FUR FREE EUROPE

WHY WE NEED TO BAN FUR FARMING AND THE PLACEMENT OF FARMED FUR PRODUCTS ON THE EUROPEAN MARKET FROM PUBLIC HEALTH, LEGAL, ENVIRONMENTAL AND ETHICAL PERSPECTIVES

CONTENTS

3 Executive summary

4 Introduction

5 **Chapter 1:** The animals (the welfare case)

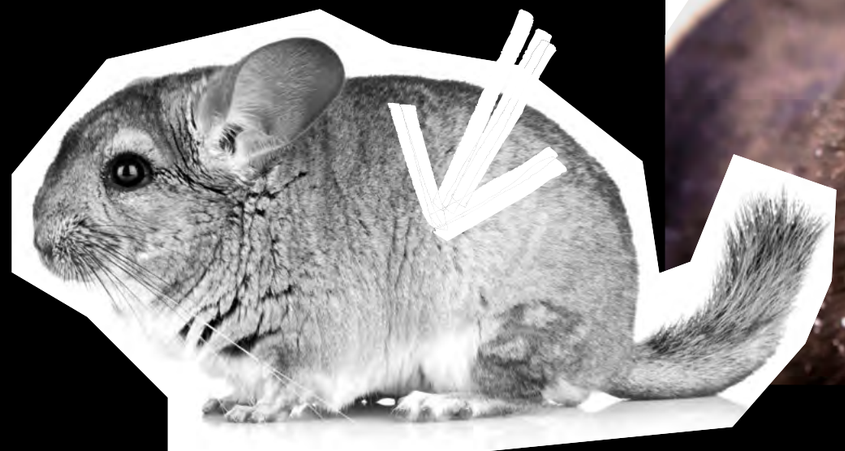
15 **Chapter 2:** The veterinary public health risk

19 **Chapter 3:** The environmental impact of fur farming

25 **Chapter 4:** Levelling the playing field (the economic case)

33 **Chapter 5:** How do we get there? The legal approach and added value of EU-level action

42 Conclusions



EXECUTIVE SUMMARY

TOWARDS A CAGE-FREE EUROPE

Following the European Commission's commitment to a cage-free future for farming and the move towards a species-specific behaviour approach, the keeping of innately wild animals in confinement simply cannot be legitimised. The clear societal consensus across Europe is that the keeping and killing of animals merely for their fur is unethical – a view reflected both through national prohibitions and the abandonment of fur products by increasing numbers of retailers.

CERTIFIED FUR FARMS DO NOT MEAN BETTER ANIMAL WELFARE

While some independent certification programmes claim to address major welfare issues on fur farms, the truth is that "certified" fur still comes from animals farmed in cage systems with the same inherent welfare problems that cannot be overcome by any kind of welfare monitoring scheme. Therefore the promotion of such programmes risks misleading consumers into thinking that certified fur is produced in an essentially different way from non-certified fur.

FUR FARMING IS CATASTROPHIC FOR VETERINARY PUBLIC HEALTH

Several scientific studies and reports have acknowledged that the continuation of fur farming poses risks to public health, potentially acting as reservoirs of pathogens and zoonoses. The SARS-CoV-2 pandemic has fiercely reminded us of the importance of leaving wild animals in the wild.

FUR FARMING IS A DISASTER FOR THE ENVIRONMENT AND A THREAT TO BIODIVERSITY

While the fur industry promotes fur as a natural and sustainable product, evidence has shown that fur farming has a devastating effect on biodiversity. This business is to blame for the threat and extinction of some European native species. American mink and raccoon dogs, which are the main species reared for fur in Europe, are considered invasive alien species. Emissions from fur farms can have serious negative effects on the health and quality of life of local residents. Problems with flies and foul odours have been reported in several countries.

BALANCING THE INTERNAL MARKET

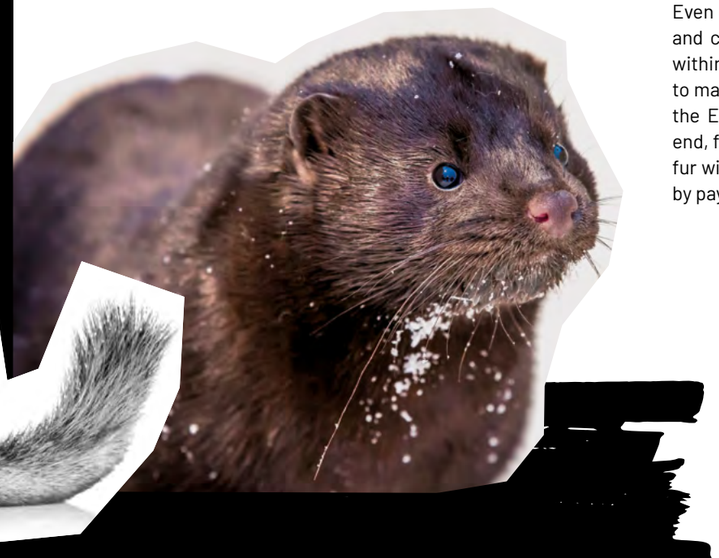
The existence of production bans in some Member States has a distorting impact on the market for the supply of farmed fur products that favours traders in Member States where there is no production ban to the detriment of those in Member States where there is such a prohibition.

EUROPEAN CITIZENS ARE STRONGLY AGAINST FUR FARMING

To date, twenty Member States have introduced some kind of legislative measure on fur farming. This trend reflects the clear ethical demands of European citizens who want to build a Europe that genuinely cares for animals. Following the example of Israel and several American cities, a ban on fur trade in the EU would be a logical step to ensure EU imports do not foster inhumane and unsustainable models of production beyond the Union's borders.

THE WAY AHEAD

Even one of the above should be enough to prompt questions and concern over the continued presence of the fur industry within the EU. Taken together, the only solution is clear: it is time to make fur history. The forthcoming legislative proposals from the European Commission represent a unique opportunity to end, for once and for all, both the production and sale of farmed fur within the EU, thereby honouring the wishes of citizens and by paying full regard to the welfare of millions of animals.



INTRODUCTION

Few aspects of animal welfare evoke a stronger reaction than the practice of fur farming. To those who work in the animal protection field, it is one of the greatest, if not the greatest, repudiation of everything that we strive to achieve. Even those with only a passing interest understand, at an almost visceral level, that farming animals purely for their coats is morally repugnant.

As Europe prepares itself for a great leap forward in animal protection, with the Commission currently working on proposals aimed at revising its outdated legislation on animal welfare, this report aims to demonstrate, in a comprehensive manner, both why and how this must also be the moment when our Union leaves fur farming behind, forever.

After all, we already know some of what is to come. Thanks to a European Citizen Initiative (ECI) to End the Cage Age, the European Commission committed itself to phasing out cage systems for animals conventionally farmed for food production in the coming years. Note, however, that these conventionally farmed animals being bred, reared and slaughtered are to a large extent domesticated. Most species bred, kept and killed for their fur are more wild than tame. How then can we, morally, move to a cage-free future for those animals that are more familiar with human interaction and forms of husbandry, and yet deny the same freedoms to those who are fearful of humans, and have needs that can never be satisfied in a controlled environment?

Surveys, polls and purchasing habits across the European Union have only ever shown one clear result: an overwhelming majority of European citizens reject fur farming. In 2022, Eurogroup for Animals, along with its members and other organisations, launched the European Citizens' Initiative Fur Free Europe, which calls on the EU to ban fur farming and the placement on the market of farmed fur products. The ECI received the support of more than 1.5 million citizens, and an assessment is currently being conducted by the European Commission.

Many Member States have already taken heed of the public mood by fully banning or phasing out fur production, and further bans are on the horizon in several other Member States, while a growing movement of prominent retailers, fashion houses and fashion fairs have declared themselves fur free.

This all comes against a background where fur farms have been temporarily or definitively closed across the Union on public health grounds, from Italy to Denmark and from Sweden to Belgium. Sars-Cov-2 has cruelly, but clearly, demonstrated the veterinary public health threats such establishments pose, with each farm acting as a potential reservoir of zoonotic pathogens.

Is it therefore any surprise that at least a dozen Member State governments, representing about two-thirds of the EU population, have already backed calls for an EU-wide end to this practice?

In the following chapters the case for leaving fur behind will become ever clearer, while any obstacles to doing so, legally or financially, will seem ever smaller.

When it comes to fur, the arrow of history points only in one direction, towards a fur free Europe.

CHAPTER 1

THE ANIMALS

(THE WELFARE CASE)

1.1. THE MAIN SPECIES IN EUROPEAN FUR FARMS

In Europe, the main species kept and killed solely for fur production purposes are mink, foxes and raccoon dogs.

These are intrinsically wild animals whose species-specific behaviour simply cannot be met on fur farms. Chinchillas are also kept and killed only for fur purposes in European farms, where their welfare is severely compromised. Even specific rabbit breeds are farmed mainly for fur purposes on European farms, though this production has been minimal.[1]

Mink in Polish fur farm, 2017
Credits: Anima International/Andrew Skowron

AN APPRECIATION OF THOSE SPECIES-SPECIFIC BEHAVIOUR IS CRUCIAL IN ORDER TO IDENTIFY WHICH BEHAVIOURS ARE LIKELY TO BE IMPORTANT. STUDYING THE PREFERENCES AND MOTIVATION OF ANIMALS UNDER EXPERIMENTAL CIRCUMSTANCES CAN PROVIDE RELEVANT INSIGHT ABOUT WHICH BEHAVIOURS ARE MOST ESSENTIAL TO THE ANIMAL AND THEREFORE THOSE THEY NEED TO BE ABLE TO PERFORM IN CAPTIVITY.[2]

1.1.1. MINK

American mink (Neovison vison) are carnivorous and semi-aquatic animals. As well as being able to climb and jump between trees, they can dive to depths of up to 6 metres and swim underwater for over 30 metres.[3] Mink are solitary, and swimming and diving are essential characteristics.[4]

In early spring, males and females mate, having on average four kits in late spring. By eight to ten weeks of age they become nutritionally independent and typically begin to disperse around 12-16 weeks old. Young females may stay with their mother until they are ten or eleven months old and kits of either sex may travel in pairs until late autumn. Juveniles may travel up to 50km in search of a territory for themselves.[5]

MINK IN NATURE VS ON FUR FARMS[6]

IN NATURE

- Minks daily cover wide territories between 1 and 3km^2
- Solitary animals
- Semi-aquatic. Swimming and diving are highly significant aspects of their lifestyle
- Stereotypical distress behaviours such as fur-chewing and circling, do not occur

ON FUR FARMS

- Minks spend their entire life in a wire-mesh battery cage typically measuring 90x30x45cm
- Live extremely near other minks unable to avoid social contact
- Cannot run, swim nor hunt
- Deprivation of swimming water results in the same stress level as deprivation of food

1.1.2. FOXES

Red foxes (Vulpes vulpes) and arctic foxes (Vulpes lagopus) are commonly kept on European fur farms. Red foxes are carnivores and opportunistic omnivores. They cover daily distances usually greater than 5km and often in excess of 10km.[7] Males and females share a territory, and they have a highly flexible social behaviour.[8] Red foxes may live in pairs or in family groups of up to ten adults and young. The cubs (usually three to six) are born in spring and start to emerge from the den at four to five weeks of age. The cubs become fully weaned when they are three months old.[9]

While arctic foxes may be active during the day, they are mainly nocturnal or crepuscular. Arctic foxes are territorial during summer, with home ranges typically between 4km^2 and 60km^2, but they may move over very large distances, making seasonal and/or periodic migrations of hundreds or thousands of kilometres, travelling up to 24km per day. In general, arctic foxes are solitary outside of the mating and breeding season but have a flexible social system, sometimes forming large family groups.[10]

FOXES IN NATURE VS ON FUR FARMS[11]

IN NATURE

- Foxes have complex social lives: they form pairs and live in family groups
- Dig dens with many tunnels
- The red fox (with a territory of 0.5-10km^2) covers 10km daily and the arctic fox (with a home range of 20-30km^2) migrates around 100km in one season

ON FUR FARMS

- Foxes are kept solitary in battery cages preventing natural social interaction
- Denied the opportunity to run, dig, play and explore
- Kept in wire-mesh battery cages measuring 0.8-1.2m^2

1.1.3. RACCOON DOGS

RACCOON DOGS IN NATURE VS ON FUR FARMS

IN NATURE

- Range over 0.5-8km^2 making use of multiple dens and shelters
- Spend a large part of their active time foraging for a highly varied diet
- Are highly social, forming long-term monogamous pairs
- Are mostly nocturnal and use a passive wintering strategy (superficial hibernation) in areas with harsh winters

The raccoon dog (Nyctereutes procyo-noides) is a member of the canid (dog) family originating from East Asia, about the size of a small fox with facial markings similar to a raccoon. They usually range over 0.5 to 8km^2,[12] usually along the banks of rivers or lakes and under thick protective cover,[13] making use of multiple dens and shelters.[14]

Raccoon dogs spend a large part of their active time foraging[15] for a highly varied diet, which can include for example rodents, reptiles, fish, amphibians, birds and their eggs, roots, fruits, nuts, berries, and seeds.[16] They are highly social, forming long-term monogamous pairs that travel together,[17] [18] rest together,[19] groom each other and share parental responsibilities.[20] Raccoon dogs are mostly nocturnal[21] and, following a period of autumn fattening, use a passive wintering strategy in areas with harsh winters, which can last for several months during cold and snowy periods.[22]

ON FUR FARMS

- Are kept in small wire-mesh cages, usually the same as those used for foxes
- Are fed a monotonous diet, usually delivered as a homogenous paste
- Are caged individually (for breeding animals), completely failing to meet their needs for social interaction. Juveniles may be housed in pairs but opportunities to engage in play behaviour are severely limited by the lack of space
- Are fed and inspected during the day and are prevented from carrying out their species-appropriate behaviour of entering a period of winter sleep due to daily feeding and lack of access to a suitable nest23 (nests are usually only provided during the nursing period of the young kits)

1.1.4. CHINCHILLAS

Chinchillas (Chinchilla lanigera) are kept and killed for fur purposes in some Member States, for example in Poland and Denmark. They have complex behavioural needs that cannot be met on fur farms.

Chinchillas are active at dusk and at night while the days are spent in rock crevices and burrows. They are herbivores with well-developed hind legs, which enable them to run fast and jump high and far. The chinchilla lives in large colonies in the wild and both parents take care of the young.[24]

CHINCHILLA IN NATURE VS ON FUR FARMS[25]

IN NATURE

- Chinchillas can move with great speed and jump heights of up to 2m
- Are highly social animals and originally lived in colonies of over 100 animals
- Are assumed to live in monogamous pairs
- Have a habit of dust bathing
- Are shy animals and often retreat into rocky crevices and hollows
- Are nocturnal animals

ON FUR FARMS

- Chinchillas are kept in small wire-mesh cages of on average 50x50x50cm
- The caging conditions do not meet the social needs of chinchillas
- Females are restrained by plastic collars and forced to live in polygamous conditions
- Limited access to dust bathing and nest boxes
- Are inspected and cared for during daytime

1.2. BEHAVIOURAL DISORDERS IN EUROPEAN FUR FARMS

The living conditions on fur farms fail to satisfy many of the most basic needs that are essential for the animals' physical and mental well-being. The biological functioning of mink and foxes farmed for fur is impaired, as indicated by levels of abnormal repetitive behaviour, and recurrent problems such as self-inflicted injuries, infected wounds, missing limbs and even cannibalism.[26]

There is also evidence of stereotypical distressed behaviour in raccoon dogs, pacing and circling being the most common ones.[27] On chinchilla farms, stress-related stereotype-like behaviours and pelt-biting have been observed.[28] Other abnormal behaviours such as fur-chewing and tail-biting are also common on fur farms, as are high levels of reproductive failure and infant mortality. They clearly point to the fact that the needs of animals on fur farms are not being met.

It is important to emphasise that the lack of visible injuries does not necessarily mean that the animals are provided with adequate welfare. Negative experiences like boredom, apathy and depression are often presumed to occur in animals housed under poor environment conditions.[29]

Cannibalism in Lithuanian mink farm, 2018
Credits: Anima International

Cannibalism in Finnish fox farm, 2020
Credits: Oikeutta eläimille

1.3. HANDLING AND KILLING

Since most species kept and killed on fur farms are essentially wild animals, they are not domesticated to a sufficient extent and are fearful of humans. In order to handle these animals, some handling and restraint measures need to be taken to protect the handlers.

Minks are generally handled with heavy gloves and are sometimes caught in a metal trap placed in the cage, or grasped with metal body-tongs.[30] Foxes are usually handled through grasping with a pair of metal neck-tongs and then grabbing them by the tail.[31] Raccoon dogs are handled similarly to foxes (tongs and snout clips).[32]

Minks are mainly killed by gassing with carbon dioxide (CO_2) or carbon monoxide (CO).[33] They are available in compressed form in a cylinder while carbon monoxide can also be supplied by exhaust gases (which also include some CO_2 and other toxic gases).[34] Diverse scientific evidence has shown that "killing mink with CO_2 should be avoided"[35] and that "the use of carbon monoxide, from exhaust gases, for killing mink is not acceptable and should not be permitted".[36]

Foxes and raccoon dogs are usually killed by electrocution while restrained with neck-tongs.[37] Chinchillas are killed through head-to-tail or water electrocution, gassing and neck breaking.[38] While the Council of Europe recommendations are explicitly against the use of metal neck-tongs for catching foxes,[39] this method is still commonly used on fox farms.

1.4. OTHER ANIMAL WELFARE RISKS

Animal welfare does not have a unique definition and scientists can proceed from various angles to describe it. While some reiterate the biological aspects, others focus on the animals' emotional states or even whether they have the possibility to perform their natural behaviours.

Directive 98/58/EC on the protection of animals kept for farming purposes[40] gives general rules for the protection of animals of all species kept for the production of food, wool, skin or fur or for other farming purposes, including fish, reptiles or amphibians. They aim to follow the so-called 'Five Freedoms'.[41]

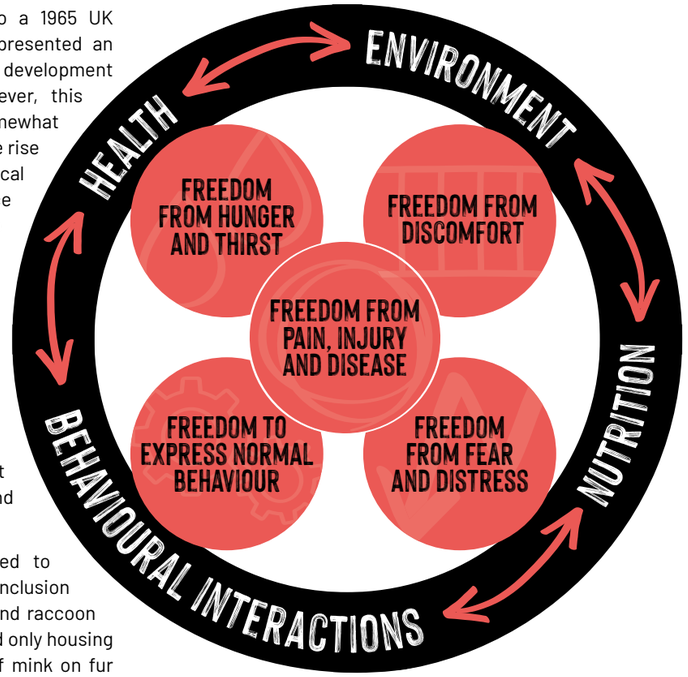
1. **Freedom from hunger and thirst**
2. **Freedom from discomfort**
3. **Freedom from pain, injury and disease**
4. **Freedom to express normal behaviour**
5. **Freedom from fear and distress**

The Five Freedoms

The Five Freedoms, developed in response to a 1965 UK Government report on livestock husbandry, represented an important step forward and contributed to the development of animal welfare legislation worldwide. However, this anthropocentric approach has become somewhat outdated over the last couple of decades, with the rise of new scientific knowledge regarding the biological functioning and welfare of animals. Welfare science has been moving from a simplistic view where adequate welfare means the lack of suffering, sickness, and the minimising of negative mental states towards a more comprehensive model promoting a "life worth living". This model is called the Five Domains.[42]

The Five Domains model defines an animal's welfare as the balance between positive and negative experiences and feelings.[43] This mental state is considered a direct result of the first Four Domains: health, environment, nutrition, and behavioural interactions.

Regardless of the framework assessment used to measure the welfare of farmed fur animals, the conclusion is that the welfare of minks, foxes, chinchillas and raccoon dogs is extremely compromised in the current and only housing system available. When assessing the welfare of mink on fur farms, Veterinary Ireland concluded:



The Five Domains

> **IT IS FURTHER CLEAR THAT FUR FARMS CANNOT PROVIDE FOR THE FIVE FREEDOMS (OR WELFARE NEEDS) OF MINK, PARTICULARLY IN RELATION TO THE NEED TO BE ABLE TO EXPRESS MOST NORMAL BEHAVIOURS. USING THE FIVE DOMAINS CONCEPT, AS DETAILED IN VETERINARY IRELAND'S POLICY ON CAPTIVE WILD ANIMALS, IT WOULD SEEM THAT FUR FARMS FAIL ON ALL EXCEPT THE PROVISION OF APPROPRIATE NUTRITION.[44]**
>
> **VETERINARY IRELAND POLICY ON FUR FARMING 2018.**

As a consequence of this scientific view, Ireland banned fur farming in 2022.

1.5. THE PROBLEM WITH CERTIFIED FUR FARMS

When it comes to domesticated animals raised for food, there are currently diverse validated methodologies such as Welfare Quality, AWIN and AssureWel that can be used to analyse animal welfare. For example, Welfare Quality can be used to assess animal welfare in a range of farming systems, with varying potential to provide high standards of welfare. A vital use of the Welfare Quality assessment system is as a research tool to evaluate different farming systems and practices.[45]

In Europe, WelFur[46] claims to be an animal welfare assessment programme to assess the welfare of animals on fur farms. WelFur attempts to mimic the Welfare Quality scheme for pigs, poultry and dairy cattle. The problem is that the WelFur protocols have been developed for use in small wire cages, the only housing system currently used for fur farming purposes.

In a recent publication about the results of WelFur controls on European mink farms, it was stated that "The majority of mink farms (71.7%) were labelled 'Good current practice'".[47] However, it is important to note that this study uses WelFur criteria as their method of measurement, which means that the results only tell us that all fur farms are basically the same and not that the animals live in adequate conditions.

It is important to emphasise that 'certified' fur still comes from animals farmed in cage systems with the same inherent welfare problems that cannot be overcome by any kind of welfare monitoring scheme.[48] Therefore the promotion of such programmes risks misleading consumers into thinking that certified fur is produced in an essentially different way from non-certified fur.

> **THE WELFUR PROTOCOLS ARE ABOUT "BEST CURRENT PRACTICE" – THEY DO NOT OFFER ALTERNATIVE SYSTEMS OR NEW, MORE ANIMAL WELFARE-FRIENDLY WAYS OF FUR FARMING. THE INHERENT ANIMAL WELFARE PROBLEMS OF CAGE-BASED FUR FACTORY FARMING HAVE NOT BEEN ADDRESSED AND SO WILL CONTINUE TO AFFECT ANIMALS ON FUR FARMS, REGARDLESS OF WHETHER THE FARM IS CERTIFIED OR NOT.**
>
> **FUR FREE ALLIANCE (2019)** ***CERTIFIED CRUEL: WHY WELFUR FAILS TO STOP THE SUFFERING OF ANIMALS ON FUR FARMS.***

CHAPTER 2

THE VETERINARY PUBLIC HEALTH RISK

Beyond all the welfare and ethical problems inherent to the current and only housing system available on fur farms, this is particularly risky for veterinary public health.

The structure of such farms, with a high density of animals where cages are placed closely beside each other, promotes unwanted contact between animals, since it may facilitate animal-to-animal transmission of infectious diseases.[49] Such conditions, which utterly disrespect species-specific behaviour, create an underlying stress situation for those animals, leading to immunosuppression.[50] The use of only a few males selected for breeding fur animals on farms leads to low genetic diversity, which facilitated, for example, contagion with SARS-CoV-2.[51]

When it comes to sanitation, fur farms have generally poor manure-handling systems. Manure usually drops from the cages to the slurry gutter or to the floor of the house, where it is stored for days or weeks.[52] Moreover, the fact that fur farms generally are located in specific regions increases the chances of spreading zoonotic diseases.[53]

2.1. FUR FARMING AND THE SARS-COV-2 PANDEMIC: A LINK THAT CAN'T BE IGNORED

Since the beginning of the SARS-CoV-2 pandemic in 2019, the debate about fur farming has grown significantly. Several scientific studies and reports have acknowledged that the continuation of fur farming poses risks to public health, potentially acting as reservoirs of pathogens and zoonoses. Evidence has shown that mink and raccoon dogs on fur farms can efficiently transmit, mutate, and serve as intermediate hosts for SARS-CoV-2. Furthermore, it has been shown that red foxes are susceptible to SARS-CoV-2 infections and can shed the virus.[54]

A recent peer-reviewed and published paper has shown compelling evidence that Wuhan's wet market was the epicentre of the COVID-19 outbreak. In this market, foxes, raccoon dogs and other live mammals susceptible to the virus were sold right up until before the pandemic began.[55] These are relevant findings that strengthen the case for a paradigm shift in the way humans handle wildlife.

The first SARS-CoV-2 infection in mink was reported in the Netherlands in April 2020.[56] Following this, several COVID-19 outbreaks were detected in mink on European fur farms in Denmark, Spain, Italy, Sweden, Greece, France, Lithuania, Poland, and Latvia. Temporary suspension of production or biosecurity measures were implemented at national level in some Member States.

In May 2021, the European Commission adopted a mandatory and harmonised diagnostic screening for the surveillance and reporting of SARS-CoV-2 infections in mink and raccoon dog farms for all Member States.[57] Unfortunately, experience has shown that such measures have not sufficiently ensured the containment of the virus, with new outbreaks still being reported in 2022 and 2023.[58] [59]

For instance, strict monitoring was introduced in Denmark after the animals on three mink farms were culled in June 2020. Despite the biosecurity measures in place, in November 2020 there were 207 farms with positive test results, which led to the decision to cull all mink in Denmark and implement a temporary ban on production in order to contain the spread of the virus.[60] While the legality of the mass cull in Denmark has been intensively discussed,[61] this in no way negates the relevance of the temporary suspension put in place by the Danish government.[62]

According to findings from the World Organisation for Animal Health (WOAH),[63] farmed mink and raccoon dogs have shown to be highly susceptible to SARS-CoV-2 with the potential to form a permanent reservoir of SARS-CoV-2 infection. Pigs and cattle have shown extremely low susceptibility. There is evidence that the virus was introduced to mink farms by humans, followed by mink-to-mink transmission, before finally progressing towards mink-to-human transmission.[64]


Credit: essereanimali

> **THE ROLE OF WILDLIFE SPECIES IN INTENSIVELY REARED FOOD OR FUR FARMS REPRESENTS A POORLY UNDERSTOOD DISEASE RISK TO HUMANS AND THEIR DOMESTICATED ANIMALS.**
>
> **IUCN (2022) SITUATION ANALYSIS ON THE ROLES AND RISKS OF WILDLIFE IN THE EMERGENCE OF HUMAN INFECTIOUS DISEASES.[65]**

According to a tripartite qualitative risk assessment[66] from FAO, WHO and WOAH, "SARS-CoV-2 spillover from fur farm animals to humans poses a serious public health and socio-economic threat and requires a One Health approach to manage." The same report shows that public health risks from SARS-CoV-2 spillover within fur farms, from fur farms to humans and to wildlife populations are high in Europe, considering the high number of fur farms concentrated in the same geographical areas.

This spillover effect has not only been shown to occur between animals and humans within mink farms. The transmission between farmed fur animals to wild and domestic stray animals is very likely to occur. For example, in the Netherlands, several cats in mink farms were tested positive. According to WOAH findings, "the risk of SARS-CoV-2 transmission between farmed and domestic animals on infected mink farms is high for cats and dogs".[67] "While the risk of cats or dogs transmitting SARS-CoV-2 to humans is considered low, the risk of transmission to different farms through movement of animals is high".[68]

2.2.

FUR FARMING, INFLUENZA VIRUSES AND ANTIMICROBIAL RESISTANCE (AMR)

Another concerning public health problem is antibiotic resistance. A scientific study performed in fur farms in Denmark, Iceland and the Netherlands has demonstrated significant associations between antibiotic consumption and resistance in mink production. However, an interesting finding was that antibiotic-resistant bacteria were found even on farms where mink have not used antibiotics for many years.[69] Moreover, the soil around fur farms can become heavily contaminated with bacteria and parasites, including some which are zoonotic.[70] Equally important are the concerns about avian influenza outbreaks on mink farms in Spain and Finland. While avian influenza primarily affects birds, recent reports of infections in mammals suggest an increased risk of evolution into a potential threat to humans.

The above-mentioned observations underpin the fact that the link between fur farming and the spreading of zoonotic diseases can no longer be underestimated if future pandemics are to be avoided. Finally, it has been shown that preventive measures have not been sufficient to mitigate the challenges raised by the COVID-19 pandemic. The high susceptibility of fur animals to act as reservoirs of zoonotic viruses only reinforces the urgency of ending fur farms to safeguard veterinary and public health. Considering the non-essential nature of fur products, and following the One Health approach, which is crucial to anticipate, prevent, detect and control diseases that spread between animals and humans[71], it is very unlikely to find proportionate justifications to maintain this business as legitimate.

CHAPTER 3

THE ENVIRONMENTAL IMPACT OF FUR FARMING

3.1.

REVEALING THE TOXICITY AND DANGERS OF FUR PRODUCTION

The concept of fur as a natural and sustainable product has been widely promoted by fur industry stakeholders. Especially comparing fur with faux fur derived from fossil fuels, this industry has aimed to fit fur into the loop of sustainable production and fashion in accordance with several European strategies.[72]

However, when looking closer to the whole production cycle, from the breeding of the animals to the finishing of garments, fur production can be seen to be an intensely toxic and resource-consuming business.

While the awareness of the toxicity of fur products is low, many chemicals used in the fur industry are potential skin irritants. Some examples are alkalis, acids, alum, chromates, bleaching agents, oils, salt and the compounds involved in the dyeing process, which comprise various types of dyes as well as mordants.[73] According to Haz-Map,[74] more than 45 chemicals and groups of chemicals known as "hazardous agents" are related to the fur dressing and dyeing process, including:

- **Carcinogens** (substances that cause cancer)
- **Genotoxins** (substances that damage DNA)
- **Mutagens** (substances that cause mutations in DNA)
- **Reproductive toxins**
- **Teratogens** (substances that interfere with foetal development)
- **Hepatotoxins** (substances that cause damage to the liver)
- **Nephrotoxins** (substances that cause damage to the kidneys)
- **Pulmonary toxins** (substances that cause damage to the lungs)
- **Neurotoxins** (substances that cause damage to the nerves)
- **Corrosive substances**
- **Skin, eye and mucous membrane irritants**
- **Skin sensitisers** (substances that can cause an allergic reaction following skin contact)
- **Respiratory sensitisers** (substances that can cause an allergic reaction when inhaled).[75]

Potentially dangerous levels of several hazardous chemicals have been found in fur products of diverse price ranges and brands (including clothing for children) sold in both Europe and China.[76]

Not only is the use of toxic metals in fur dressing and dyeing dangerous because they are biodegradable and bioaccumulate in the body, but they are also great environmental polluters. With reference to land pollution by toxic metals, fur dressing and dyeing is ranked in the top five highest pollution-intensity industries.[77] Water and land pollution has been reported in China, and Europe is no exception: in 2018, a Greek fur processing company was fined €34,350 for pollution and environmental degradation caused by its fur skin processing and refining plant, including illegal storage, illegal management, and uncontrolled disposal of hazardous waste. At that time, it was exposed that the contamination had been occurring since at least 2014.[78]

Contrary to various claims, fur cannot be considered as a biodegradable product. According to a study commissioned by the International Fur Federation and Fur Europe, the biodegradation of the fur samples plateaued at between 6.6% for dyed fox fur and 25.8% for undyed mink fur, indicating that fur products were only partially biodegradable under test conditions. The degree of biodegradation for fur products cannot therefore be said to be similar to other natural products.[79]

Focusing constantly on the dangers of "plastic fur" and the issue of biodegradation, the fur industry aims to promote animal fur as a natural and sustainable product. However, measured over the whole life cycle of the product (from production of the raw material to disposal), evidence has shown that the environmental impact of a mink fur coat is many times higher than that of a faux fur coat. The fur industry claims that a fur coat compensates for the difference with a longer lifespan, but available evidence indicates that the actual lifespan of fur garments is, on average, no more than five to ten years and nowhere near long enough to compensate for the difference in environmental impact, both in terms of the climate and the wider measures of pollution and resource use.[80]

While fur is currently considered a non-essential product, several alternatives are being developed for those consumers who would still like to wear fur garments that do not involve animal suffering and risk to the environment. The industry is developing, and innovative materials are already available today, generally called 'next-gen materials',[81] which are more sustainable than petroleum derivatives, as well as being animal-free.

3.2. FUR FARMING IS A DISASTER FOR THE ENVIRONMENT

Environmental protection has become a crucial concern in political agendas around the globe, including in the EU. Territories and jurisdictions have made varying levels of commitments to tackle environmental challenges, often as a result of warnings from intergovernmental panels and organisations, as the world struggles to contain the huge impact that human activities have on the environment and natural resources.

Local bodies of water, groundwater, soil and air quality are extremely affected by the pollution from fur farms. It is known that ammonia emission from livestock is an important source of air pollution that contributes to acidification and eutrophication.[82]

Another characteristic of the fur business is that fur farms are generally concentrated in specific regions, which burdens the local ecosystems in several ways.

> **AMMONIA EMISSION PER ANIMAL FROM MINK HOUSES IS AT LEAST DOUBLE THAT FOR BROILER CHICKENS, DUE TO THE HIGH PROTEIN REQUIREMENT OF THE STRICTLY CARNIVOROUS MINK AND THE TYPICAL USE OF OPEN-SIDED HOUSES ON FUR FARMS WITHOUT SOPHISTICATED MANURE-HANDLING SYSTEMS.[83]**

EXAMPLES OF EUROPEAN REGIONS BURDENED BY FUR FARMS[86]

MEMBER STATE	REGION	PROBLEMS DETECTED
Finland	Ostrobothnia (95% of fur farms)	In Finland there are approximately 50 fur farms located at aquifers classified as important for water supply. In Western Finland, there are 30 fur farms that pose a significant risk of contamination to important aquifers. **Main problem:** rising levels of nitrate and nitrite in these aquifers, due to leaching of nitrogen compounds from fur animal faeces. Nitrification causes the groundwater to become acidic, which increases the dissolution of many heavy metals, and concentrations of nickel and aluminium may exceed many times over the levels stipulated in quality requirements and recommendations for drinking water.[84]
Spain	Galicia (80% of mink farms)	In the rural areas of Abegondo, Galicia, groundwater quality data shows bacteriological and nitrate contamination due to poor management of manure in the fields and discharges of slurry from pig and mink farms.
Poland		Large farms are usually divided into smaller units for the purposes of official documentation (whereas, in reality, they continue to operate as a single entity) in order to evade environmental protection measures that apply to larger farms only. Irregularities were found in 15 out of 20 audited fur farms in Poland, including five cases where owners stored manure under mink cages, which may have caused sewage containing nitrogen to contaminate groundwater, and one farm where wastewater was discharged directly onto the ground.[85]
Lithuania	Siauliai County	An inspection showed that all of the 31 farms inspected were found to be in breach of environmental requirements for manure and slurry management and 22 of the farms had started operations without carrying out an Environmental Impact Assessment, as required under Lithuanian law. Some years later, several farms were still in breach.

It has been also observed that the quality of life of local residents is hugely impacted by fur farms. Problems with flies and foul odours have been reported in several places.

In Spain, local residents protested against smells, flies, noise and waste pollution coming from fur farms.[87] Similar complaints have been reported in Poland[88] and Sweden.[89]

3.3. FUR FARMING IS A THREAT TO BIODIVERSITY

Looking further at the multitude of effects caused by fur farming in several areas, the impact of such production on European biodiversity cannot be ignored. Fur production has been, and continues to be, responsible for biodiversity loss on an enormous scale, via the deliberate introduction and accidental escape of invasive alien species from fur farms.[90] American mink and raccoon dogs, two of the main species raised in European fur farms, are amongst the 18 alien mammal species of most concern in Europe.[91]

Having escaped from fur farms, the American mink poses a major threat to biodiversity and is now widespread throughout the EU. It is the alien mammal with the highest impact on European wildlife, affecting 47 native species, including six threatened species.[92]

Recognising the intrinsic connection between animal health, our shared environment, and public health, the European Parliament has acknowledged the issue, contributing to the ongoing debate about the future of fur farming:

> **FUR PRODUCTION, WHICH INVOLVES THE CONFINEMENT OF THOUSANDS OF UNDOMESTICATED ANIMALS OF A SIMILAR GENOTYPE IN CLOSE PROXIMITY TO ONE ANOTHER UNDER CHRONICALLY STRESSFUL CONDITIONS, CAN SIGNIFICANTLY COMPROMISE ANIMAL WELFARE AND INCREASES THEIR SUSCEPTIBILITY TO INFECTIOUS DISEASES INCLUDING ZOONOSES, AS HAS OCCURRED WITH COVID-19 IN MINK.**
>
> EUROPEAN PARLIAMENT - EU BIODIVERSITY STRATEGY FOR 2030: BRINGING NATURE BACK INTO OUR LIVES BY THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY, PARA 70.

CHAPTER 4

LEVELLING THE PLAYING FIELD

(THE ECONOMIC CASE)

4.1. SCALE OF THE FUR INDUSTRY: SOME NUMBERS

It is estimated that 90% of the fur produced globally is derived from farmed animals. Europe and China are currently considered the world's largest fur producers. The fur industry in Europe reached its peak in 2014, and since then it has been in constant decline.

Global fur production is also in sharp decline. China, currently the largest producer of mink, foxes and raccoon dogs, as well as the largest consumer of fur, produced 6.87 million mink pelts in 2021 (down from a high of 60 million in 2014). The USA is another significant mink producer (1.4 million pelts in 2020, down from 2.7 million in 2019). Despite the clear downward trend, in 2021 global production still involved an estimated 23 million mink, 12 million foxes and 9 million raccoon dogs.[93]

In Europe, annual mink production decreased from 45 million in 2014 to approximately 12 million in 2021. Poland is currently the largest mink producer, following the cull in Denmark. Finland is the largest producer of foxes (mainly 'blue' foxes) and raccoon dogs, with a production of 1.18 million fox pelts in 2021 (down from around 2.5 million annually prior to 2019) and 87,000 raccoon dog pelts in 2021.[94] Poland produced 30,000 fox pelts in 2020.[95]

The drop in fur production worldwide is reflected in the decreasing numbers of imports to and exports from the EU:

EU EXPORTS TO THIRD COUNTRIES

(comparison between 2019 – before the pandemic – and 2023).[96]

	2019	2023
Raw furskins of mink	5,970 tonnes €819,397,903	3,169 tonnes €477,977,046
Tanned or dressed furskins of mink	85 tonnes €17,512,906	44 tonnes €11,436,702
Raw furskins of foxes	2,057 tonnes €146,612,009	1,021 tonnes €58,063,427

Main destinations: China, Hong Kong, Cambodia, Thailand, South Korea, Turkey and Russia. The exact numbers for tanned or dressed furskins of foxes and raw, tanned or dressed furskins of chinchillas and raccoon dogs are not included, since they are calculated together with skins from other species.

EU IMPORTS FROM THIRD COUNTRIES

(comparison between 2019 – before the pandemic – and 2023).[97]

	2019	2023
Raw furskins of mink	768 tonnes €103,694,925	55 tonnes €5,893,471
Tanned or dressed furskins of mink	48 tonnes €10,204,184	6 tonnes €1,042,066
Raw furskins of foxes	38 tonnes €4,699,831	7 tonnes €349,485

Main exporters: Russia, China, Ukraine, United States and Norway. The exact numbers for tanned or dressed furskins of foxes and raw, tanned or dressed furskins of chinchillas and raccoon dogs are not included, since they are calculated together with skins from other species.

4.2. LABELLING DOESN'T TACKLE CRITICAL PROBLEMS

In order to try to align the fur business with sustainability and consumer protection protocols, the fur industry has developed a narrative focusing on the relevance of labelling and traceability to ensure high animal welfare and environmental standards.[98]

According to new labelling requirements in the EU since 2012, garments that contain fur fall within the scope of the Regulation (EU) No 1007/2011 and are required, under Article 12, to carry the wording "contains non textile parts of animal origin". More specifically, the law requires that products containing at least 80% textiles by weight and less than 20% animal products, such as fur or leather, must be labelled with the above-mentioned wording.[99]

An investigation conducted in 2016[100] showed that non-compliance with the Article 12 wording was observed at more than 70% in five out of the ten countries where the investigation was carried out. Contrary to the common belief that fur is always a luxury product, it was observed that fur, especially from foxes, raccoon dogs and rabbits, were present in cheaper goods ranging from pom-poms and trims in gloves to scarves, hoodies and other products.[101]

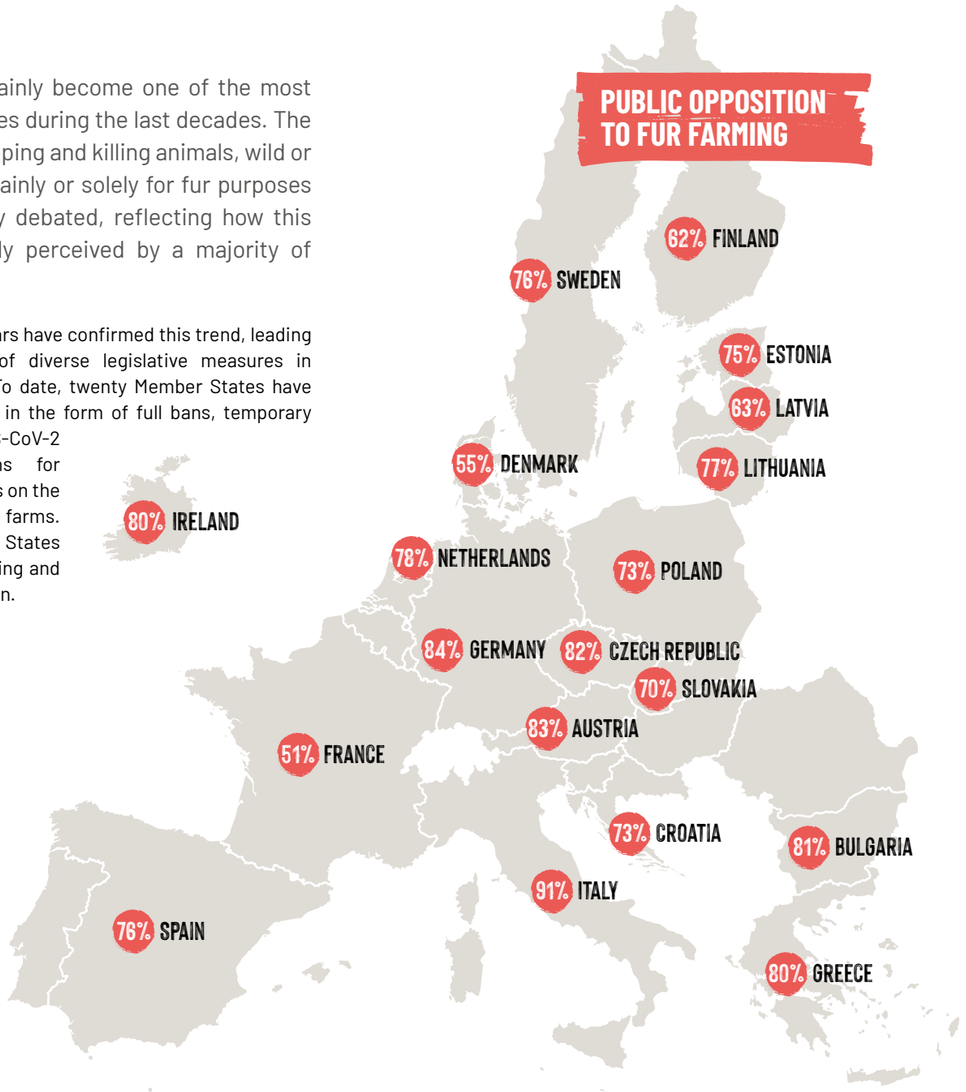
The current labelling system fails to address several issues and it does not give the consumers relevant information like for example, the species from which the fur derives, the country of origin and if the animal is wild-caught or raised and killed on a fur farm.[102] However, it is important to emphasise that improving labelling does not resolve the problems inherent to fur farming. Regardless of the origin of the product, the housing systems on fur farms are quite similar everywhere and there are simply no alternative housing systems that can ensure adequate welfare for the animals. In other words, in contrast to other agricultural markets with several production systems available, market regulation in accordance with consumer demands cannot lead to significant improvements in fur farming practices.

Moreover, as is evidenced earlier, labelling and certification programmes cannot solve the massive challenges of fur farming as reservoirs of viruses and other pathogens. Nor do they reflect societal perceptions of keeping and killing animals solely for fur purposes. Labelling is not enough. Fur should be phased out.

4.3. PUBLIC OPINION IS STRONGLY AGAINST FUR FARMING

Fur farming has certainly become one of the most controversial industries during the last decades. The ethical aspects of keeping and killing animals, wild or not, in small cages mainly or solely for fur purposes have been intensively debated, reflecting how this business is negatively perceived by a majority of European citizens.

Opinion polls in recent years have confirmed this trend, leading to the implementation of diverse legislative measures in several Member States. To date, twenty Member States have imposed such measures, in the form of full bans, temporary bans due to the SARS-CoV-2 pandemic, partial bans for particular species, or bans on the construction of new fur farms. Finally, some Member States have phased out fur farming and some are considering a ban.



FUR FARMING LEGISLATION IN EU MEMBER STATES[103]

MEMBER STATE	TYPE OF LEGISLATIVE MEASURE	GROUNDS
Austria	Ban on keeping and killing all species for fur purposes.	Animal welfare and ethical concerns.
Belgium	Wallonia: ban on keeping and killing all species for fur purposes . Brussels: ban on keeping and killing all species for fur purposes. Flanders: phase-out by 2023.	Animal welfare, health of the animals and environmental impact. Animal welfare, health of the animals and environmental impact. Animal welfare and risks to indigenous fauna, the American mink is an invasive species.
Bulgaria	Ban on import and breeding of mink.	Biodiversity concerns (Resolution of Minister of Environment and Water: not in force due the appeal proceeding).
Croatia	Ban on rearing animals for fur purposes after a 10-years phasing out period.	Animal welfare and ethical concerns.
Czech Republic	Ban on breeding and killing animals solely or primarily for the purpose of obtaining fur.	Animal welfare and ethical concerns.
Denmark	Ban on fox farming. Ban on building new raccoon dog farms. Suspension of mink farming until 2023 .	Animal welfare and ethical concerns. Animal welfare and ethical concerns. Public health (COVID-19 outbreaks).
Estonia	Ban on keeping and breeding animals solely or mainly for the purpose of production of fur. Phase out by 2026.	Animal welfare and ethical concerns.
France	Immediate ban on the breeding of American mink and animals of other non-domestic species exclusively for fur production.	Animal welfare and ethical concerns.
Germany	Phase-out until 2022 due to stricter welfare requirements.	Animal welfare and ethical concerns.
Hungary	Immediate ban on the breeding of mink, foxes, polecats and coypu for fur.	Animal welfare and public health concerns (COVID-19 outbreak on mink fur farms across Europe). The ban was adopted with the aim to prevent fur farmers from other countries moving their operations there.
Ireland	Prohibition on the keeping of animals primarily for their fur or skin.	Animal welfare and ethical concerns.
Italy	Ban on the farming, breeding in captivity, capture and killing of animals of any species for the purpose of obtaining fur.	Animal welfare, ethical and public health concerns.
Latvia	Ban on breeding animals for the main purpose of collecting their fur to be implemented as of 2026.	Animals welfare and ethical grounds.

Lithuania	Prohibition of keeping and/or breeding animals for the purpose of producing or selling fur.	Animals welfare and ethical grounds
Luxembourg	Ban on raising an animal for the main use of the skin, fur, feathers or wool.	Animal welfare and ethical concerns.
Malta	Prohibition of fur farming with immediate effect.	There are no fur farms in Malta. The ban represents a precautionary measure to prevent fur farms from other countries from moving to Malta.
The Netherlands	Ban on keeping, killing or allowing killing of an animal for fur.	Animal welfare and ethical concerns. The ban had a phase-out period by 2024, but due to corona outbreaks, an earlier shutdown was declared in 2020.
Slovakia	Ban on breeding and killing fur animals solely or primarily for the purpose of obtaining fur. Phase-out by 2025.	Animal welfare and ethical concerns.
Slovenia	Prohibition on breeding and hunting animals only in order to obtain their fur, skins or feathers.	Animal welfare and ethical concerns.
Spain	Prohibition on the building of new mink fur farms.	Biodiversity concerns (to prevent ecological damage).
Sweden	Phase-out of fox and chinchilla farms due to stricter animal welfare requirements. Temporary ban on mink farming during 2021, lifted in 2022 with certain restrictions. Voluntary phase-out of the remaining mink farms with financial compensation during 2024–2025. A governmental inquiry is to be expected on whether fur farming will be banned.	Animal welfare concerns. Public health (COVID-19 outbreak). Animal welfare and to be at the forefront before possible EU-ban

At EU level, the issues regarding fur farming, especially concerning welfare aspects, have been part of public debate for years. However, since the beginning of the SARS-CoV-2 pandemic, this debate has intensified. Following this reasoning, the Netherlands and Austria, supported by Belgium, Germany, Luxembourg and Slovakia, presented a declaration on fur farming at the Agricultural and Fisheries Council meeting of 28th June 2021, which was endorsed by a further six Member States. This landmark paper called on the European Commission to investigate the possibility for an EU-wide ban on fur farming based on animal welfare, veterinary public health, and ethical considerations.

Two years later, on 26th June 2023, the Council expressed its support for ending fur farming for the second time. A majority of Member States called for a ban on fur farming and requested the European Commission to examine the possibility of banning the sale of farmed fur products in the European market, supporting the calls of the ECI Fur Free Europe.

> **WE BELIEVE THAT THE PURPOSE OF FUR PRODUCTION DOES NOT LEGITIMISE THE MAINTENANCE OF KEEPING AND KILLING THESE ANIMALS, AND CONSIDER KEEPING AND KILLING ANIMALS SOLELY OR MAINLY BECAUSE OF THE VALUE OF THEIR FUR TO BE ETHICALLY UNACCEPTABLE.**
>
> **DECLARATION BY THE NETHERLANDS AND AUSTRIA, "FUR FARMING IN THE EUROPEAN UNION", JUNE 2021.[104]**

4.4. BANNING FUR PRODUCTION AND SALES IN THE EU: THE LOGICAL STEP

It is important to have in mind that an EU-wide ban on fur farming should be pursued even if several Member States are adopting stricter measures. Various types of national measures – from full bans to stricter rules that have led to a phase-out of the business – have caused an uneven playing field within the European market. Another relevant point is that some Member States, despite strong public opinion against fur farming, do not appear to have plans to phase out this practice.

European citizens' ethical concerns regarding fur production logically build a case for a ban on sales of such products. Those concerns have been increasingly reflected in the way that luxury brands and department stores have gone fur-free, developing policies in line with a more ethical and sustainable approach to fashion.[105]

Israel became the world's first country to prohibit the sale of fur in 2021. Additionally, a growing number of American cities and states have been passing legislation banning fur sales. Los Angeles, San Francisco, Berkeley, and West Hollywood banned new fur sales, paving the way for California to become the first fur-free state in 2019. Cities in Massachusetts, Michigan and Florida have since passed similar legislation.[106] To date, despite intensive debate, no Member State has banned fur sales. Even countries that introduced full production bans many years ago based on animal welfare and ethical grounds still sell products with fur produced in other Member States and even from non-EU countries with questionable welfare standards.

There is a serious contradiction in rejecting the production but still accepting the trade of a product if it is produced elsewhere. A ban on placing farmed fur products on the European market would address this issue.

4.5. A FUTURE WITH VIBRANT RURAL AREAS WITHOUT FUR FARMING

The drop in the fur business observed before the pandemic was catalysed by the closing of fur farms on public health grounds. While the end of fur farming and sales of farmed fur products is urgent for several reasons, it is important to consider all the socio-economic impacts involved with the introduction of such a prohibition.

As evidenced from the several bans or phasing out measures implemented by some Member States, it is evident that people depending on fur farming for their livelihood, from farmers to employers in processing and producing garments, need to obtain some sort of support when transitioning to a new business. This support can take several forms, from economic compensation to longer phase-out periods. To date, several Member States have adopted bans followed by such measures, depending upon the context in each country.

When assessing possible consequences of an EU-wide ban, it is important to emphasise that an end to fur farming in the EU would not be a major cause of unemployment. In general, employment on fur farms is part-time and carried out during the killing and pelting season. The fur industry used to estimate the number of full-time jobs to be 10 full-time jobs per farm.[107] Moreover, studies show that fur farming is only a part-time business for many farmers who also run a traditional farm or other enterprise.[108]

The sharp decrease in fur farms since 2020 due to temporary or definitive bans has paved the way for an EU-wide ban with adequate compensatory measures for the remaining active businesses. Taking into consideration all the above-mentioned areas negatively affected by fur farming, investing in business transition is the only feasible way forward than trying to resurrect this industry. Such a decision would not only bring the benefit of putting this cruel practice in the past, but it would also give new possibilities for farmers to start new businesses aligned with the ambitions of the EU Green Deal and the United Nations Sustainable Development Goals.

CHAPTER 5

HOW DO WE GET THERE?

THE LEGAL APPROACH AND ADDED VALUE OF EU-LEVEL ACTION

5.1. THE CURRENT EU ANIMAL WELFARE ACQUIS

To date, animals kept and killed for fur purposes are not protected by any species-specific regulation at EU level. They are covered by the general requirements in the Treaty on the Functioning of the European Union and in the generic EU legislation on animal welfare, transport and slaughter.[109]

Especially relevant for animals on fur farms is the annex of the Council Directive 98/58/EC (known as the General Farming Directive, henceforth referred to as the 'GFD') concerning the protection of animals kept for farming purposes.[110]

> **NO ANIMAL SHALL BE KEPT FOR FARMING PURPOSES UNLESS IT CAN REASONABLY BE EXPECTED, ON THE BASIS OF ITS GENOTYPE OR PHENOTYPE, THAT IT CAN BE KEPT WITHOUT DETRIMENTAL EFFECT ON ITS HEALTH OR WELFARE.**
>
> GENERAL FARMING DIRECTIVE - ANNEX, PARAGRAPH 21.

Besides the GFD, two other documents referring to fur were adopted, both expressing serious concerns regarding the welfare of animals on fur farms: the Council of Europe Recommendation Concerning Fur Animals[111] and the report of the Scientific Committee on Animal Health and Animal Welfare (SCAHAW).[112]

Despite all the above-mentioned recommendations, no measures at EU level were taken, leading several Member States to take action themselves.

However, it can be observed that, if the intention of paragraph 21 of the Annex to Directive 98/58/EEC is to be followed, it supports the arguments that EU law could provide for an absolute ban[113].

> **THE COMPETENCE TO LEGISLATE DEPENDS ON THE AREA OF ACTIVITY AND WHETHER THERE IS A TREATY BASIS FOR LEGISLATING IN THAT AREA: IT WOULD BE ILLOGICAL FOR THE COMMISSION, HAVING LEGISLATED FOR A CONTINGENT BAN IN A PARTICULAR FIELD, TO DENY THAT IT HAD POWER TO LEGISLATE FOR AN ABSOLUTE BAN IF THE RELEVANT CONTINGENCIES COULD NOT BE COMPLIED WITH.**
>
> MCGURK B. (2021) LEGAL OPINION "IN THE MATTER OF A PROPOSED BAN ON FUR FARMS IN THE EUROPEAN UNION".

Notwithstanding this already available instrument, other legal provisions have emerged during the last years, reinforcing the paramount importance of acknowledging animal welfare in the implementation of the Union's policies.

> **NO ANIMAL SHALL BE KEPT FOR ITS FUR IF:**
> **A. THE CONDITIONS OF THIS RECOMMENDATION CANNOT BE MET, OR IF**
> **B. THE ANIMAL BELONGS TO A SPECIES WHOSE MEMBERS, DESPITE THESE CONDITIONS BEING MET, CANNOT ADAPT TO CAPTIVITY WITHOUT WELFARE PROBLEMS.**
>
> EUROPEAN CONVENTION FOR THE PROTECTION OF ANIMALS KEPT FOR FARMING PURPOSES - PREAMBLE.

5.2. ARTICLE 13 TFEU: A HISTORIC STEP

The Lisbon Treaty should prove to be revolutionary when it comes to animal welfare. Through its amendment of the Treaty on the Functioning of the EU – one of the foundational treaties of the Union – it has ensured that animals are recognised as sentient beings in matters of EU law and policy, shifting the understanding of animals from mere livestock products to living beings with intrinsic value.

> **IN FORMULATING AND IMPLEMENTING THE UNION'S AGRICULTURE, FISHERIES, TRANSPORT, INTERNAL MARKET, RESEARCH AND TECHNOLOGICAL DEVELOPMENT AND SPACE POLICIES, THE UNION AND THE MEMBER STATES SHALL, SINCE ANIMALS ARE SENTIENT BEINGS, PAY FULL REGARD TO THE WELFARE REQUIREMENTS OF ANIMALS, WHILE RESPECTING THE LEGISLATIVE OR ADMINISTRATIVE PROVISIONS AND CUSTOMS OF THE MEMBER STATES RELATING IN PARTICULAR TO RELIGIOUS RITES, CULTURAL TRADITIONS AND REGIONAL HERITAGE.**
>
> ARTICLE 13 TREATY OF THE FUNCTIONING OF THE EUROPEAN UNION (AS AMENDED BY THE LISBON TREATY, 2009).

While the advent of Article 13 TFEU has opened doors towards a shift in our understanding of animals kept for human consumption, it does not constitute a legal basis to act on animal welfare grounds. Article 13 is instead a principle, and obliges the Commission, co-legislators and courts to take animal welfare and the sentience of animals into account when laws are made on specific legal bases. Those policy areas in question are explicitly mentioned in Article 13.

However, as explained in earlier chapters, animal welfare non-compliance, despite being a fundamental driver, is not the only issue in regard to fur farming. Several other areas of concern, like public health, biodiversity, environment and the internal market, are considerably affected by this practice.

As observed in section 4.3, the diversity of legislative measures introduced by Member States, in forms of full/partial bans or stricter rules based on different grounds, have led to a strong market divergence between national laws on fur farming. Issues regarding the divergence between national laws affecting the internal market falls generally under the scope of Article 114 TFEU, which provides the Commission with tools to propose legislation in order to harmonise national rules concerning the establishment and functioning of the internal market.

5.3. THE POWER OF ARTICLE 114 TFEU TO IMPROVE ANIMAL WELFARE IN THE EU

Sections 5.3 and 5.4 present an extract from the legal opinion "In the Matter of a Proposed Ban on Fur Farms in the European Union".[114]

Article 114 TFEU provides a legal basis for an outright prohibition of fur farming, particularly in light of the case law demonstrating that a fully harmonising measure would be justified under grounds of protection of animal life (case 227/82 Van Bennekom).

A ban of fur farming in some Member States, but not in others, has created a distortion in the internal market that would justify a fully harmonising measure under Article 114 TFEU. Insofar as some Member States have banned fur farming completely, the only fully harmonising measure logically left to the Commission, is one that imposes an EU-wide outright ban.

The existence of production bans in some Member States has a distorting impact on the market for the supply of farmed fur products that favours traders in those Member States where there is no production ban and to the detriment in those Member States where there is such a prohibition.

Where Member States have banned fur farming on animal welfare grounds, and in particular on the basis that the requirements in Directive 98/58/EC (specifically paragraph 21 of the Annex) simply cannot be met, then such bans are compatible with Directive 98/58/EC. Furthermore, the internal logic of the existing law demands that, as not all Member States have implemented outright bans themselves, the only appropriate way of addressing the disparities would be by way of an outright ban across the Union as a whole. Under such conditions the Court of Justice has affirmed the competence of the co-legislators to enact a total ban on placing such products on the market, even though this seemed only to eliminate European markets rather than to integrate them.

There are several examples of legislative measures that have included some form of ban or prohibition designed to reflect and give effect to animal welfare concerns, being typically adopted based on Articles 43 or 114 TFEU.[115]

While Article 43 TFEU permits harmonised measures to be adopted in pursuit of obviating distortions in competition, such as to pursue an internal market rationale, this Article is ordinarily used when practices and trades are to be subject to minimum requirements, wherein the practices in question will otherwise continue but be subject to higher standards.

The Commission, in its decision to register the European Citizens Initiative "Fur Free Europe", confirms Article 43 TFEU as a legitimate legal basis to prohibit fur farming: "As regards the objective to achieve an EU-wide ban on fur farming, a legal act of the Union for the purpose of implementing the Treaties can be adopted for provisions necessary for the pursuit of the objectives of the common agricultural policy on the basis of Article 43(2) TFEU".[116]

However, taking into consideration all the welfare problems inherent in fur farming, it is important to emphasise that setting higher standards for minimum requirements will not lead to animal welfare improvement on fur farms. In this sense, the most proportionate measure to genuinely ensure the welfare of fur animals is through maximum harmonisation (a full ban), which is typically promulgated on the basis of Article 114 TFEU. Additionally, Article 43 TFEU does not provide a legitimate legal basis to restrict the placement of farmed fur products from third countries on the European market.

Following this reasoning, it is suggested that, if a ban is to be introduced, it would have to be based on Article 114 TFEU. The case law supports the use of Article 114 TFEU for the implementation of EU-wide bans, even though that will break up a particular market.

Raccoon dog in Finnish fur farm, 2020
Credits: Oikeutta eläimille

The cat and dog fur ban (Regulation (EC) No 1523/2007) constitutes a strong legal precedent for building a case for an EU-wide ban on placing farmed fur products on the market. Recitals in this case make a number of references to what EU citizens consider acceptable and consumer concern. Recitals (4) and (6-7) note that some Member States had introduced total or partial bans, and how those differences between national measures constitute "barriers to the fur trade in general" and cause confusion for the public.[117] Such a ban has the effect of preventing trade, internally within the EU and between the EU and third countries.

Although the principal driver for the prohibition of cat and dog fur products in that Regulation was not that some countries had production bans while others did not, it was that some Member States had a ban on the production "or import" of such products, i.e. a production and trade ban. As a result, the argument for a fully harmonised prohibition was stronger because distortions were more readily caused by trading bans in some but not other Member States. However, as production is a necessary step to undertaking a trade in the products realised through such production, that itself constitutes a distortion that should justify a prohibition under Article 114 TFEU (C210/03 Swedish Match (in particular see [34] of the judgement). Such a ban is therefore akin to a production ban and, applying this rationale to fur farming, insofar as if it is not possible to place farmed fur products on the market, the principal reason to farm those animals and to produce such products is removed.

The ban on trade in seal products (Regulation (EC) No 1007/2009)[118] is another good example of a ban in the context of animal welfare being based on Article 114 TFEU. This ban was a response to public concerns over the cruel hunting methods employed by seal hunters and the national ban placed on seal products by a number of Member States. The recitals of this regulation are very similar to the recitals from the cat and dog fur ban, and many of them would be equally applicable to a ban on the trade in farmed fur.[119]

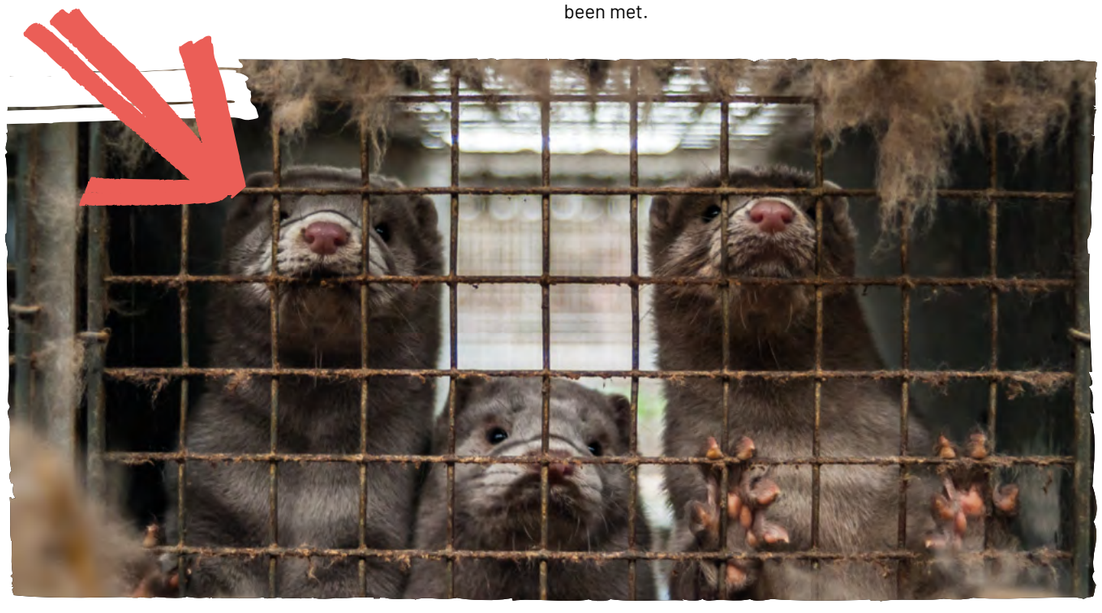
5.4. THE LEGAL BASIS FOR A BAN ON PUBLIC HEALTH GROUNDS

As presented in Chapter 5, several Member States have introduced temporary or full fur farming bans based on public health grounds since the beginning of the SARS-CoV-2.

Primary responsibility for public health does not lie at EU level, as set out in Article 168 TFEU, which explicitly excludes any harmonisation of the laws and regulations of the Member States. However, public health can still be used as a reason behind the use of Article 114 – particularly (3), which would make sense in terms of the existing bans adopted at national level by Member States.

"Where the conditions for recourse to Article [114 TFEU] as a legal basis are fulfilled, the Community legislature cannot be prevented from relying on that legal basis on the ground that public health protection is a decisive factor in the choices to be made {British American Tobacco (Investments) and Imperial Tobacco, paragraph 62}." – Swedish Match case

While public health cannot be used as the main legal basis for a fur farming ban, it can justify a 'maximum harmonising measure' through use of Article 114. According to Chapter 2, there is plenty of scientific evidence pointing to the connection between fur farms and the transmission of SARS-CoV-2 and other zoonotic diseases. The more science-based evidence, the more it can be considered that the conditions in Article 114(3) TFEU have been met.



5.5. TRADE BAN AND WTO COMPATIBILITY

The following section is an extract from the legal advice "The WTO compatibility of an EU ban on fur farming".[120]

Once the conditions of Article 114 TFEU have been fulfilled, the next step towards a ban on placing farmed fur and products containing such fur on the European market is to verify whether it is compatible with the World Trade Organisation (WTO) rules.

Generally, the WTO promotes the principle of global free trade and the EU (and all of its Member States) are members of the WTO. The General Agreement on Trade and Tariffs (GATT) applies to all trade in goods. It prohibits discrimination in international trade in goods (Articles I and III) and it limits tariff charges to those agreed in Schedules of Concessions (Article II). It provides for freedom of transit for goods (Article V). It prohibits quantitative restrictions on imports and exports of goods (Article XI).

However, Article XX (headed General Exceptions) provides the following derogations:

> **SUBJECT TO THE REQUIREMENT THAT SUCH MEASURES ARE NOT APPLIED IN A MANNER WHICH WOULD CONSTITUTE A MEANS OF ARBITRARY OR UNJUSTIFIABLE DISCRIMINATION BETWEEN COUNTRIES WHERE THE SAME CONDITIONS PREVAIL, OR A DISGUISED RESTRICTION ON INTERNATIONAL TRADE, NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED TO PREVENT THE ADOPTION OR ENFORCEMENT BY ANY CONTRACTING PARTY OF MEASURES:**
>
> **(A) NECESSARY TO PROTECT PUBLIC MORALS;**
>
> **(B) NECESSARY TO PROTECT HUMAN, ANIMAL OR PLANT LIFE OR HEALTH.**

As mentioned in section 5.3, there have been a number of pieces of EU animal welfare legislation with WTO implications, two of them involving the trade in fur and many of the recitals would be equally applicable to a ban on the trade in farmed fur. The citizens' concerns mentioned in both cases justified a trade ban based on the exception regarding public morals. When it comes to fur farming, public morality can be identified in the sense that several types of bans have been introduced in Member States, mainly on welfare and ethical grounds, and that opinion polls have consistently shown a strong opposition to fur farming.

A ban on the marketing of farmed fur and products containing such fur would prevent EU citizens from being exposed on the European market to products that may have been derived from animals killed inhumanely on fur farms outside the EU. Moreover, it would also be important to ensure that EU imports do not foster inhumane and unsustainable models of production beyond the Union's borders.[121] Since it is simply not possible to genuinely improve fur farming through higher welfare standards, a ban is the only proportionate measure to remediate this problem and achieve public morality objectives.

The Commission, in its Trade Policy Review,[122] underpins that imports must comply with relevant EU regulation and standards, and that, under certain circumstances determined by WTO rules, it is appropriate for the EU to require that imported products comply with certain production requirements.

> **THE LEGITIMACY OF APPLYING PRODUCTION REQUIREMENTS TO IMPORTS IS BASED ON THE NEED TO PROTECT THE GLOBAL ENVIRONMENT OR TO RESPOND TO ETHICAL CONCERNS.**
>
> **EUROPEAN COMMISSION. TRADE POLICY REVIEW – AN OPEN, SUSTAINABLE AND ASSERTIVE TRADE POLICY.**

In the seals case, the WTO recognised that, in the EU, animal welfare is an issue of an ethical or moral nature.[123] This represents a breakthrough towards more ethical trade agreements in the future.

5.6.
ENDING THE CAGE AGE ALSO FOR FUR ANIMALS

In June 2021, as result of the success of the European Citizens' Initiative (ECI) End the Cage Age,[124] the Commission announced an historic decision, committing to propose legislation in order to prohibit the use of cages for laying hens, rabbits and other species, farrowing crates, sow stalls and individual calf pens for some livestock species. This follows the in the direction set by several bans or other restrictive measures being undertaken by Member States,[125] reflecting strong public opinion about how cages lead to inhumane treatment of farm animals.

The Commission intended to table, by the end of 2023, a legislative proposal to phase out and finally prohibit the use of cage systems for all animals mentioned in the Initiative, taking into account measures to facilitate a balanced and economically viable transition to cage-free farming.[126] However, this proposal is still pending, with no clear timeline provided.

It is undeniable that there would be an incoherence in banning cage systems for animals kept for food purposes but continuing to allow it for animals kept for fur. Following the species-specific behaviour approach, it could be said that the use of cages for keeping essentially wild animals whose natural behaviour involves ranging several kilometres in the wild, makes even less sense from a welfare and ethical point of view. It is important to mention that, for the species mentioned in the End the Cage Age Initiative, higher welfare cage-free systems are available. However, when it comes to the almost all of the species kept and killed for fur purposes, there are simply no economically viable alternatives to the current housing systems where they are caged. Therefore, a prohibition of fur farming is the only sensible solution to ensure the welfare of those animals. There is no such thing as cage-free fur farming.

Anima International - black and white fox cage one

5.7.
MAKING THE EU FUR FREE THROUGH THE UPCOMING REVISION OF THE ANIMAL WELFARE LEGISLATION REVISION

In May 2020, the Commission adopted the Farm to Fork Strategy,[127] announcing that it wil revise animal welfare legislation to align it with the latest scientific evidence.[128]

Based on the precedence of existing law (building on the existing bases in Council Regulation (EC) No 1/2005), it is expected that the new Commission legislative proposal will be based on Articles 43 and 114 TFEU. Furthermore, following the example set by Regulation (EU) 2019/6 on Veterinary Medicinal Products (see Article 94), and as discussed in sections 5.3 and 5.4, the forthcoming legal proposals provide the perfect vehicles to enact such a prohibition, both in terms of an outright ban on the practice of fur farming, but also in terms of placing fur farmed products on the European market.

A ban on fur production together with a ban on sales would also reinforce the so-called "European added value" to the renewed EU animal welfare acquis, emphasising the relevance and significance of acting at EU-level instead of relying on Member States alone.

This crucial principle has been lately reflected in discussions regarding the relevance of reciprocity in trade standards between EU and third countries. This approach, known as "mirror measures", defends the withdrawal from the European market of imports from third countries that are not in line with EU standards[129] and reflects the opinion of the more than 90% of EU citizens who agree that imported products should respect the same animal welfare standards as those in the EU.[130]

By applying mirror clauses when importing agricultural products, the EU would not only safeguard the interests of Europeans citizens and of its internal market, but also impact the lives of trillions of animals. As higher welfare standards on fur farms are impossible to achieve, an EU-wide ban on placing farmed fur on the European market would also add value over and above a ban on production alone. The ban would echo worldwide and mark the beginning of a true paradigm shift towards a more sustainable, ethical and animal-friendly world.

CONCLUSIONS

Animals farmed for fur are different. Fur farming cannot be equated to conventional farming. Animal welfare is, by its very definition, a concept that is antithetical to the act of fur farming. Attempting to 'improve' welfare is akin to multiplying zero, or attempting to find the square root of π. Any claims that this can be done can and should be dismissed out of hand immediately.

As we switch our perspective and look at the welfare of animals through the prism of the Five Domains, fur farming appears utterly unacceptable. Using such an animal-centric model, the notion of keeping animals in such conditions is simply risible, let alone killing them merely for their fur. Only a move away from this arcane practice, once and for all, will honour the principle of sentience that is enshrined in our Union's founding treaties.

Nor should we tolerate seeing such production outsourced to parts of the world where the regard for animal sentience, or legal standards, are not as high. This would be a betrayal, not only of our own values, but also of the wishes of an overwhelming majority of Europeans. Instead, an EU-wide ban on keeping and killing animals for fur and prohibiting fur farmed products on the European market, would underpin many of the measures that have already been taken by so many Member States and clearly demonstrate EU added value.

While the fur industry has been in decline for years, the SARS-CoV-2 pandemic shone unprecedented light on the remaining activity. Previous fur producing countries, such as Denmark, are unsure of how to balance the optics of consciously restarting an industry that faces such public opposition, and that furthermore has proven to be a serious threat to public health. It speaks volumes when even Malta – a Member State with no fur farms – moves to ban the practice.

Europe rightly wants to profile itself as the world's leader in animal welfare. Animal welfare is a civilisational value of Europe and is reflected as such in one of the founding treaties of the European Union. The forthcoming legislative proposals from the European Commission now provide the perfect tool with which to administer a coup de grâce to a dying industry – a move that would not only meet the expectations of citizens, better protect biodiversity, benefit the environment and spare the pain of millions of animals, but would also serve as an example to the rest of the world.

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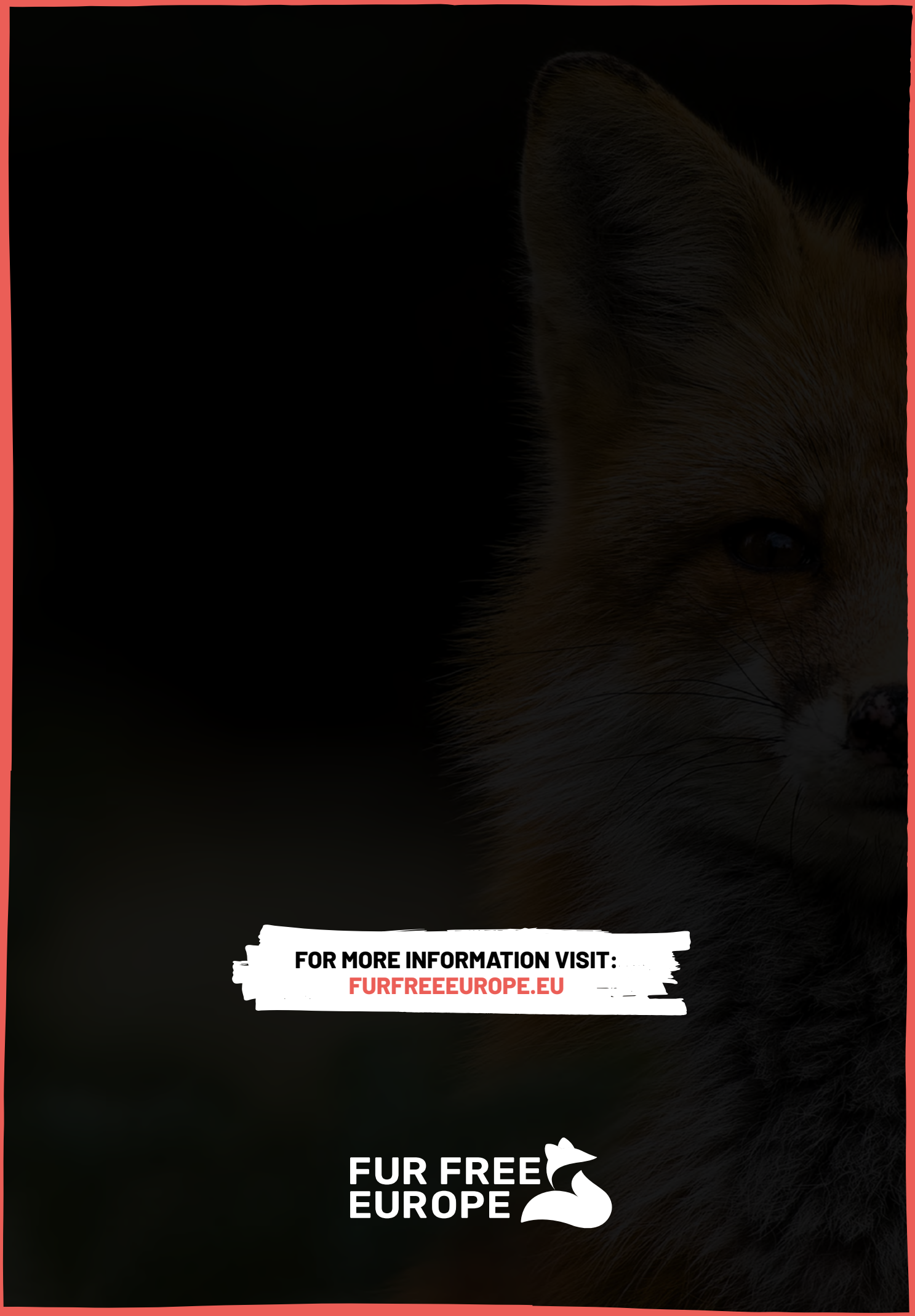
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