, in
accordance with the procedure laid down in Article 5, has
determined that, in the country where the pelts originate:

— there are adequate administrative or legislative provi-
sions in force to prohibit the use of the leghold trap;

or

— the trapping methods used for the species listed in
Annex I meet internationally agreed humane trapping
standards.

(1) OJ No C 134, 31. 5. 1989, p. 5 and
(3) OJ No C 168, 10. 7. 1990, p. 32.
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 set out in the first paragraph.

2. The prohibition referred to in paragraph 1 shall be suspended for one year, expiring on 31 December 1995, if the Commission, in accordance with the procedure laid down in Article 5, has determined before 1 July 1994, as a result of a review undertaken in cooperation with the competent authorities of the countries concerned, that sufficient progress is being made in developing humane methods of trapping in their territory.

Article 4

Countries exporting or re-exporting to the Community after 1 January 1995 any of the goods listed in Annex II, inasmuch as they incorporate pelts of the species listed in Annex I, shall certify that such pelts originate in a country appearing in the list referred to in the second paragraph of Article 3 (1) or benefiting from a suspension in accordance with Article 3 (2).

The Commission, in accordance with the procedure laid down in Article 5, shall determine the appropriate forms for such certification.

Article 5

For the purposes of Article 3, the Commission shall be assisted by the committee established by Article 19 of Regulation (EEC) No 3626/82.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 6

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, 4 November 1991.

For the Council
The President
H. VAN DEN BROEK
ANNEX I

List of species referred to in Article 3 (1)

<table>
<thead>
<tr>
<th>Species</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beaver</td>
<td>Castor canadensis</td>
</tr>
<tr>
<td>Otter</td>
<td>Lutra canadensis</td>
</tr>
<tr>
<td>Coyote</td>
<td>Canis latrans</td>
</tr>
<tr>
<td>Wolf</td>
<td>Canis lupus</td>
</tr>
<tr>
<td>Lynx</td>
<td>Lynx canadensis</td>
</tr>
<tr>
<td>Bobcat</td>
<td>Felis rufus</td>
</tr>
<tr>
<td>Sable</td>
<td>Martes zibellina</td>
</tr>
<tr>
<td>Raccoon</td>
<td>Procyon lotor</td>
</tr>
<tr>
<td>Musk rat</td>
<td>Ondatra zibethicus</td>
</tr>
<tr>
<td>Fisher</td>
<td>Martes pennanti</td>
</tr>
<tr>
<td>Badger</td>
<td>Taxidea taxus</td>
</tr>
<tr>
<td>Marten</td>
<td>Martes americana</td>
</tr>
<tr>
<td>Ermine</td>
<td>Mustela erminea</td>
</tr>
</tbody>
</table>
ANNEX II

Other goods referred to in Article 3 (1)

<table>
<thead>
<tr>
<th>CN code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ex 4103</td>
<td>Other raw hides and skins (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split, other than those excluded by note 1 (b) or 1 (c) to chapter 41 of ° 4101, 4102, or 4103</td>
</tr>
<tr>
<td>ex 4103 90 00</td>
<td>Other</td>
</tr>
<tr>
<td>ex 4301</td>
<td>Raw furskins (including heads, tails, paws and other pieces or cuttings, suitable for furriers' use), other than raw hides and skins of Code 4101, 4102, or 4103</td>
</tr>
<tr>
<td>ex 4301 40 00</td>
<td>Of beaver, whole, with or without head, tail or paws</td>
</tr>
<tr>
<td>ex 4301 80</td>
<td>Other furskins, whole, with or without head, tail or paws</td>
</tr>
<tr>
<td>ex 4301 80 50</td>
<td>Of wild felines</td>
</tr>
<tr>
<td>ex 4301 80 90</td>
<td>Other</td>
</tr>
<tr>
<td>ex 4301 90 00</td>
<td>Heads, tails, paws and other pieces or cuttings, suitable for furriers' use</td>
</tr>
<tr>
<td>ex 4302</td>
<td>Tanned or dressed furskins (including heads, tails, paws and other pieces or cuttings), unassembled, or assembled (without the addition of other materials), other than those of code 4303: — whole skins, with or without head, tail or paws, not assembled</td>
</tr>
<tr>
<td>ex 4302 19</td>
<td>Other</td>
</tr>
<tr>
<td>ex 4302 19 10</td>
<td>Of beaver</td>
</tr>
<tr>
<td>ex 4302 19 70</td>
<td>Of wild felines</td>
</tr>
<tr>
<td>ex 4302 19 90</td>
<td>Other</td>
</tr>
<tr>
<td>ex 4302 20 00</td>
<td>Heads, tails, paws and other pieces or cuttings, not assembled</td>
</tr>
<tr>
<td>ex 4302 30</td>
<td>Whole skins and pieces or cuttings thereof, assembled</td>
</tr>
<tr>
<td>ex 4302 30 10</td>
<td>‘Dropped’ furskins</td>
</tr>
<tr>
<td>ex 4302 30 35</td>
<td>Of beaver</td>
</tr>
<tr>
<td>ex 4302 30 71</td>
<td>Of wild felines</td>
</tr>
<tr>
<td>ex 4302 30 75</td>
<td>Other</td>
</tr>
<tr>
<td>ex 4303</td>
<td>Articles of apparel, clothing accessories and other articles, of fur skin</td>
</tr>
<tr>
<td>ex 4303 10</td>
<td>Articles of apparel and clothing accessories</td>
</tr>
<tr>
<td>ex 4303 10 90</td>
<td>Other</td>
</tr>
<tr>
<td>ex 4303 90 00</td>
<td>Other</td>
</tr>
</tbody>
</table>