

In recent years, mink numbers have begun to decline in some areas and research suggests that in part this is due to an increasing population of otters, two commentators stating: “otters have permanently suppressed mink population growth”.⁴¹ This is indeed a welcome finding because there is little or no need for human intervention where a native species holds an alien population in check.

Conclusion

It will now be obvious that, in some situations, the presence of alien species can give rise to acute ethical dilemmas. In the examples given the alien species were introduced by human beings. In each case, they are a threat to biodiversity.

There are circumstances where arguably culling is a necessary evil both to comply with the law and with the need to retain biodiversity. However, where the target of the cull is a sentient creature, surely culling should be used as the last resort, and alternative solutions sought. Indeed, sometimes it is hard to accept that all other possibilities have been thoroughly explored and rejected. For example, while few would consider relocating mink, it does seem unfortunate that there is so much dissension about relocating hedgehogs, whose numbers are declining on the mainland,⁴² where other species are being re-introduced. In this area there are no easy answers.

⁴¹ Bonesi, L. and MacDonald, D., “Otters versus mink”, *Mammals UK*, winter 2005, p.7.

⁴² A survey being conducted by the Mammals Trust UK and Royal Holloway, University of London, which is now in its fifth year, indicates that regionally, hedgehog numbers are falling, although the survey needs to run for about ten years to properly establish long-term trends. An earlier study carried out in 1991 when compared with a similar study carried out in 2001 showed declines of up to 50% in some areas.

Import of dog and cat fur to the EU

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Millions of dogs and cats are killed each year for their fur in Asia, principally in China. A 1998 investigation by the Humane Society of the United States (HSUS) and investigative journalist Manfred Karreman revealed the inhumanity of the living conditions of these animals and the methods of slaughter. In China, large numbers of dogs, including puppies under six months old, were kept in dark, windowless and bitterly cold sheds, chained by thin metal wires. Methods of slaughter included tying dogs tightly around the neck and then stabbing them, after which they were skinned, often while still alive. Cats were hung from wires while water was poured down their throats through a hose until they drowned. A subsequent investigation by Care for the Wild International, again in China, revealed workers in fur farms attempting to stun animals by repeatedly slamming them against the ground then beating their heads with clubs, after which they were skinned, again often still alive.⁴³

The HSUS investigation led to a ban on the import and export of dog and cat fur in the US. After further investigations revealed dog and cat fur on sale in several EU countries, five of these countries (Belgium (temporary ban), Denmark, Italy, France and Greece) also introduced various bans. Despite these bans, the EU has become the major market for dog and cat fur since the US ban. Traders in China have stated that dog and cat fur is produced for the West.

The import of dog and cat fur is legal in the UK. Trade statistics separately identify imports of fur from 12 named animal species. However, 66 tonnes of “other fur” (the category into which dog and cat fur falls)

⁴³ For further information on the trade, see www.voice4dogs.org.

is also imported into the UK each year. As the 12 named species cover almost every animal used to make fur products, it seems very likely that the majority of “other fur” comes from dogs and cats. As few people would be willing to buy items made from dog and cat fur, it is generally not labeled as such. Instead it is labeled as “fake fur”, with a made-up name such as “Gaewolf”, or not labeled at all. A *Newsnight* investigation revealed a member of the British Fur Trade Association who said he would be willing to import this fur and label it misleadingly.

The Department of Trade and Industry stated in July 2003 that it would be willing to ban the import of this fur if it obtained “hard evidence” that it was on the sale in the UK, which had not so far been produced. It gave as the reason for its inability to otherwise support a ban that “the Government’s better regulation agenda requires practical and proportionate evidence-based action”. In January 2005 it updated Parliament on this issue and stated that as there was still no evidence of domestic dog and cat fur on sale in the UK the Government’s position remained the same.^{44 45} It may be argued, however, that a ban should be enacted as a preventative measure, and because a moral position should be taken. The UK government should also put pressure on the EU to adopt a ban, especially as it has argued that action would be more effective if taken at EU level.⁴⁶

In December 1993 MEP Struan Stevenson tabled a European Parliament Written Declaration which called on the European Commission to “draft a regulation ... to ban the import, export, sale and production of cat and dog fur”,⁴⁷ which was signed by 346

⁴⁴ See www.dti.gov.uk/ewt/catdogfur.htm.

⁴⁵ It also stated in 2005 that mass spectrometry was now able to identify domestic dog and cat fur, although a question mark remained over chemically-treated fur. This makes the imposition of a ban practicable.

⁴⁶ See footnote 44.

⁴⁷ Written declaration 17/2003. Concurrently, a majority of the Council of Agriculture Ministers also called for a ban.

MEPs. This should have compelled the Commission to act, but it claimed to lack the legal power and that this was a matter which should be handled by national governments. However, a legal opinion produced last year by UK barristers Philippe Sands QC and Kate Cook,⁴⁸ both experts in European law, challenges this view.

In summary, the opinion provides:

- There is a good argument that Article 4(4) of Regulation (EC) No 1774/2002⁴⁹ already provides a basis for the EU to adopt rules to regulate the import and export of dog and cat fur.
- The EU has competence under Article 95 of the Treaty establishing the European Community to adopt a ban on the production and sale within the EU of dog and cat fur on the basis that such a measure is necessary to remove an obstacle to the functioning of the internal market. A measure adopted under Article 95 must, under the Protocol on protection and welfare of animals annexed to the Treaty, take account of animal welfare.
- The EU also has competence to ban the import and export of fur under Article 133 of the Treaty, and (on a preliminary view) such a ban would be compliant with World Trade Organisation rules.

In view of the above, there is arguably no reason for the Commission to postpone any longer the adoption of a proposal for a ban. Indeed, it should act urgently given the horrific nature of the trade and the expressed view of the Parliament.

⁴⁸ For HSUS and Respect for Animals, April 2004.

⁴⁹ Regulation (EC) No 1774/2002 of the European Parliament and of the council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption, OJ L 273, 10.10.2002, p. 1.