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**REPORT**

drawn up on behalf of the Committee on the Environment,  
Public Health and Consumer Protection

on the harmonisation of legislation within the  
European Community on the manufacture, sale and  
use of the leghold trap.

Rapporteur : Mrs Caroline JACKSON

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*A Series: Reports - B series: Motions for Resolutions, Oral Questions, Written Declarations, etc - C Series: Documents received from other Institutions (e.g. Consultations)*

**\*** = Consultation procedure requiring a single reading

**\*\*II** = Cooperation procedure (second reading) which requires the votes of the majority of the Members of Parliament

**\*\*I** = Cooperation procedure (first reading)

**\*\*\*** = Parliamentary assent which requires the votes of the majority of the current Members of Parliament



At its sitting of 8th February 1988, the European Parliament referred the motion for a resolution tabled by Mrs Castle and others on the steel-jawed leghold trap (Doc. B2-1563/87) pursuant to Rule 63 of the Rules of Procedure to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible. At its sitting of 13th June 1988, the European Parliament referred the motion for a resolution tabled by Mrs Bloch von Blottnitz on cruelty labels for fur coats (Doc. B2-222/88) pursuant to Rule 63 of the Rules of Procedure to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Economic and Monetary Affairs and Industrial Policy for an opinion.

At its meeting of 26th June 1988, the committee decided to draw up a report and appointed Mrs Caroline JACKSON rapporteur.

At its meetings of 18 October 1988 and 1 December 1988, the committee considered the draft report. At the last meeting it adopted the draft resolution by 23 votes to 1.

The following took part in the vote: Mrs WEBER, chairman; Mrs SCHLEICHER, vice-chairman; Mr ROELANTS du VIVIER, vice-chairman; Mrs Car. JACKSON, rapporteur; Mr ALBER; Mrs BANOTTI; Mrs BELO (deputizing for Mr CANO PINTO); Mrs BLOCH VON BLOTTNITZ; Mr COLLINS; Mr DEVEZE (deputizing for Mr CANTALMESSA); Mrs DIEZ de RIVERA ICAZA; Mr ELLIOTT (deputizing for Mrs GREDAL); Mr FITZSIMONS (deputizing for Mr VERNIER); Mr GRAZIANI; Mr HUGHES; Mr HUGOT (deputizing for Mrs DUPUY); Mrs LLORCA VILAPLANA; Mr MUNTINGH; Mr PARODI; Mr SCHMID; Dr SHERLOCK; Mrs SQUARCIALUPI; Mr VALVERDE and Mr VITTINGHOFF.

The Committee on Economic and Monetary Affairs and Industrial Policy decided not to draw up an opinion.

The report was tabled on 5 December 1988.

The deadline for tabling amendments to this report will appear on the draft agenda for the part-session at which it is to be considered.

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The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

A.

MOTION FOR A RESOLUTION

on the harmonisation of legislation within the European Community on the manufacture, sale and use of the leghold trap.

The European Parliament,

- having regard to the motion for a resolution by Mrs Castle and others on the steel-jawed leghold trap (Doc. B2-1563/87);
- having regard to the motion for a resolution by Mrs Bloch von Blottnitz on cruelty labels for fur coats (Doc. B2-222/88);
- having regard to the written declaration by Mrs Castle and Mr Seligman on the steel-jawed leghold trap;
- having regard to the Convention on the conservation of European wildlife and natural habitats (Berne Convention);
- having regard to Council Decision 82/72/EEC of 3 December 1981 concerning the conclusion of the Convention on the conservation of European wildlife and natural habitats<sup>1</sup>;
- having regard to the Pests Act 1954 and the Wildlife and Countryside Act 1981 of the United Kingdom;
- having regard to the Irish Wildlife Act 1976 and the Wildlife Act Regulations 1977;
- having regard to the Danish Hunting Legislation of 11 February 1983;
- having regard to the Portuguese Law No. 182 of 10 August 1987;
- having regard to the Spanish hunting legislation of 1971;
- having regard to the hunting law (Bundesjagdgesetz 1976) of the Federal Republic of Germany;
- having regard to the French Fur Charter 1976 (Charte de la Fourrure Francaise);
- having regard to the Italian Law No. 968 of 27 December 1977 on the protection of fauna and the regulation of hunting;
- having regard to the Belgian Law on Hunting of 1882;

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<sup>1</sup> OJ L 38 of 10/2/82.

- having regard to the Greek Law No 86/69;
  - having regard to the Dutch Hunting Act (Jachtwet) of 3 November 1954 amended on 20 April 1983;
  - having regard to the Decree of 10 March 1959 of the Grand-Duchy of Luxembourg on the destruction of pests;
  - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. A2- 303 /88);
- A. whereas Member States have a moral responsibility to protect fauna within the Community, which forms part of the natural heritage;
  - B. whereas in view of its indiscriminate nature the leghold trap may pose a threat to the survival of certain species which are protected by existing Community and international instruments, e.g. the Bern Convention and CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora);
  - C. whereas, furthermore, the leghold trap is a cruel and inhumane method of capturing and killing animals; recognises the need to set international humane standards for trapping to ensure the use of acceptable trapping devices in the Community and in third countries;
  - D. whereas in recognition of widespread concern among the British public about the cruelty of the leghold trap the Department of Trade and Industry in the United Kingdom recently considered proposals for a labelling order for furs from animals "commonly caught in leghold traps";
  - E. whereas it is the duty of the Community to educate its own Members about the need to conserve wildlife for future generations, and only then it is justified in educating others;
  - F. whereas in some regions outside the Community there are indigenous peoples who, for geographical and biological reasons, are completely dependent on hunting, and their survival and the survival of their cultures must be a matter of major international concern;
  - G. whereas every effort must therefore be made in the countries concerned to ensure that hunting is carried out using humane methods of catching animals and to speed up the change-over to such methods, with Community aid;
  - H. whereas the Berne Convention identifies large-scale and non-selective ways and means of catching and killing wild animals as capable of causing local disappearance of or serious disturbance to populations of a species and therefore prohibits their use;
  - I. whereas leghold traps, conibear traps and snares are non-selective and are all used on a large scale for catching fur-bearing mammals.
1. Supports the action by those Member States, including Denmark, the Federal Republic of Germany and the United Kingdom, which have already banned the use of the leghold trap.

2. Calls upon the Commission of the European Communities to introduce measures to harmonise legislation to prohibit the sale and use of the leghold trap within the Community.
3. Furthermore calls upon the Commission to extend these measures to prohibit the manufacture of the leghold trap and its export to third countries.
4. Urges the Commission, in the interests of effective environmental protection and fair competition, to make direct approaches to the organizations of those indigenous peoples concerned (for example, the Indigenous Survival International in Canada and the United States) in order to devise with them a form of positive labelling for their own products showing where they derive from animals trapped in the wild, offering them a proper opportunity of development and the consumer a clear option.
5. Calls upon the Commission to urge Member States to participate in the trapping standards setting process established by the International Organisation for Standardization.
6. Calls on the Commission to urge the States concerned to step up research and speed up the switch to more humane methods of catching animals, and to provide assistance in making this switch.
7. Urges the Commission to uphold the IUCN resolution supporting Native Peoples' rights to harvest renewable resources by traditional pursuits, bearing in mind that the IUCN does not feel itself competent to deal with issues involving cruelty.
8. Instructs its President to forward this resolution and the report of its committee to the Council, Commission and Member States.

EXPLANATORY STATEMENT

The leghold trap is a device designed to catch and hold an animal by its leg until it can be killed. This form of trapping has been banned in 60 countries, but is used widely in Canada, North America, and the USSR for capturing animals for the fur trade. Leghold traps are still employed in some Member States of the Community as a means of hunting or pest control.

Many different types of leghold trap are available, but all consist of a pair of metal jaws designed to snap shut on an animal's leg when the animal steps on a weight sensitive trigger, usually in the form of a steel plate. The force and speed with which the jaws of the trap clamp together are capable of breaking bones in an animal's foot or lower leg.

Conservation Aspects

Conservationists have expressed considerable concern about the threat posed to endangered species by the leghold trap. A leghold trap may be set on the ground, in the branches of trees or in water and will ensnare any animal, both mammals and birds, which may step into its jaws. Although traps can be set in such a way as to be more attractive to a specific 'target' species, it is impossible to ensure that an unwanted or 'non-target' animal will not be captured.

These 'non-target' species may include endangered and legally-protected species or domestic animals, such as cats and dogs. The injuries caused result in permanent damage, amputation or even death.

Non-target species are referred to by the trappers as 'trash' - unwanted animals which will be discarded or released in an injured state in which they will be unable to survive in the wild. In certain areas non-target species may account for a very high percentage of the total animals trapped.

Welfare Aspects

In some countries legal requirements exist for the regular checking of traps. However, these laws are difficult, if not impossible, to enforce.



Where the laws are disrespected or no such laws exist trapped animals may be left for many days, or even weeks, before they are checked and the animals can be killed. During this time the trapped animal is unable to hunt for food and may die of cold or starvation or fall prey to other species.

In its desperate attempts to escape from the trap, an animal may severely mutilate itself to the extent of chewing off the trapped limb, a practice known as "wringing off". In this mutilated state it is unlikely to survive in the wild. In the struggle to escape some animals will gnaw the trap itself, breaking teeth and damaging gums and jawbones.

The leghold trap, although designed to catch an animal by a limb, may also be triggered off by an animal foraging in the undergrowth, trapping the head or neck.

#### Member States' legislation

In 1958 England and Wales outlawed the use of the so-called "gin trap" and this was later extended to the rest of the United Kingdom. The sale of leghold traps is not prohibited, but such a trap may not be sold "with a view to it being used for a purpose which is unlawful". The manufacture and export of leghold traps is still allowed.

The sale and use of the leghold trap is prohibited in the Republic of Ireland. Although no regulations exist on the manufacture of leghold traps, no manufacturers of leghold traps are known to exist in the Irish Republic.

In Denmark leghold traps are totally illegal. Only box traps, which capture the live animal in a cage, are allowed and must be checked three times a day.

In Portugal the leghold trap is excluded from the list of permitted means for legal hunting. However, any person is entitled to buy a leghold trap and may use it "in defence of his property" with prior permission from the Guarda Nacional Republicana. This provision is widely abused and the legislation is not enforced, and wild animals are caught for their fur and for taxidermy. Leghold traps are legally manufactured and sold in Portugal and are also imported from Spain.

In Spain traps are widely used for catching wild animals. Despite having ratified the Bern Convention Spain continues to permit the leghold trap for capturing many species of mammal.

The use of leghold traps is prohibited by the Hunting Law of the Federal Republic of Germany, however there is no legislation on the manufacture and sale of such devices.

The Fédération Nationale de la Fourrure in France, an organisation of furriers, formally condemned the leghold trap in 1976 and resolved not to use pelts obtained by these traps. The leghold trap is now prohibited in France for all game species but may be used for pest control under special licence and in accordance with established procedures.

In Italy leghold trapping of animals classified as pests is permitted with trap checking twice daily required. Leghold traps are used mostly to capture foxes.

In Belgium leghold traps may be used to protect property and control pests, particularly wild rabbits. There is no legislation governing their manufacture or sale.

The Greek Law No 86/69 prohibits the setting and use of traps which are intended to kill, catch or render unconscious wild mammals and birds in general and furthermore prohibits the sale, manufacture and export of such devices. The Ministry of Agriculture may, however, grant approval for the use of traps for scientific purposes e.g. taxidermy.

In the Netherlands, hunting is only permitted with approved instruments. As the leghold trap is not listed as an "approved instrument" it is therefore in effect prohibited for legal hunting. "Pest" species are, however, not protected and could, therefore, be caught by means of leghold traps, although this method is virtually unknown in the Netherlands. The possession of such traps is not prohibited.

In Luxembourg the leghold trap is permitted both for legal hunting and for the control of pests. A new draft law has recently been introduced to prohibit leghold traps.

### Suggested Action by the Community

#### (1) On the use of leghold traps.

The European Community has approved the Convention on the conservation of European wildlife and natural habitats (Bern Convention). Ten Member States of the Community have ratified it, with the exception of Belgium and France which have signed it.

The aims of the Bern Convention are to conserve species of mammals, birds and flora naturally occurring in the European territory, especially those species and habitats whose conservation requires the cooperation of several States, and to promote such cooperation. Thus, a Member State which has a unique habitat for a European species which may be extinct or seriously threatened in other Member States, has a moral obligation to take all possible measures to protect that species, which forms part of the natural heritage to be handed down to future generations.

In view of the threat to protected species of animals, the use of "indiscriminate means of capture and killing", including traps, is prohibited by the Bern Convention.

The European Community has a moral obligation to ensure that equal measures are taken by all its Member States to protect European wildlife. The Fourth Environment Action Programme, adopted in 1987, identified a need for "a Community instrument aimed at protecting not just birds but all species of fauna and flora... Such a comprehensive framework should ensure that, throughout the Community, positive measures are taken to protect all forms of wildlife and their habitat". A total ban on the leghold trap in the Community would represent a positive contribution towards achieving this objective.

#### (2) On the sale of leghold traps.

If the above arguments justify a ban on the use of the leghold trap within the Community, the sale of such traps should also be prohibited. It follows likewise that these arguments must also apply in respect of Third Countries, which imposes on the Community a moral obligation not to manufacture such implements for the export market. It is interesting to note that among the Member States only Greece has specific legislation prohibiting the export of traps.

### (3) On labelling.

It should also be possible for the Community to act so as to ensure that the effect of its concern about the use of the leghold trap within its borders extends to furs imported into the Community, where these furs derive from animals caught in leghold traps.

There are two problems here. One is that of finding the appropriate legal base. Article 235 might be adequate, although the Commission might prefer to try its luck with Article 100A, not least because this would not require unanimity.

The second problem is that of finding the appropriate wording for any labelling, given that it is impossible to be absolutely sure of the precise method of capture used in each case in third countries. The British Government recently proposed a system of labelling for imported wild-caught furs which involved the words "includes furs from animals commonly caught in the leghold trap". This proposal was withdrawn in June 1988 on the grounds that the British Trade Descriptions Act of 1968 allows such additional labelling only for information or instruction. Objections had however also been received from fur-exporting countries. Whatever form of words is used, the problem of establishing with absolute certainty the means of capture in a third country is inescapable and will remain. In the rapporteur's view the fact that leg-hold traps are permitted and widely used in countries exporting furs to the European Community is sufficient background for the Community to agree on a labelling system. Whatever reservations the British Government may have had in the immediate context of their legislation, there is a clear argument that many consumers would appreciate more information about the method used in producing furs which they might want to buy. If such labelling acts as a disincentive to consumers, then the effect made on consumption patterns will be in line with Community policy on the leghold trap within its borders.

### (4) On a prohibition on imports

A ban on imports of wild-caught furs from countries which continue to permit the leghold trap would be the logical conclusion to the Community's concern in this area. Such a ban could be based on Article 235, the legal base used for the ban on the import of baby seal products. Any suspicion that such a ban would contravene Article 30 could presumably be dismissed under the provisions of Article 36.

MOTION FOR A RESOLUTION (Doc. B2-1563/87) tabled by Mrs Castle and others pursuant to Rule 63 of the Rules of Procedure on the steel-jawed leghold trap

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The European Parliament,

- A - Having regard to the nature of the steel-jawed leghold trap which is indiscriminate insofar as it is accountable for the capture of significant numbers of non-target species, including domestic pets and endangered species;
  - B - Whereas the use of the leghold trap thus presents a threat to the conservation of endangered species which are protected by existing Community and international instruments, e.g. the Bern Convention and CITES;
  - C - Whereas furthermore animals caught in leghold traps are rarely killed instantly and often suffer in agony for many hours, and sometimes days;
  - D - Whereas in some countries there is no requirement for traps to be checked daily and such requirements, where they do exist, are not and cannot be enforced;
- 
- 1 Supports the action by some Member States, for example Denmark, the Federal Republic of Germany and the United Kingdom, which have already banned the use of the leghold trap;
  - 2 Urges the elaboration of proposals to harmonise legislation throughout the Community to ban the manufacture, sale and use of the steel-jawed leghold trap.

MOTION FOR A RESOLUTION (Doc. B2-222/88) tabled by Mrs Bloch von Blottnitz pursuant to Rule 63 of the Rules of Procedure on cruelty labels for fur coats

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The European Parliament,

- A. whereas in Canada, the USA and the USSR, fur-bearing animals are still caught by means of snares,
  - B. whereas animals caught by this method die an agonizing death,
  - C. having regard to a measure introduced in the United Kingdom to curb the trade in the furs of animals killed by inhumane methods,
  - D. whereas, in the United Kingdom, all coats made from the fur of lynx, bobcat, white fox, grey fox, cross fox, red fox, coyote or wolf must in future carry a cruelty label if snares were used to trap the animals,
1. Welcomes the measure taken by the British Department of Trade and Industry;
  2. Stresses that this measure does not infringe existing trade provisions;
  3. Calls on the Commission to propose similar rules for the entire Community;
  4. Calls on its committee responsible to investigate the possibility of adopting at Community level the rules adopted by the United Kingdom;
  5. Instructs its President to forward this resolution to the appropriate quarters.