



# Trapping of wild animals for fur: inhumane traps

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## Key facts...

- ★ Certain traps are banned in the UK due to their inhumaneness. Leghold traps have been banned since 1958 as animals caught in leghold traps suffer intense pain and injuries until the trapper returns to kill them.
- ★ In 1991 the EU agreed a Regulation which prohibited the use of the leghold traps and the import of pelts from 13 species of wild fur-bearing animals caught by such traps or methods that did not meet international trapping standards. However this was considered incompatible with international trade rules and so the EU started negotiations with Canada, Russia and the USA to agree humane trapping standards.
- ★ The political negotiations between the EU, Russia, USA and Canada agreed the International Humane Trapping Standards (AIHTS) in December 1996. This set standards for killing and restraining traps that were far below those recommended by the European scientists.
- ★ The EU's ban on imported fur came into effect in September 1997. However, as the three main trapping and exporting countries of Russia, USA and Canada signed the AIHTS, the import ban does not apply to them. These countries still export furs to the EU, despite the fact that they still use the leghold trap, banned in the EU.
- ★ In March 2018, the UK issued a consultation on a proposal to ratify the AIHTS by prohibiting certain traps that did not meet the AIHTS standards. If the UK implemented the AIHTS it would prevent it from setting any higher standards on trapping including an import ban on furs.
- ★ The RSPCA is opposed to the AIHTS as it does not set high enough welfare standards and feels that it is a poor precedent as the first multilateral animal welfare agreement.

## How does the UK approve traps?

Standards on trapping and snaring of fur bearing animals are covered in the Wildlife and Countryside Act 1981, Protection of Animals Act 1911 (s10) and the Pests Act 1954, last updated in 2016 with a set of approved spring traps for pest control of fur bearing animals<sup>1</sup>. Approval of these traps is primarily done on operational grounds, assessing how the traps works, rather than on welfare grounds. Traps are intended to be set according to manufacturer standards and to avoid trapping non-target animals.

The leghold trap, a restraining trap designed to catch wild animals on land or in the water was prohibited in the UK in 1958. It consists of two steel jaws operated by a powerful spring mechanism. The trap holds animals by gripping a leg, foot or whatever part of the animal sets the trap off. Animals caught in the leghold trap suffer intense pain and injuries ranging from torn flesh and muscle to broken limbs and amputated toes. As they try to escape, animals break teeth and even chew off their trapped foot. Animals captured on land can be held in agony for days until the trappers return to kill, often cruelly, by crushing them underfoot. When used in water, leghold traps are usually intended to hold animals under the surface causing death by drowning. Beavers can take up to 13 minutes to die.

<sup>1</sup> Spring Traps Approval (Variation) (England) Order 2016 <http://www.legislation.gov.uk/uksi/2012/13/introduction/made>

Although trappers may try to target certain species, leghold traps are indiscriminate resulting in many unwanted species being trapped and injured, including pet dogs and cats.

### What are the EU standards on trapping animals for fur?

In 1991 the European Union agreed Regulation 3254/91 which prohibited the use of the leghold trap from 1995 and the import of pelts from 13 species of wild fur-bearing animals caught by leghold traps or methods that do not meet international trapping standards. The species were listed as those primarily in trade and included beaver, lynx, wolf, raccoon and ermine. The intention of the legislation was to encourage a changeover from certain trapping methods, in particular the leghold trap, and improve the welfare of fur species being trapped. The EU perceived that the import ban would be incompatible with international trade rules in the World Trade Organisation (WTO) and started negotiations with Canada, the Russian Federation and USA to agree international humane trapping standards.

Political negotiations between the EU, Russia, USA and Canada and the Agreement on International Humane Trapping Standards (AIHTS) was reached with Canada and Russia in December 1996<sup>2</sup>. This sets standards far below those recommended by the British and European scientists. For instance, under the agreement, a killing trap is considered humane if it kills an ermine within 45 seconds, a marten within two minutes or any of the other 15 species in the agreement within five minutes - whereas the scientists felt that it should only be considered humane if it killed the animals within 30 seconds. Furthermore, the AIHTS has no standards on the selectivity of traps, although European scientists argued that this should be 80%. This is crucial for traps which are non-selective. Canada and Russia did agree to ban steel-jawed leghold traps within three years, but this would leave padded leghold traps still permissible within Canada and so would not amount to a total prohibition on the leghold trap for trapping wild animals.

The AIHTS was ratified by the EU in 1998 but enabling legislation to ratify the agreement and draw up standards for traps and trap testing was rejected by the European Parliament in 2005 and withdrawn. The EU has no harmonised trapping standards other than the ban on the leghold trap. The agreement was ratified by Canada in June 1999 and does not need federal legislation or the provinces to ratify it. Russia signed the agreement in April 1998 and ratified it in 2008. The AIHTS came into force in 2008 giving Parties until 2013 to trap test and until 2016 to prohibit any traps that failed the AIHTS.

Negotiations with the USA reached a conclusion in December 1997. The Agreement was even weaker than that signed with Canada and Russia. The USA agreed to phase out steel-jawed leghold traps within six years but with certain conditions attached. However the federal government cannot guarantee that the States, who have competency for trapping matters, would fall into line and ban the traps. The EU, which accepted the Agreement in 1997, crucially never applied the trapping standards in EU law as these were rejected by the Parliament as being too weak.

As the EU has no implementing legislation, there is no EU programme on trap testing nor have any of the 28 Member States agreed to phase out any traps that failed the AIHTS standards.

### So what is the present situation with the trapping standards?

The EU introduced its ban on furs in September 1997. However, as the three main trapping and exporting countries of Russia, USA and Canada ratified the AIHTS with the EU, the import ban does not apply to them. These countries still export furs to the EU, despite the fact that they still use the leghold trap. In 2017 the UK imported around £5 million of fur from the USA and Canada<sup>3</sup>.

<sup>2</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31998D0142&from=EN>

<sup>3</sup> <https://www.uktradeinfo.com/Statistics/BuildYourOwnTables/Pages/Table.aspx>

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Canada has ratified the agreement and is trap testing. Under the agreement Canada agreed to stop using the restraining leghold trap for seven species including the otter, beaver and ermine. However it now allows the leghold trap as a killing device for aquatic species such as the beaver and muskrat if it is placed in a manner to catch the animal underwater and so drown it. About 60% of Canada's trapped animals are semi-aquatic and so will continue to be legally trapped in leghold traps. Canada also agreed to ban the steel-jawed leghold trap as a restraining device for five species including the lynx, racoon, wolf and bobcat by 2000. However these leghold traps were merely modified to offset the jaws or put in padding on to the jaws so that they are not defined as leghold traps. In Alberta such traps continue to be allowed for trapping wolf, coyote, fox, lynx and bobcat but no other species.

The USA cannot ratify the standards on behalf of the States. In the States testing of traps is being carried out and information shared from the Canadian trials. A system of Best Management Practice (BMP) is being used to recommend traps in the USA but these are only recommendations and States do not have to incorporate them into their Regulations. The USA has agreed to phase out leghold traps for trapping muskrat and weasels on land within four years of the entry into force of the agreement. However, there is nothing binding in the agreed minute with the USA to ensure that they enact the recommendations of the agreement even if Canada does.

In March 2018 the UK announced a consultation on proposals<sup>4</sup> to prohibit certain traps that do not meet the AIHTS standards based on trap testing from countries such as Canada and New Zealand. This would implement the AIHTS, meaning the UK is the only EU Member to have done this, despite the standards in the AIHTS being so low and despite the UK leaving the EU. The UK could ban any traps it considers to be inhumane and could do this outside the AIHTS.

### What is the position with the WTO?

Restrictions to trade are increasingly being accepted by the WTO's DSB when aimed at non-trade related societal values such as animal welfare. The first animal welfare dispute considered by the WTO, in 2012, led to the EU being allowed to continue its trade import ban on seal products despite it being a trade barrier. It was allowed on moral grounds. Each trade measure is different and so its compatibility with the WTO regime can only be assessed once a panel has met and agreed a decision.

However if there is an international set of standards, such as the AIHTS, the WTO would consider these in assessing if a trade ban, for instance on all imported fur, is a barrier to trade or is discriminatory against the exporting country. If the UK implements the AIHTS its room to ban furs trapped at standards above those in the Agreement, would be severely curtailed.

### Conclusion

The RSPCA rejects the AIHTS as the welfare standards are so low. The RSPCA agrees that any traps that fall below the AIHTS should be prohibited in the UK. This can be done outside the AIHTS. If the UK implements the AIHTS it would be impossible for any stricter import legislation to be enacted on furs including a ban.

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<sup>4</sup> <https://www.gov.uk/government/news/humane-trapping-standards-consultation-starts>