

Fur Free Europe

Additional information: The need for an EU-wide ban on fur farming

This European Citizens' Initiative aims to achieve an EU-wide ban on:

- keeping and killing of animals for the sole or main purpose of fur production.
- placing farmed animal fur, and products containing such fur, on the EU market.

Why European citizens want an end on fur farming:

- 1. Fur farming contravenes even the most basic concept of animal welfare. Behavioural needs of animals farmed for fur cannot be met in fur farms. Neither the five freedoms, nor the five domains, can be met whilst undertaking this activity.**

Fur farming is antithetical to any notion of animal welfare. The Commission's Inception Impact Assessment for new animal welfare legislation suggested basing new animal welfare legislation on the 'five domains', whilst noting that current law is framed on the older notion of the 'five freedoms'. It is impossible for fur farming to fulfil all the requirements of either definition, no matter how far the improvement of the current fur farming system occurs.

On farms, fur animals do not live in an environment that provides choice, proper housing or a species appropriate comfortable resting area. The conditions experienced by fur animals on farms do not promote an environment that enhances fitness, but rather serves to protect the value of the animals' fur. Further, given the barren battery cages that those animals are confined to, there is little opportunity to provide any meaningful environmental enrichment. The behavioural restrictions inflicted on fur farmed animals can only lead to negative experiences such as pain, fear and frustration and exclude the potential for positive experiences.

Numerous scientific studies¹ have pointed out that the behavioural needs of mink and foxes, the main species reared for fur, simply cannot be met on fur farms. Welfare cannot be ensured as long as these active carnivores are kept in wire mesh battery cages without the possibility to express many of their species-specific behaviours. Repetitive movements such as circling or pacing in the cage, indicate that animal welfare is compromised. Enrichment measures - which are obviously limited in cages - have shown to be insufficient in eliminating stereotypical behaviour. Moreover, implementing

¹ Mason, G.J., Cooper, J. and Clarebrough, C. (2001). Frustrations of fur-farmed mink: Mink may thrive in captivity but they miss having water to romp about in. *Nature*, 410:35-36; Ahola, L., Mononen, J. and Mohaibes, M. (2011). Effects of access to extra cage constructions including a swimming opportunity on the development of stereotypic behaviour in singly housed juvenile farmed mink (*Neovison vison*). *Applied Animal Behaviour Science*, 134: 201-208; Kornum, A.L., Röcklinsberg, H. and Gjerris, M. The concept of behavioural needs in contemporary fur science: do we know what American mink (*Mustela vison*) really need? *Animal Welfare* 2017, 26: 151-164.

more stringent rules for fur production contravenes the opinion of the majority of EU citizens² who care about animal welfare and are opposed to keeping and killing animals for fur.

In 2001, the European Commission's Scientific Committee on Animal Health and Animal Welfare concluded in its report (The Welfare of Animals Kept for Fur Production) that the husbandry systems used in fur farms 'cause serious problems for all species of animals reared for fur, efforts should be made for all species to design housing systems which fulfil the needs of the animals.' These changes have not taken place in the 21 years since the publication of the Commission's report and it has become abundantly clear that the fur breeding industry is incapable of making these improvements.

- 2. The vast majority of animals kept for fur production are still essentially wild animals. They are unsuitable to be intensively kept in caged confinement. When it comes to other animal species, like rabbits and chinchillas, the purpose of keeping animals in small cages and killing them solely or mainly because of the value of their fur cannot be legitimised either.**

Since almost all fur animals on farms are essentially wild animals (mink, foxes and raccoon dogs), they are not domesticated in the same way as other farmed species, such as cattle, pigs, sheep and poultry species, which are all herd or flock species that were domesticated thousands of years ago. By contrast, the animals used in the fur industry are wide-roaming carnivorous predators, they are also territorial and have undergone only a very limited selective breeding process mainly addressing the characteristics of their fur. While it is theoretically possible to breed mink and silver foxes with many of the features typical of domesticated animals, this cannot occur on fur farms. The traits associated with selectively breeding for domestic phenotypes have negative impacts on fur quality. The emphasis on fur farms has been to select for traits associated with pelt colour and quality, body size and litter size, with little attention paid to behavioural traits³.

However, even for other species like rabbits and chinchillas, the purpose of keeping animals in small cages and killing them solely or mainly because of the value of their fur can't be legitimised. This practice is considered ethically unacceptable in a society that genuinely cares for animal welfare.

- 3. The Commission has announced its intention to phase out caged confinement for species that are farmed for food. Continuing to intensively cage animals for fur production can no longer be justified.**

The successful ECI to End the Cage Age has invited the Commission to propose legislation 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 initiative reflects a strong public opinion about how cages cause great suffering and lead to inhumane treatment of farm animals.

² Eurogroup for Animals, results of public poll: <https://www.eurogroupforanimals.org/news/covid-19-first-detected-european-mink-farms-year-ago-ngos-and-public-urge-eu-act>

³ SCAHAW (2001). The Welfare of Animals Kept for Fur Production. Report of the Scientific Committee on Animal Health and Animal Welfare. p. 41.

In its response to the above mentioned ECI, the Commission has committed 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 farming⁴. It is important to mention that, for those species in question, higher-welfare cage-free systems are viable. However, when it comes to the majority 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.

4. A clear majority of EU citizens want to see fur farming banned and, increasingly, more Member States are taking action to eliminate fur production at national level.

As mentioned above, civil society has clearly shown that a transition to cage-free systems is a logical next step towards a civilized society that truly respects animals. Furthermore, the breeding of animals for the purposes of fur production is a highly contentious issue, which is opposed by the vast majority of EU citizens⁵.

To date, several Member States have already enacted stricter measures targeting fur farming. While some Member States have imposed general bans on fur farming⁶, others have adopted temporary bans due to SARS CoV2⁷, imposed partial bans focused on particular species⁸, or bans solely on the construction of new fur farms⁹. Finally, some Member States have phased out fur farming or never had any fur farms¹⁰ and some are considering the adoption of legislation to ban fur farming¹¹.

5. The co-legislators have expressed their concerns about fur farming.

At the institutional level, crucial steps were taken in 2021. At the Agricultural and Fisheries Council meeting of 28th June 2021, the Netherlands and Austria, supported by Belgium, Germany, Luxembourg and Slovakia, presented a declaration note on fur farming. This initiative was supported by further six Member States (France, Italy, Bulgaria, Ireland, Poland and Slovenia), calling 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. Members of the European Parliament also shared their concerns on fur farming. In the European Parliament Resolution of 9 June 2021 on the EU Biodiversity Strategy for 2030, the European Parliament acknowledged that fur production can significantly compromise animal welfare and increase the susceptibility to infectious

⁴ https://europa.eu/citizens-initiative/end-cage-age-follow_en

⁵ Overview at <https://www.furfreealliance.com/public-opinion/>

⁶ Austria, Belgium, Croatia, Czechia, Estonia, Germany, Luxembourg, the Netherlands, Slovakia, Slovenia and Italy.

⁷ Denmark.

⁸ Denmark, France, Hungary, the Netherlands and Sweden.

⁹ Spain.

¹⁰ Germany, Luxembourg, Malta

¹¹ Bulgaria, Lithuania, Poland, Latvia, Ireland and Spain.

diseases including zoonoses. These developments show that key EU stakeholders echo the longstanding call for a consequent ban of fur farming.

6. Fur farms pose a risk to animal and human health, as illustrated during the Covid-19 pandemic when hundreds of mink farms were affected by coronavirus outbreaks and new virus variants of SARS-CoV-2 were found to have been transmitted to humans.

Since the beginning of the SARS-CoV-2 pandemic in 2019, the debate on fur farming has grown significantly. Various scientific reports^{12 13} and persisting COVID-19 outbreaks on fur farms in Denmark, the Netherlands, Sweden, Spain, Greece, Italy, France, Lithuania, Poland and Latvia – as well as in the US and Canada – have confirmed that mink are highly susceptible to the disease. SARS-CoV-2 virus spreads rapidly among mink, who are confined in close proximity to one another in small wire cages suffering stress and a poor quality of welfare. It has been found to also be transmissible back to humans, confirming that fur farms can act as an animal reservoir for this coronavirus. Raccoon dogs are also susceptible to coronaviruses and the species may have been an intermediate host for the first SARS-CoV virus.¹⁴

Several Member States, after confirming that monitoring fur farms was insufficient to control the spread of the virus, decided to suspend mink farming in 2021 on public health grounds. In May 2021, the European Commission adopted the Implementing Decision (EU) 2021/788 laying down rules for the monitoring and reporting of SARS-CoV-2 infections in mink and raccoon dog farms for all Member States¹. Despite the Commission's efforts in taking a harmonised approach, experience has shown that such measures have not sufficed to ensure the containment of the virus. Since the implementation of further EU biosecurity measures, several outbreaks have been detected in European fur farms and ongoing uncontrollable infections on farms could be observed (for example Latvia).

Therefore, given the consequences of the risks identified above, and the substantial impact the pandemic has had on human lives, jobs and the European economy, prohibiting fur production would be a proportionate answer to the risk. This would be in line with the Commission's will of adopting a precautionary approach and comply with the One Health approach, preventing future pandemics.

7. Fur farming has a significant environmental impact and it poses a serious threat to native biodiversity.

Fur production has been, and continues to be, responsible for biodiversity loss on a massive scale, via deliberate past introductions and ongoing escapes of invasive alien species from fur farms. Lobbying by the industry has helped to prevent effective action to control invasive alien species. Pollution

¹² European Centre for Disease Prevention and Control. Detection of new SARS-CoV-2 variants related to mink – 12 November 2020. ECDC: Stockholm; 2020.

¹³ SARS-CoV-2 in animals used for fur farming. GLEWS Risk assessment, 20 January 2021.

¹⁴ Freuling C.M., Breithaupt A., Müller T., Sehl J., Balkema-Buschmann A., Rissmann M., Klein A., et al. "Susceptibility of Raccoon Dogs for Experimental Sars-Cov-2 Infection." *BioRxiv* August 20 (2020). <https://www.biorxiv.org/content/10.1101/2020.08.19.256800v1>

from fur farms of the natural environment is another major source of environmental damage. Invasion by alien species is recognised as one of the main threats to biodiversity globally. Of the 18 'worst' alien mammal species in Europe¹⁵, one third have been deliberately and/or accidentally introduced by the fur industry: muskrat, coypu, American mink, raccoon, American beaver, and raccoon dog¹⁶. For example, building of new mink farms is not permitted in Spain due to concern about the effect of escaped American mink as an invasive alien species on remaining populations of the European mink¹⁷.

Having escaped from fur farms, the American mink (*Neovison vison*) poses a major threat to biodiversity and is now widespread throughout the EU. It has been widely documented that American mink can have significant adverse impacts once established, predominately through predation and competition, on native wildlife such as ground-nesting birds, rodents, amphibians, and mustelids¹⁸. American mink escaping from fur farms in Europe demonstrates a pathway of introduction for Invasive Alien Species into Europe.

The environmental impact of fur (on many measures including climate impact and various measures of pollution and resource use) is many times higher than that of other common textiles, including faux fur. The production of fur conflicts with efforts to achieve several UN Sustainable Development Goals, including Goal 2 (zero hunger), Goal 3 (good health and well-being), Goal 6 (clean water and sanitation), Goal 12 (responsible consumption and production), Goal 13 (climate action), Goal 14 (life below water), and Goal 15 (life on land).¹⁹

Pollution from fur factory farms often has a devastating effect on local water bodies, soil, and air quality. Considerable evidence documents how emissions from fur farms can have serious negative effects on the health and quality of life of local residents, who frequently report problems with flies and foul odours²⁰.

The dressing and dyeing of fur involve the use of many toxic chemicals. In terms of land pollution by toxic metals, fur dressing and dyeing is ranked in the top five highest pollution-intensity industries. Toxic metals pose a particularly serious problem: potentially dangerous levels of several hazardous chemicals have been found in fur products (including clothing for children) sold in both Europe and China.

¹⁵ Nentwig, W., Bacher, S., Kumschick, S., Pysek, P., and Vila, M. (2018). More than "100 worst" alien species in Europe. *Biological Invasions*, 20: 1611-16.

¹⁶

https://respectforanimals.org/wp-content/uploads/2021/11/ENVIRONMENT-REPORT-NOV-2021_FINAL_LO-RES_SINGLES.pdf

¹⁷ <https://www.furfreealliance.com/fur-bans/>

¹⁸ The American mink in Europe: Status, impacts, and control, Laura Bonesia, Santiago Palazonb, Department of Biology, University of Trieste, Via Weiss 2, 34127 Trieste, Italy, Fauna Protection Service, Department of Environment, Generalitat of Catalonia. Dr. Roux, 80, 08017 Barcelona, Spain, available at:

<https://lutreoladotorg.files.wordpress.com/2013/03/the-american-mink.pdf>

¹⁹

https://respectforanimals.org/wp-content/uploads/2021/11/ENVIRONMENT-REPORT-NOV-2021_FINAL_LO-RES_SINGLES.pdf

²⁰ *Ibid.*

Measured over the life cycle of the product (from production of the raw material to disposal) the environmental impact of a mink fur coat is many times higher than that of a faux fur coat (approximately six to fourteen times higher, depending on the backing material used). The available evidence indicates that the actual lifespan of fur garments is no more than 5-10 years and nowhere near long enough to compensate for the difference in environmental impact.

8. A marked divergence between national legislation with respect to the fur production sector has led to a distortion in the Union's internal market, and the only justifiable solution is now to impose an outright ban.

As described in detail under point 4, there is a strong marked divergence between national laws in EU Member States on fur farming. Divergence between national laws affecting the internal market is typically addressed through Article 114 TFEU, which enables the EU-level to enact measures to harmonise national rules regarding the establishment and functioning of the internal market. Additionally, the internal market is a policy area explicitly listed in Article 13 TFEU, which gives the Commission power to protect animal welfare by law making and enforcement.

An outright ban of fur farming in some Member States i.e. an internal production ban, 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 available to the Commission, is one that imposes an EU-wide outright ban.

Thus, Article 114 TFEU clearly provides a legal basis for the prohibition of fur farming in the EU, particularly in light of the case law demonstrating that a fully harmonising measure would be justified under grounds of protection of animal life²¹. Moreover, considering the concerns mentioned in the items 6 and 7, Article 114(3) TFEU expressly provides that for measures concerning health, safety, environmental protection and consumer protection, the legislature should *"take as a base a high level of protection, taking account in particular of any new development based on scientific facts"*.

Several Member States have banned fur farming on animal welfare grounds, and in particular on the basis that the requirements in Council Directive 98/58/EC (specifically paragraph 21 of the Annex²²) simply cannot be met. 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.

As such, in line with the wishes of a majority of Member States²³ and citizens, we urge the Commission to provide for such an outright ban.

²¹ See case 227/82 *Van Bennekom*.

²² Paragraph 21: 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.

²³ Based on reactions to *"Fur Farming in the European Union – Information from the Netherlands and Austrian delegations, supported by the Belgian, German, Luxembourg and Slovak delegations"*, meeting of the Council ("Agriculture and Fisheries") on 28-29 June 2021 (10111-2021-INIT).

9. The marketing of farmed fur and products containing such fur should not be allowed in the EU.

Taking into account the above mentioned points, especially when it comes to the overwhelming animal welfare and ethical implications that fur production poses to animals kept and killed for fur purposes, it would be illogical to continue selling fur derived from intensive fur production in the EU.

The placing of fur products on the internal markets of several territories and jurisdictions has already been prohibited. This includes dog and cat fur within the EU. In June 2021, Israel became the world's first country to prohibit the sales of fur. In October 2019, California became the first state in the United States of America to adopt a ban on the sales and manufacture of animal fur products²⁴. The momentum for fur sales bans is spreading in the United States.

The rapidly growing number of globally leading fashion companies removing real fur from their product range²⁵ reflects the strong fur free trend, including a long list of luxury brands. In December 2021 the global fashion magazine ELLE committed to ending the promotion of animal fur in its pages and online. With many prominent fashion houses²⁶ announcing their move away from these products, the revenue from the industry is falling sharply, often not even covering production costs. In 2018 already Saga Furs (one of Europe's biggest fur auction houses) reported a 20% decrease in annual revenue, with prices of mink and fox skins falling by 24% and 20%, respectively²⁷ ²⁸. The devastating COVID-19 outbreaks on mink farms accelerated the economic and financial decline of the European fur industry. The number of active mink farms in the EU has dropped from 4,350 in 2018 to 759 in 2020²⁹.

A ban on the placing on the market of farmed fur and products containing such fur, if well built, would be WTO-compliant. The measure, as it would also be targeting EU production, would be deemed a domestic regime, with trade consequences. If the argument could not be made that farmed fur differs from non-farmed fur based on the consumer opinion on both products, the Commission could still rely on the exception listed in Article XX(a) of the General Agreement on Tariffs and Trade (GATT) related to *public morals*. This provision was successfully used by the Commission to defend the EU ban on the placing on the market of seal products, making it clear in WTO case law that animal welfare concerns are covered by public morals. As shown above, EU public opinion is strongly opposed to fur farming because of the systemic cruelty involved in keeping animals in small cages for the sole purpose of producing fur. A ban on the marketing of farmed fur and products containing such fur would prevent the EU public from being exposed on the EU market to products that may have been derived from animals killed inhumanely in fur farms beyond the Union's borders.

²⁴ <https://www.furfreealliance.com/israel-becomes-worlds-first-country-to-ban-fur-sales/>

²⁵ Compare for example <https://furfreeretailer.com/news/>

²⁶ Gucci, Prada, H&M, Zara, Hugo Boss, Adidas among others.

²⁷ Khusainov, N.R. & Vorozheykina, T.M. (2019). Analyzing the risk factors for improving the Russian mink efficiency. IOP Conference Series: Earth and Environmental Science, vol. 395.

²⁸ Saga Furs (2020). Financial information about Saga furs 2018-2020. Available at: <https://www.sagafurs.com/our-company/investors/financial-information> [accessed 26/04/2021]

²⁹ European Food Safety Authority and European Centre for Disease Prevention and Control, Boklund A, Gortazar C, Pasquali P, Roberts H, Nielsen SS, Stahl K, Stegeman A, Baldinelli, F, Broglia A, Van Der Stede Y, Adlhoch C, Alm E, Melidou A and Mirinaviciute G, 2021. Scientific Opinion on the monitoring of SARS-CoV-2 infection in mustelids. EFSA Journal 2021;19(3):6459, <https://efsa.onlinelibrary.wiley.com/doi/10.2903/j.efsa.2021.6459>

