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SAFEGUARDING ANIMAL WELFARE IN THE EUROPEAN FUR FARMING INDUSTRY

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Abstract

Animals have been recognized as 'sentient' beings in the European Union by the Treaty of Lisbon. The fur farming industry is one of the industries which involve millions of animals in the EU alone. However a policy gap exists in the EU, since there are only two official laws protecting these animals. The EFBA conducts a Code of Practice, which is based on the third EU document, namely the Recommendation of the Council on the protection of fur animals. It is concluded that this document projects the economically driven viewpoint of the EFBA onto national legislation and that for both the EU documents as the national legal documents, compliance is differing widely across the member states. Therefore it is stated that the current EU regulatory framework is not able to safeguard animal welfare within the EU.

List of abbreviations

CBS	Centraal Bureau voor Statistiek (Central bureau for statistics)
CM	Community Method
DK	Denmark
EFBA	European Fur Breeders' Association
EU	European Union
FAWC	Farm Animal Welfare Council
IFTF	International Fur Trade Federation
KF	Kopenhagen Fur
NFE	Nederlandse Federatie van Edelpelsdierhouders (Dutch Federation for Fur Farmers)
NL	Netherlands
OIE	World Organization for Animal Health
PETA	People for the Ethical Treatment of Animals
PL	Poland
PVE	Productschap Vee, Vlees en Eieren (Product Board for Livestock, Meat and Eggs)
SCAHAW	Scientific Committee
UK	United Kingdom
WTO	World Trade Organization

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'It is the human earthling who tends to dominate the earth,
oftentimes treating other fellow earthlings and living beings as mere objects'
(Earthlings, 2005)

1. Introduction

The fur farming industry is one of the many examples of society's way of turning animals into objects by farming thousands of animals for the pure meaning of production: causing suffering of animals for food, fashion, pets, entertainment and medical research. Animals are earthlings, just like humans and are not meant to be submitted to the means of production just because humans see this fit. Therefore the European Union (hereafter EU) recognized animals in their law as 'sentient beings' (Treaty of Lisbon, 2007/C306/01).

The European Commission recognized that European citizens are deeply concerned about the ethical treatment of animals and therefore laid the foundation for improving welfare standards in the 'EU Strategy for the Protection and Welfare of Animals 2012-2015'. In this thesis the impact of the fur farming industry on animal welfare will be explored. Before coming to the research question and thesis structure firstly this industry will be described in order to grasp understanding of its place within the European Union. In section 1.1 the definition of animal welfare will be discussed. Next in section 1.2 the fur farming industry will be explored. In section 1.3 the relevance and motivation for this thesis will be discussed. Section 1.4 will discuss the problem statement and the research questions of this thesis. Finally in section 1.5 an overview of the rest of the paper will be presented.

1.1 The notion of animal welfare

Basically the meaning of animal welfare stands for 'the well-being of animals'. However, what standards guarantee the well-being of animals and how well-being of animals is perceived largely remains a discussion. The notion of animal welfare has been widely debated by scholars (Fraser, 2008; de Jonge & van Trijp, 2012, Horgan, 2005; Broom, 1991; Vinke et al, 2008). Some emphasize the basic health and functioning of animals, especially freedom from disease and injury. Some emphasize the affective states of animals – states like pain, distress and pleasure that are experienced as positive or negative. Others emphasize the ability of animals to live reasonably natural lives by carrying out natural behavior and having natural elements in their environment (Fraser, 2008). The different criteria used to assess animal welfare reflect different sets of values about animal welfare. These have been in conflict since the early debates about human welfare during the Industrial Revolution. One side values a simple, natural life and progress, while the other side values productivity and a life improved by science and technology (Fraser, 2008).

An example of how the notion of animal welfare caused trouble in policy making is the case of gestation stalls for pigs. Two groups of scientists reviewed the quality of intensively kept pigs and came up with two opposite conclusions. First, the Scientific Committee of the EU concluded that welfare problems existed in even the best stall-housing systems, resulting in a Directive to ban the gestation stalls since 2013. Soon after a second group of Australian scientists reviewed the same literature as the Scientific Committee and concluded that the current housing met the welfare requirements of pigs (Fraser, 2008). Both groups were very accomplished and capable and probably felt like they did their best job, but still came to a completely opposite conclusion. Clearly, a good definition which enfolds the standards of animal welfare was missing here.
To summarize, the definition of animal welfare is a complex phenomenon which should include both mental well-being (how animals feel) and physical well-being (health). Some scholars even argue that the different conceptions of animal welfare may never be resolved, since they are based on values and world-views that have deep roots in our culture. In order to maintain a high welfare standard in the EU, a reasonable standard about what constitutes a good life for animals needs to be established in the first place (Fraser, 2008).

To create such value positions, the Brambell Committee laid the first scientific foundation for animal welfare, categorizing 'five freedoms' in order to assure good welfare. These five freedoms are (Brambell, 1965):

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

The five freedoms by Brambell (1965) have been adopted by the Britain Farm Animal Welfare Council (FAWC, 2009) and eventually by the European Union in the Welfare Quality Project. This project offers a system to measure animal welfare. After discussion with consumers, scientists, representatives of key stakeholder groups and policy makers, four animal welfare principles were defined: good housing, good feeding, good health and appropriate behavior. Within these principles twelve distinct animal welfare criteria were identified (Blokhuis, 2008) (see table 1). Together, one may state that these principles serve as the European standard for good animal welfare.

Table 1: Animal welfare principles, source: (Blokhuis, 2008)

Principles	Welfare Criteria
Good Feeding	1. Absence of prolonged hunger 2. Absence of prolonged thirst
Good Housing	3. Comfort around resting 4. Thermal comfort 5. Ease of movement
Good Health	6. Absence of injuries 7. Absence of disease 8. Absence of pain induced by management procedures
Appropriate behavior	9. Expression of social behaviors 10. Expression of other behaviors 11. Good human-animal relationship 12. Absence of general fear

1.2 The fur farming sector

Fur farming is the practice of breeding or raising certain types of animals for their fur. Animals captured in the wild are not considered farmed fur, but are instead known as 'wild fur'. This thesis will only focus on farmed fur, which constitutes about 85% of the world's fur trade. The main farmed species are mink, foxes, sable, fitches, raccoons, chinchillas and rabbits. In figure 1 the worldwide expansion of fur farming is shown. The biggest actors in the fur farming industry are Europe, the United States and China. Europe is the worldwide leader in fur-pelt production. According to figure 1 below, the skin production in Europe accounts for almost 60% of the global production (EFBA, 2011). Fur farming in the European Union constitutes an entire sector itself in the European economy, responsible for around 60,000 direct full-time jobs and many more indirect jobs in food, transport, engineering, refrigeration and construction chains. Especially for rural areas the industry contributes to economic development.

Figure 1: Worldwide fur farming, source: (IFTF, 2002)

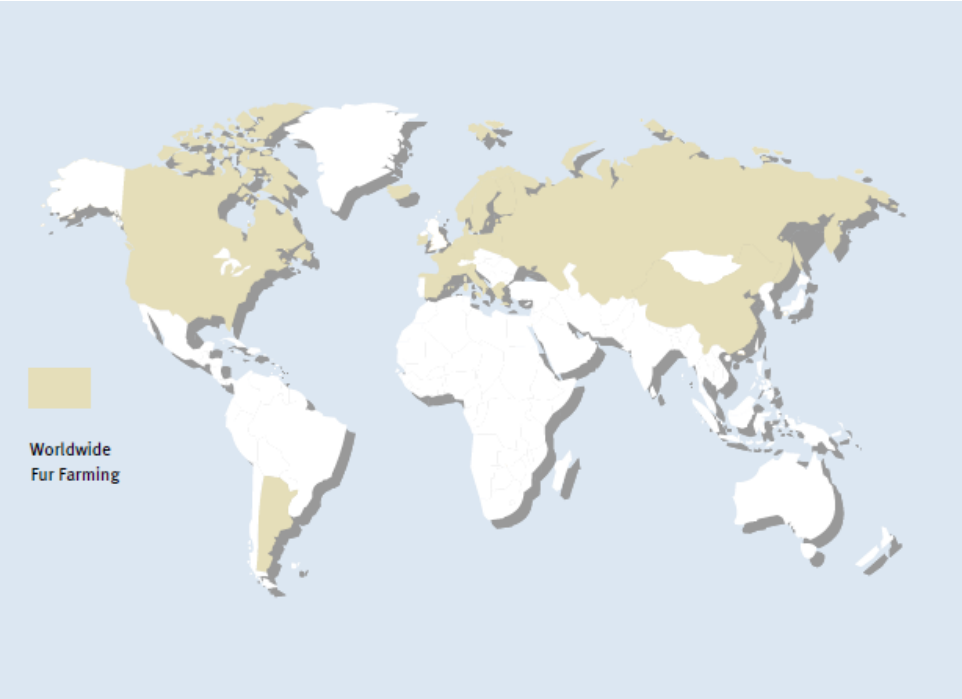
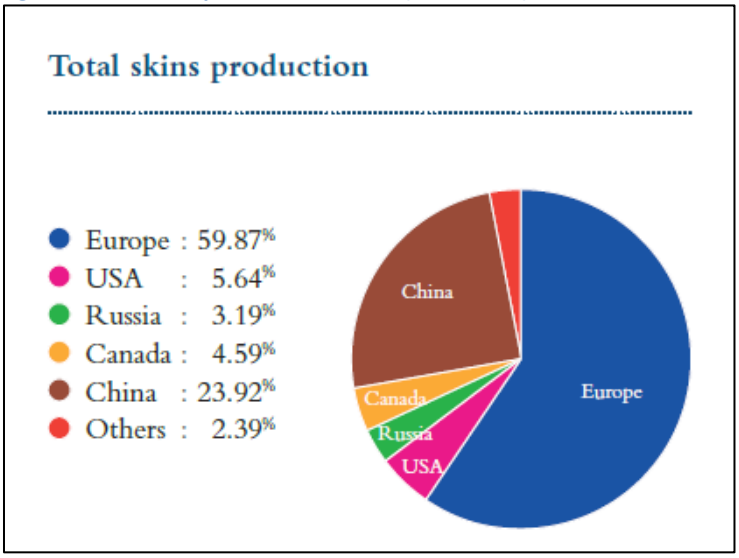


Figure 2: Total skins production, source: (EFBA, 2011)

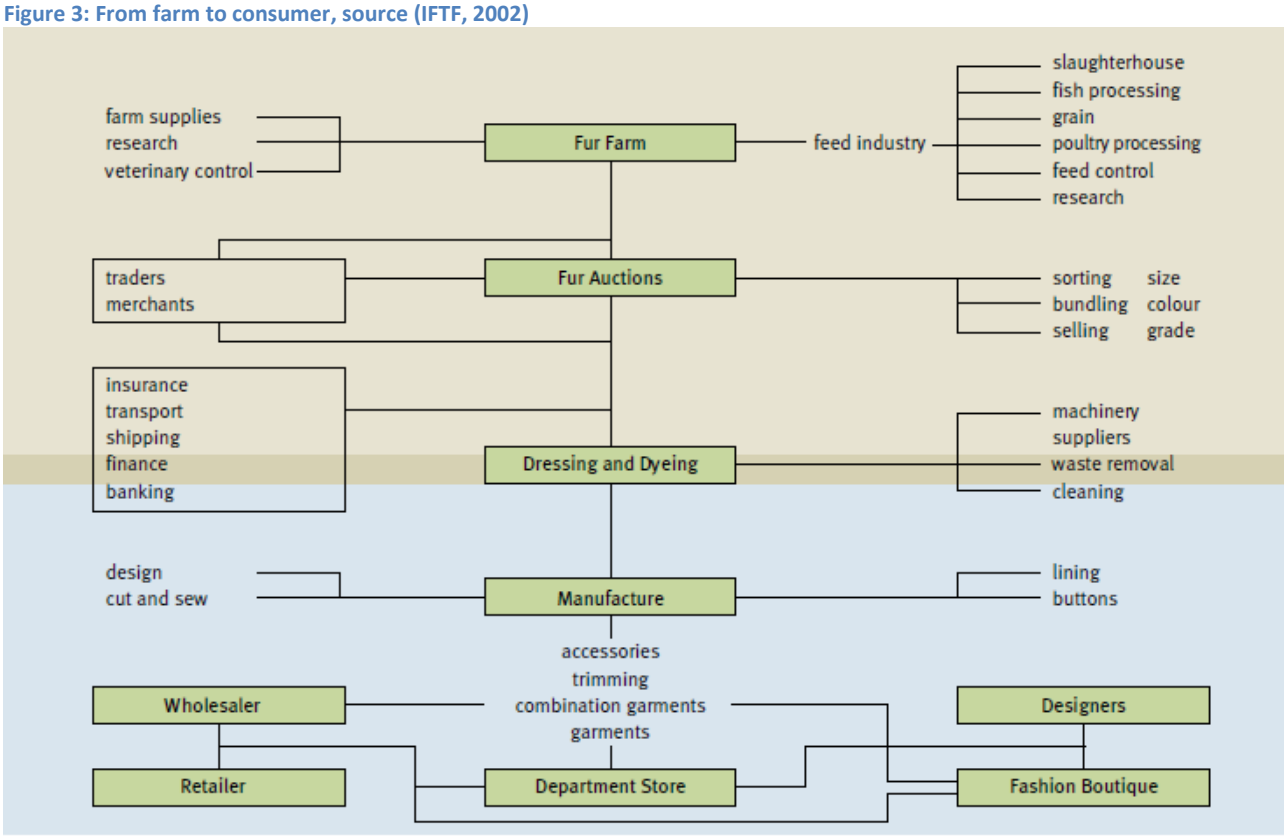


In order to fully grasp the entire picture of fur industry, figure 3 demonstrates its main components and main stakeholders involved in trade. Firstly, there is the fur farm itself. The farmer is responsible for the housing, feeding and breeding of the animal, but also for killing. After the animals are killed, the pelts are brought to an auction. At this auction, merchants buy the pelts again and sell them again to big retailers. About five times a year skins are sold to producers from all over the world. The highest bidder sets the world market price for a species' pelt (Kopenhagen Fur, 2014). Kopenhagen Fur is the largest auction house in the world and serves as the fur center of the world market.

After selling the pelts to retailers they are to be made into all kinds of clothing. The fur sector is hence complex and international, with the fur pelts produced by the farmer normally passing through several countries and undergoing all kinds of processes before it reaches the final consumer (IFTF, 2002). The sector is also claimed to be sustainable and green, because it uses up to 647,000 tons of animal by-products in Europe alone. These by-

products are used mainly for food production of the fur-bearing animals; hence nothing is wasted but re-used in other industries (IFTF, 2002). The same goes for the carcasses of the animals that remain after skinning. These are re-used as fertilizer and as fuel of cement kilns (Fur Information Center, 2014).

Figure 3: From farm to consumer, source (IFTF, 2002)



To ensure animal welfare is met at the highest levels, different organizations are involved. This will be explained in more detail in the conceptual framework. In figure 5 an overview is given of the most important actors in the industry.

1.3 Relevance and motivation

1.3.1 Relevance

The purpose of this thesis is to explore animal welfare standards in the European fur farming industry. Several EU Member States have recognized the concerns of citizens and animal welfare organizations about the fur farming industry in Europe and decided therefore to completely ban the fur farming industry from their grounds. These concerns are mostly about the conditions on the farms themselves, hence including the housing, feeding, breeding and killing methods. Undercover footage from animal protection organizations consistently show that the situation on fur farms is not how many farmers claim it too be. Animals are kept in small cages, what shows stereotypical behavior and causes wounds and diseases that might be difficult to treat. Moreover, the Scientific Committee on Animal Health and Animal Welfare of the European Commission recognized in their report that fur-bearing animals are not suitable for farming or breeding, against the many claims of stakeholders that these animals have been domesticated (SCAHAW, 2001). Also the killing methods lay at stake.

The case of the gestation stalls for pigs illustrated how animal welfare standards can be interpreted differently and hence makes policy making on such an issue extremely difficult. The fur farming industry copes with the same problems, with on the one hand the retailers, farmers (the pro-fur side, often using economic arguments) and on the other hand the anti-fur organizations (using animal welfare or ethical arguments). One of the most

recent claims made by the anti-fur organizations is that minks are still not domesticated and yearn for their most important natural behavior: swimming. Not being able to swim causes stress to the animal and therefore stereotypical behavior or self-mutilation. Of course this is fought by the pro-fur organizations, which claim that this is not a necessary condition for farmed mink, but only for mink caught in the wild which have been in contact with water earlier in life. Both these arguments are backed by scientific research, however this is also contradictory. Hansen & Jeppesen (2001) claim in their research that 'there was no support found for the claim that farmed mink with access to swimming water have a lower level of stereotypies than mink with access to an empty basin'. 'Whether swimming is a behavioral need in farm mink is still debatable' (Hansen & Jeppesen, 2001). On the other hand, Mason et al (2001) found in the same year that 'fur-farmed mink are still motivated to perform the same activities as their wild counterparts, despite being bred in captivity for 70 generations' and 'results suggest that caging mink on fur farms does cause the animals frustration, mainly because they are prevented from swimming, evidenced by an increase in cortisol (stress-hormone) production' (Mason et al, 2001). Both these researches were carried out by universities, in the same year. Still, the results are completely opposite, making it extremely difficult to develop a good policy for this industry.
Many claims about the policy gap in the European fur-farming industry have been made, but there has not been any research into this policy gap. Therefore, exploring this industry in this thesis will contribute to the wider academic debate in providing a (hopefully) clearer view on how the fur-farming industry is actually regulated.

Even if after research it can be confirmed that there is indeed a policy gap, one might ask 'who cares'? The main concern about this policy gap is illustrated by a current problem in the Netherlands (see chapter 5). Many consumers and non-profit organizations carry out their concerns about the fur farming industries. Consumers are refusing to wear or buy any type of fur; hence governments are called upon to take action. If a majority of the consumers (as was the case in the UK, see chapter 5) wants to ban fur farming from their grounds, the government must act upon this call. However, the consequence of this is that farmers move their production elsewhere (see page 32). This is made possible by the current policy gap. Also national standards which are too expensive might cause farmers to move their production elsewhere where standards are lower. Therefore it is of high importance that the standards within the EU are the same for every farmer. That is the only way to efficiently safeguard animal welfare.

1.3.2. Motivation

The motivation to do this research comes from a personal interest in animal welfare and the documentary 'Earthlings', which served as an eye-opener on how the fur-farming is working in the EU. After reading many articles from both pro- and anti-fur organizations, it became clear that in the academic field little is known about the claimed policy gap. Since it perfectly fits the bachelor European Studies, this topic seemed good for a thesis.

1.4 Research Questions

The current European regulatory framework is claimed to be basic and does not include specific standards for the fur farming industry; hence member states may easily draw up different standards without any relevant measures. In this sense, it is doubtful that animal welfare is safeguarded in this industry. Therefore the main research question in this thesis is:

'To what extent is the current EU regulatory framework on the fur farming industry able to safeguard the protection of animal welfare in the European fur farming industry?

To answer the main research question, to following sub questions need to be answered:

1. What does the current EU regulatory framework on the fur farming industry look like?

2. What does national legislation of member states on fur farming look like and to what extent does is relate to the EU regulatory framework?

1.5 Thesis structure

In chapter 1 the context of the European fur farming sector and animal welfare is explained. In order to answer the research question, firstly the conceptual framework will be discussed in chapter 2. In this framework, the policy gap of EU legislation on the protection of welfare of animals in the fur farming industry will be further explained. Secondly, it is of great importance to explain how EU legislation works in itself. Thirdly, to understand which types of (non) compliance can be found in answering sub question 2, some theory on compliance will be discussed. Chapter three will outline the methods used for the research conducted for this thesis. Chapter 4 and 5 discuss the analysis performed and the main findings. In chapter 6 these findings will be put to discussion. Finally in chapter 7 the main conclusion of this research will be presented and hence the answer to the main research question. Chapter 8 presents the experienced limitations and notes for future research.

2. Conceptual Framework

In order to answer the research question '***To what extent is the current EU regulatory framework on the fur farming industry able to safeguard the protection of animal welfare in the European fur farming industry***?' it is necessary to lay down a conceptual framework. As argued in the introduction chapter, a policy gap exists in the current regulatory framework on fur farming. Therefore in this chapter first a brief explanation on policy making in the EU will be given. It is important to understand how policies and what types of legislation are established in the EU. Moreover, of special interest is what types of instruments are legally binding for the member states. Secondly, in the introduction is claimed that the situation on fur farms is not fitting reasonable standards. Since the member states are responsible for this, it is of interest to outline some forms of (non)compliance in this chapter. This will help to create an understanding in further research on national legislations. Note that the reasons for (non)compliance will not be used here, just the different forms. Thirdly, the policy gap itself will be outlined in detail to fully grasp the actors involved and the complexity of the problem. Finally, the methods will be outlined, stating with which strategy the research question will be answered.

2.1 EU Regulation of the fur farming industry

EU legislation takes form in two ways, treaties and EU regulations, and directives and decisions, which can have a direct or an indirect effect on the member states. The EU treaties are the basis of the rule of law. This means that every action taken by the EU is founded on treaties that have been approved by all EU member countries. The latest treaty that came into force was the Treaty of Lisbon, which consist the Treaty on the EU and the Treaty on the Functioning of the EU. The aims in the Treaties are reached through several types of legal act, some are binding, and others are not. Some also do not apply to all member states, but just a few.
The EU makes policy decisions in a range of complex ways. New treaties are agreed by the member states only; the same goes for setting EU strategic decisions, which are established by the European Council. Some policy areas such as tax remain almost entirely under national circumstances (Cini & Boragán, 2013). In table 2 the EU decision making procedures for the relevant policy area in this thesis are shown.

Table 2: EU decision-making procedures by policy area: an indicative sample, source: (Cini & Boragán, 2013)

Policy Area	Formal EU power	Forms of governance/decision making	Treaty base	Noteworthy trends since the Lisbon Treaty
Common agricultural policy	Shared competence	Community Method (CM)	37 EC	Lisbon Treaty would introduce co-decision and extend QMV

The common agricultural policy serves the following purposes: it helps farmers to produce food, but also protects the environment and animal welfare and sustains viable rural communities. It is one area of policy where EU countries have agreed to fully pool responsibility along with a large share of public financing (European Union, 2014a).

As shown in table 2, the form of governance in the common agricultural policy is the Community Method (hereafter CM). The CM introduced qualified majority voting, meaning that only a certain proportion of the member states need to accept a measure for it to obtain the support of the Council as a whole. The European Commission holds the power to initiate legislative proposals, the Council and the European Parliament can shape these proposals before they are made into actual policies.
Within the CM several types of legal acts are possible. They are laid down in table 3.

Table 3: Types of legal acts, source: (European Union, 2014b)

Type of decision	Legally binding?	On whom?
Regulation	Yes	All member states, regarding both substance of the decisions and the manner of implementation
Directives	Yes, but limited	All member states regarding substance, but with manner of implementation free
Decisions	Yes	The specific group or person involved, for example a particular member state or firm
Recommendations	No	Allows institutions to make their views known and to suggest a line of action without imposing any legal obligation on those to whom it is addressed
Opinions	No	Instrument issues by the main EU institutions which allows them to make a statement in nonbinding fashion, in other words without imposing any legal obligation on those to whom it is addressed

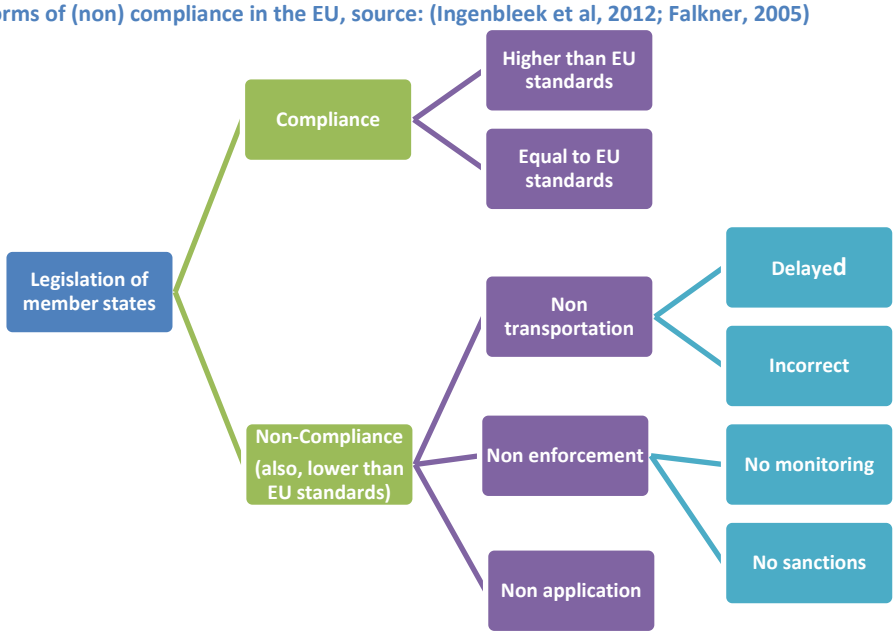
With many actors involved in law and decision making at the various levels of an EU policy, numerous shortcomings in implementation and application are possible. In order to understand which forms of (non)compliance are possible, figure 4 can be of great help. Compliance is defined as *'the extent to which national actors conform to the EU requirements by incorporating and applying EU laws into national context'* (Zhelyazkova, 2013). The figure is based on findings by Ingenbleek (2012) and Falkner (2005). Firstly, Ingenbleek distinguishes in compliance higher, equal or lower than EU standards. Lower compliance will be understood as non-compliance in this paper since the EU standards are lacking/not met. Secondly Falkner (2005) distinguishes between three types of non-compliance. Again, this figure only serves to better understand the (non)compliance of member states, not to look for any reasons why member states might not comply.

Non-transportation is interpreted as the law is partly complying, or is missing essential parts of the original documents. This can either be delayed or simply incorrect.

Non enforcement means the law is complying, but no sanctions are available when the law is breached or the responsible institutions are not monitoring the implementation of the law correctly.

Non application means that the original law is entirely missing in the new documents.

Figure 4: Forms of (non) compliance in the EU, source: (Ingenbleek et al, 2012; Falkner, 2005)



2.2 The policy gap in the European fur farming industry

In the introduction it is claimed that there is a policy gap in the European fur farming industry. Too often undercover footage shows that the conditions in fur farms are not even close to reaching good animal welfare. In this paragraph this policy gap is outlined in detail.

Firstly, the scene of fur farming in Europe will be set. In table 4 the assets of the European fur farmers in 2011 are displayed. This table will be of later use when answering sub question 2: *'what does national legislation of member states on fur farming look like and to what extent does it comply with the current EU regulatory framework?*' The four biggest contributors in Europe (Denmark, Netherlands, Poland, and Finland) are marked in blue.

Table 4: Total fur pelts production in Europe, source: (EFBA, 2011)

Country	Mink	Chinchilla	Fox	Finn raccoon
Belgium	200.000	100	0	0
Bosnia	0	6000	0	0
Czech Republic	0	2.200	0	0
Denmark	15.000.000	24.000	7000	0
Estonia	0	4.600	0	0
Finland	1.700.000	0	1.800.000	130.000
France	150.000	0	0	0
Germany	350.000	0	0	0
Greece	550.000	0	0	0
Hungary	0	14.000	0	0
Iceland	160.000	0	0	0
Ireland	200.000	0	0	0
Italy	160.000	0	0	0
Latvia	350.000	0	9.100	0
Lithuania	550.000	0	1.200	0
Netherlands	4.750.000	0	0	0
Norway	595.000	0	150.000	0
Romania	17.000	0	0	0
Serbia	0	10.000	0	0
Spain	600.000	0	0	0
Sweden	1.100.000	0	0	0
Poland	6.000.000	0	0	0
Total	**32.432.000**	**60.900**	**1.967.300**	**130.000**

As explained in section 2.1 the Treaties of the EU serve as a legal basis for all EU legal acts. In line with the definition of animals as 'sentient beings' in the Lisbon Treaty (2007) the European Union has set some major steps in order to protect fur-bearing animals. The most recent example of this is the ban on the imports on seal-furs after massive public outcry about the cruelty involved in the seal hunt and rejection of the EU citizens to accept these products on the EU market. After three EU Member States (Belgium, The Netherlands and Slovenia) adopted national bans on seal product and several others (Germany, Italy, Czech Republic, Austria, UK and France) were reported to be considering legislation of their own, the EU considered it important to harmonize this policy at EU level (IFAW, 2013). However the decision was first challenged by major stakeholders Canada and Norway, claiming that the slaughter was carried out in a 'humane manner', the World

Trade Organization (hereafter WTO) decided that the EU can legally ban the import of seal and fur products because of moral concerns.

The European Union carried out a similar ban in Regulation No 1523/2007 banning 'the placing on the market and the import to, or exports from, the Community of cat and dog fur, and products containing such fur' (Regulation, number 1523 of 2007). This legislation was also based on ethical concerns, since cat and dog fur is mostly produced in China. There are no penalties for abusing animals on fur farms in China, hence farmers can house and slaughter animals however seems fitting (PETA, 2014). It was for the same reason that many global brands decided to ban the use of angora wool after People for the Ethical Treatment of Animals (PETA) released a graphic undercover video in Chinese angora farms (CBS, 2013). The European Community also approved a ban on pelts and fur products coming from countries that allow steel leg-hold traps to capture wild animals for their fur, which are commonly used in Alaska, Canada and Northern America (McClatchy News Service, 1991).

It could be noted that animal welfare is an important objective in European policy, according to these past legislations. However, these policies focus on animals that are farmed outside of the EU.

This is also confirmed by the two currently most important projects of the EU: the strategy for the protection of and welfare animals and the Welfare Quality Project:

Article 13 of the Lisbon Treaty recognizes animals as sentient beings and requires full regard to be given to the welfare requirements of animals while formulating and enforcing EU policies. In the Community Action Plan on the Protection and Welfare of Animals 2006-2010, which was adopted by the European Commission, new indicators of animal welfare were introduced. However, there remained problems of enforcement and animal welfare is still a high concern for most EU citizens (Eurobarometer, 2007). To tackle these problems, the European Commission initiated a new strategy: the Strategy for the Protection and Welfare of Animals 2012-2015. Its main goals are (European Commission, 2012):

- Provide a simplified EU legislative framework for animal welfare
- Support Member States and take action to improve compliance
- Support international cooperation
- Provide consumers and the public with appropriate information
- Optimize synergies with the Common Agriculture Policy
- Investigate on the welfare of farmed fish

In line with the strategy of the European Commission the Welfare Quality Project was initiated to develop European standards for on-farm welfare assessment and product information systems as well as practical strategies for improving animal welfare (Welfare Quality, 2014). The Econwelfare Project is a project in line with the Welfare Quality Project, which aimed at promoting insight on the impact for the animal, the production chain and European society of upgrading animal welfare standards (Econwelfare, 2009).

In both the Strategy for the Protection and Welfare of Animals or the Welfare Quality Project, fur bearing animals are again ***not*** included.

As noted by Mark Mardell in his Euroblog (2007): '*Obviously, making a coat out of giant panda or tiger is wrong. They are rare. Cats and dogs are not. Is farming them for their skin or fur worse than using any other animal? Of course, many people hate all animal fur clothes, but they are not illegal. Is it just because we see them as pets that we find it gross? It seems to me animals have the best chance of being protected if they are cute, or look a bit like us'. But if we eat beef, what's wrong with leather? And if we wear leather, what's wrong*

with fur? And if we allow fur, what's wrong with Rover and Tiddles providing it? Should law makers restrict our choices based on illogical sentiment? (Mardell, 2007)

Noteworthy, in the new Strategy for the Protection and Welfare of Animals 2012- 2015 the **only** action to be taken by the European Commission regarding the protection of fur farmed animals is to:
*Report to the European Parliament and the Council on the application of the Regulation (EC) No 1523 /2007 banning the placing on the market of cat and dog fur (*European Commission, 2012). Hence, the only included action in the strategy on fur farming is focused on animals farmed outside of the EU. Of course, this would be a logical way of policy making, if the situation within the EU area would be satisfactory itself.

Ironically, besides these three specific past legislations to protect seals and cats and dogs, and to ban fur obtained trapping wild animals by leg-holds, there are only three legislations on protecting fur farmed animals within the EU as outlined in section 1.2. Striking is that one of them is even a recommendation. As argued by Sabine Brels (2013), even if detailed recommendations were adopted by the European Council, which is the case for the recommendation in 1999, they are **not legally binding** in the European Union as long as they are not becoming community directives. Concerning fur products, the labelling of fur products is the only initiative undertaken by the EU since 2011 and this legislation still needs to be passed officially (Brels, 2013). This means that for over fifteen years, nothing has been done by the European Commission to protect fur farmed animals within their borders while it is the largest producer. Confirming the paradox in EU legislation is the statement of the European Commission in Regulation 1007/2009 that *'seals are sentient beings that can experience pain, distress, fear and other forms of suffering'*. Their definition of animals as sentient beings does count for animals killed outside the EU, but apparently does not apply for animals within the EU.

The recommendation of 1999 stated that, at that time, there was not sufficient scientific evidence on the welfare requirements of fur animals and it that sense it encouraged further research. This research was done by the Scientific Committee on Animal Health and Animal Welfare (hereafter SCAHAW) in 2001. One of the main concerns about fur farmed animals is that they are essentially wild animals and are not able to adapt to farming conditions, let alone intensive breeding and rearing. This concern was confirmed by SCAHAW: '*These species, in comparison with other farm animals, have been subjected to relatively little active selection, except with respect to fur characteristics. There has thus been only a limited amount of selection for tameness and adaptability to captive environment*' (SCAHAW, 2001, p. 185). The report also confirmed that the methods of detention and killing of animals in fur farming are not meeting the current European standards of animal welfare (Brels, 2013). More scientific evidence was provided by GHK Consulting in their report 'Evaluation of the EU policy on Animal Welfare' (2010). In this report a table is included showing the numbers of some main categories of farm animals that are **not** covered by specific EU animal welfare Directives. Looking at the totals, fur animals (rabbits, mink, foxes and raccoons) account for almost 25% of the total units (GHK, 2010, p. 162). Hence, in several years scientific evidence has been brought to the European Commission that shows that the current EU standards are not met and even confirming that the species kept for fur production are not suitable for farming conditions. Many third parties also claimed that the fur farming industry is cruel, the living conditions are not sufficient, animals suffer from severe distress, pain and discomfort and the killing methods in most countries are far from humane methods of slaughtering (Bont voor Dieren, 2014; Fur Free Alliance, 2014; Stichting PETA Nederland, 2014).

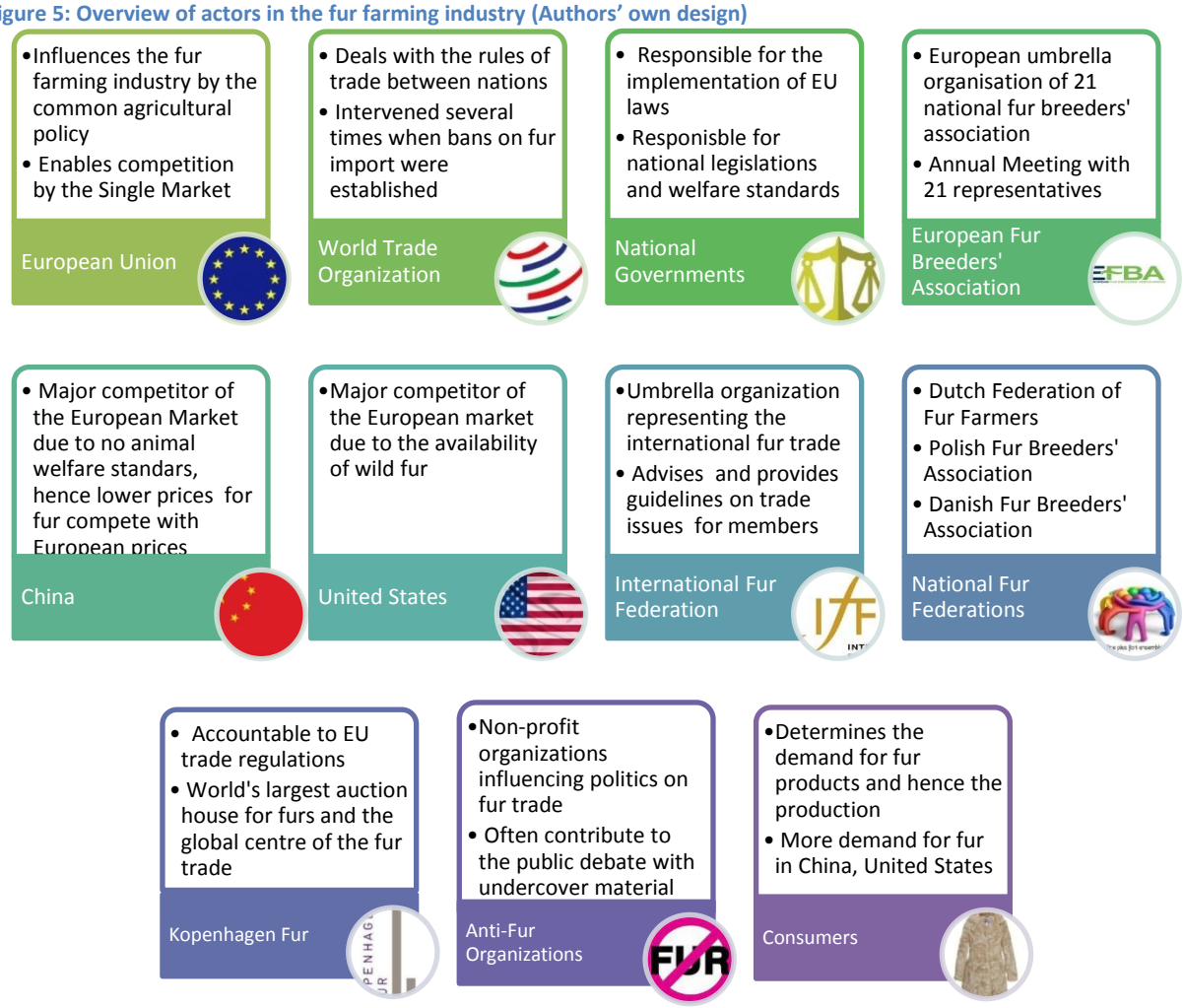
Not only organizations or committees expressed their concerns about the fur farming industry in the EU, also the EU citizens themselves are concerned about the welfare of fur farmed animals. In a survey conducted by Ipsos (2013) commissioned by the European Fur Information Centre, 61% of the respondents finds breeding animals for their fur unacceptable. 79% of the consumers find breeding of animals acceptable when welfare is met. 41% even thinks that fur-farming should be totally forbidden in Europe. The other 59% states that fur-farming needs strict regulations and tightly controlled conditions, authorized by the EU (Ipsos Public Affairs, 2013).

Hence, after careful literature review it can be stated that there is indeed a policy gap in European legislation, which is currently unable to protect the welfare of animals within the fur farming industry. In the past 15 years, too much attention has been paid to animals outside of the EU, while many stakeholders within the EU claim the situation should be otherwise. The European fur farming industry is far from regulated and scientific evidence has shown that specific regulations concerning animal welfare are necessary in Community Law.

2.3 Actors in the European fur farming industry

Before jumping to the methods section, a brief overview of the most important actors in the European fur farming industry will be given in figure 5, to create more understanding of the complex relations in this industry.

Figure 5: Overview of actors in the fur farming industry (Authors' own design)



Most states have a national fur federation, which lays direct contact with the fur farmers in that nation. Furthermore the governments lay down national legislation concerning the sector. The European Union also influences the sector in establishing legislation too. There are also several multinational federations for fur farmers, both on a European and international level.

The World Trade Organization (WTO) also is an actor in the fur farming industry, since it safeguards the free market and trade in the world. Therefore, the WTO has intervened several times when bans on imports were established, for example on cat and dog fur, or seal fur, since it impeded the free trade. The WTO refers to the

World Organization for Animal Health (OIE) standards in setting their imports regulations for live animals and animals' products (Perini & Wilson, 2005).

Several other major actors in the fur farming industry are China and the United States and Canada. In China no animal welfare standards exist, therefore the production of pelts is way cheaper. This causes competition in the European market, since pelts with higher welfare standards also bring more costs. In the United States and Canada leg-hold traps to catch wild fur are legal. Therefore pelts from rare animals are available there, which also contributes to competition on the market.

3. Methods

In this chapter, the methods used for analysis are discussed. This thesis builds on qualitative analysis, which is defined as 'the non-numerical examination and interpretation of observations, for the purpose of discovering underlying meanings and patterns of relationships' (Babbie, 2012). Observations in this thesis are made through the analysis of scholars' articles, regulatory documents and interviews with experts. Since there is little scientific research on the fur farming industry itself and the time frame for this research is limited, conducting quantitative research would be really difficult. To answer the main research question, two sub questions were developed, both having their own approach in this research:

1. What does the current EU regulatory framework on the fur farming industry look like?
2. What does national legislation of member states on fur farming look like and to what extent does is relate to the EU regulatory framework?

The first research question will be answered by careful review of EU laws and official documents. Also the main actors in the European field need to be displayed; therefore codes of practices and other official documents of stakeholders will be used. Since not all documents are available on the internet, interviews with experts will also contribute to fill the gap of knowledge in this field.

The second research question builds on case studies, which are the 'in-depth examinations of a single instance' (Babbie, 2012). As explained in the conceptual framework above, there are no specific laws on the protection of animal welfare in the fur farming industry. Therefore it's really difficult to compare specific legislation on for example the methods of killing. What is of more importance is the way in which national governments and third parties act to protect the welfare of animals within this borders. Therefore this research question will be answered by looking at current legislation on the protection of fur-bearing animals in the form of a descriptive comparative research. The goal of this type of research is to find out whether the cases are different, and perhaps why. In table 5 below firstly the choices for the cases are explained. Together, these member states will serve as a good resemblance of the fur farming industry in Europe and as a satisfactory example to answer sub question 2.

Table 5: Reasons for country case selection, (authors' own design)

Member State	Reasons for selection:
The Netherlands	- Mother language, therefore easily accessible and understandable documents - One of the four largest producers according to table 1
United Kingdom	- First country to ban fur farming - Non producer of fur - Second language, therefore easily accessible and understandable documents
Poland	- One of the four largest producers according to table 1 - Recently became a member of EFBA, therefore the expectation of compliance with any standards is very low
Denmark	- The largest producer of fur - Kopenhagen Fur serves as the example for good animal welfare - Fur auctions are held in Kopenhagen, therefore it is expected that Denmark needs to have a good reputation in maintaining animal welfare

The analysis of these cases will be done by comparative research. The most important similarities or differences will be displayed in a table.

The aspects looked for will be of the following kind:

- Initiatives taken by the government to protect animal welfare fur-bearing animals within their borders
- Initiatives taken by third parties to protect animal welfare of fur-bearing animals

- Codes of practices for fur farmers
- Sanctions when national laws or codes of practices are not met
- The relation between the national framework and the EU regulatory framework; which one has the upper hand?

4. Empirical Findings 1 – the European regulatory framework

In this section the empirical findings to the two sub questions will be presented, analyzed with help of the conceptual framework.

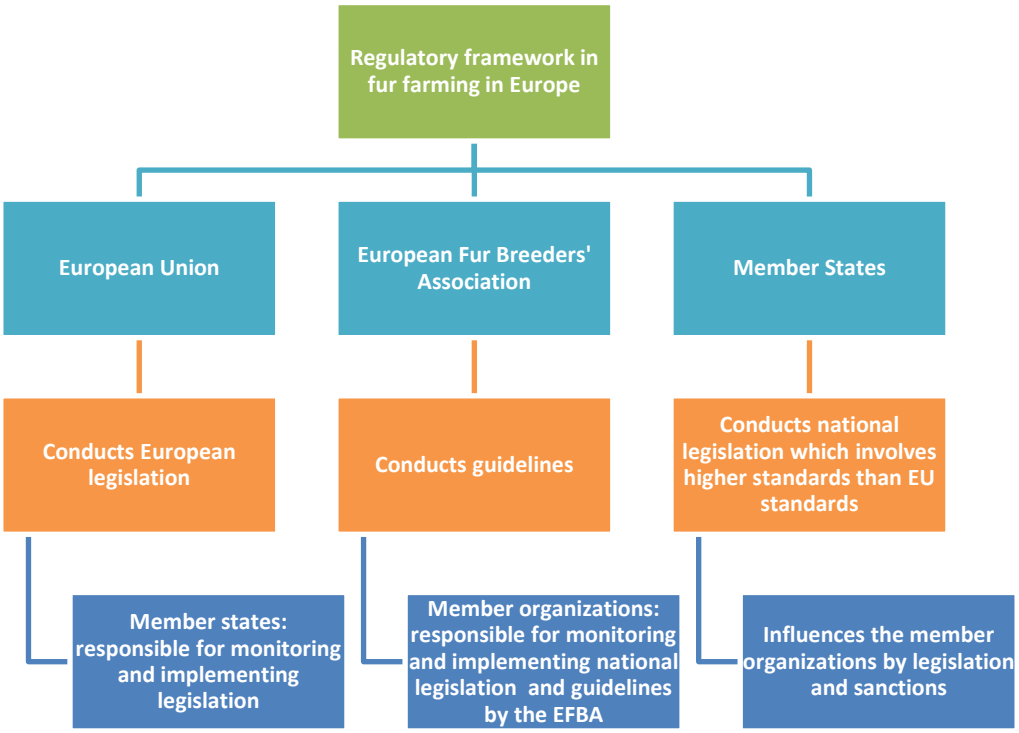
4.1 The current regulatory framework

The first sub question posed to answer the main research question of this thesis is: '*What does the current EU regulatory framework on the fur farming industry look like'?* Before coming to the answers of this sub question, it is important to bear in mind the actor overview presented in the conceptual framework in chapter 2. Although the EU itself can only pose legally binding acts on the member states, there are other third parties which contribute to this as well. This means that the policy gap as explained in the conceptual framework is somewhat untrue. The actor EFBA (see figure 5) is also highly active in conducting standards for the fur farming industry.

Therefore this chapter is divided into three parts: firstly, the regulatory framework in Europe will be described and secondly an analysis of compliance will be done between the EU regulatory documents and the documents provided by third parties. Lastly, the main findings will be presented and the main conclusion of this chapter, which is the answer to sub question 1.

Before we can outline in detail how the EU regulatory framework looks like, figure 6 will illustrate how the legislation and guidelines within the EU are established. This is necessary for understanding, since third parties are also involved in this.

Figure 6: Regulatory framework on fur farming in Europe (Authors' own design)



4.1.1 The current EU regulatory framework

The current EU regulatory framework consists of a few legal acts, which shall be outlined in detail below. Firstly, a small overview is presented:

- Treaty of Lisbon (2009)
- Council Directive number 58 of 1998 concerning the protection of animals kept for farming purposes
- Recommendation concerning fur animals (1999)
- Council regulation number 1099 of 2009 on the protection of animals at the time of the killing
- Strategy for the protection and welfare of animals 2012 - 2015

Treaty of Lisbon

Amending the Treaty on the European Union, the Treaty of Amsterdam provided a new milestone in the protection animals within the markets of the EU, highlighting the ethical importance of animal welfare policy in its protocol: on protection and welfare of animals. It states (European Union, 1997):

> '….the Member States shall 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'.

The Lisbon Treaty provided an extra step in protecting animal welfare through legislation by recognizing them as sentient beings. This put animal welfare on equal footing with other key principles like gender equality, social protection, to protect human health, combat discrimination, promote sustainable development, ensure consumer protection, and protect personal data. It states (European Union, 2009):

> "….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."

However animal welfare is included in the European Treaties, there are only three pieces of legislation that apply on animal welfare in the fur farming industry.

Council Directive 98/58/EC concerning the protection of animals kept for farming purposes

This directive provides general rules for the protection of animals of all kinds of species kept for the production of food, wool, skin or fur or other farming purposes, including fish, reptiles and amphibians. This Directive adopted the conceptualization of animal welfare by the Farm Animal Welfare Council (FAWC), based on the widely known Brambell Report (1965) as mentioned in chapter 1: introduction.

Recommendation concerning fur animals (1999)

This recommendation was mainly written in the awareness that animals kept for the production of fur belong to species which have only been farmed recently and therefore are less adapted to farm conditions, or 'domesticated' (Council of Europe, 1999). It covers all specific legislation on fur animals, including biological characteristics, stockman ship and inspection of fur animals, enclosures, housing and equipment, management,

killing and research. The recommendation also includes six appendices with special provisions for different animal species.
The recommendation states that scientific evidence on the welfare requirements or fur animals is not sufficient; hence it also encourages further research on the welfare of fur animals. The most important rulings in the recommendation are (Council of Europe, 1999):

> Article 1.4: No animals 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 adopt to captivity without welfare problems

Council Regulation 1099/2009 on the protection of animals at the time of the killing
This regulation covers the killing of animals bred of kept for the production of food, wool, skin or fur or others products, as well as for the purpose of depopulation and related operations.

Besides the specific legislations on animals, the fur farming industry also falls under the Common Agricultural policy, which mainly serves as a partnership between agriculture and society and between farmers and the EU.

4.1.2 Acts conducted by third parties

Within the European borders, the European Fur Breeders' Association (hereafter EFBA) is the largest actor besides the European Union affecting the fur farming industry. It represents fur farmers' interests at both European and international institutions and participates in the development of a legislative framework and business conditions where all European fur farmers can compete effectively for sustainable growth as well as proudly meeting consumers demand for information about product origin (EFBA, 2014). The EFBA has contributed to the framework on fur farming in two ways: the Welfur Project and the Code of Conduct. In this paragraph, both contributions will be elaborated on.

The Welfur Project
The Welfur Project is inspired by the Welfare Quality Project of the European Commission but has further focused on the practical application on fur farms. In 2009 EFBA appointed seven European universities to identify and evaluate potential welfare indicators and measures on animal welfare in the fur farming industry. Eventually, four indicators were found: good Housing, good Feeding, good Health, and good Behavior, which cover animal-based, resource-based, and management-based measures (EFBA, 2014b).

Out of these indicators, a welfare certification program is developed, which is currently being implemented in twenty-two fur producing countries in Europe. The main objective of the Welfur Project is to provide transparency about animal welfare for fur farmed species at farm level. The WelFur system works with a scorecard that classifies the welfare status of the individual farm in 1 of 4 possible groups: best current practice, good current practice, acceptable current practice, and unacceptable current practice (EFBA, 2014b). If a farmer will be scored as unacceptable, he will be excluded from the program. When severe breaches to animal welfare legislation are observed, national authorities will be notified.

The Welfur Project is financially supported by the Seventh Framework Program of the EU. The implementation will be finished in 2015. The implementation consists of four pillars (EFBA, 2014b):

1. The publishing of the WelFur assessment protocols presenting both the measures and the way calculations performed up to the final overall classification of farms
2. The creation of a software tool to calculate the scores and store the data. This tool will be accessible for both the assecors (for the tests) and the farmers (for information and improvement purposes
3. The development of the training protocol and material for the assessors.
4. National implementation action plans will be developed in the course of 2013 with the support of each EFBA member association, including the third party selection to perform the assessments. There is not a single European solution in that matter and each member country will have a different solution

Code of Practice

The Council's recommendation concerning fur animals that was adopted in 1999 provided specific welfare guidelines for fur-farmed species. Although recommendations have to be turned into Directives to be directly effective, this did not happen with this recommendation. The EFBA helps member states to integrate EU guidelines into their national legislation to secure animal-welfare conditions on the farm and to ensure that national inspection controls are performed on a regular basis (EFBA, 2014c). Therefore the recommendation has been (partly) included in the EFBA Code of Practice, which applies to all members of the association. The Code has in turn been adopted by the member organizations and is intended to be used by farmers 'as a tool in the promotion of sounds husbandry and welfare practices. It should however be understood that new scientific discoveries may make it necessary to update the Code periodically' (EFBA, 1999). The Code of Practice consists of specific rules on several areas, of which the most important will be captured in the box below (EFBA, 1999):

- 'Farmed mink, fitches and foxes are domesticated: changed for the purpose of man by genetic and developmental processes'
- 'Keeping a wilde mink, fitch or fox under present day farm conditions are certainly not possible'
- 'Basic requirements for the health and welfare of farmed fur animals among others consists of:
  a. good husbandry and stockmanship
  b. a suitably stimulating environment appropriate to meet the species-specific needs as deduced from studies of the animals in nature and in farming conditions, including adequate opportunity for grooming, eating, drinking, territorial marking, social contact or solitude, climbing and swimming'
  c. protection against adverse climatic conditions, injury, infestation and disease or behavioral disorders
  d. other requirements as may be subsequently identified by experience or scientific knowledge

Furthermore, the Code of Practice includes specific requirements for the farmer, management and accommodation. Also three appendices with special provisions per species are included, as well as a special section for the methods of killing. These are in accordance with EU Council Regulation number 1099 of 2009.
The Code of Practice is to be implemented by the member organizations of the EFBA, hence sanctions for not obliging the Code are not included in the document. Sanctions have to be carried out by the member organizations.

4.2 Analysis of compliance

As stated above, the current EU regulatory framework is not only provided by the EU itself, but also by third parties. A short overview is given in table 6.

Table 6: Overview of acts concerning the fur farming industry (Authors' own design)

Act	Carried out by	Contains	Legally binding
Council Directive 98/58/EC	European Union	Legislation on animals kept for farming purposes	Yes, but limited
1999 Council of Europe Recommendation	European Union	Specific welfare standards for fur farmed animals	No
Council Regulation 1099/2009	European Union	Legislation on the slaughter and killing methods for animals kept for farming purposes	Yes
Strategy for the Protection and Welfare of Animals 2012-2015	European Union	Goals to be achieved in order to protect animal welfare in the EU	No
Welfur Project	European Fur Breeders Association (funded by the EU)	Welfare certification program	No
Code of Practice	European Fur Breeders Association	Tools to promote sound husbandry and welfare standards	No

What can be concluded from table 6 is that the current EU regulatory framework needs improvement. Only two of the six specific legal acts are legally binding the member states. The other four acts are not official leagal acts. For example, the Welfur Project is a good initiative to assess animal welfare standards in the fur farming industry it needs further improvement and moreover, legal back-up. The Welfur Project is not legally binding and only addresses members of EFBA. Poland, one of the biggest contributors of mink pelts in Europe (see table 1) has only been a member since 2013 (EFBA, 2013). Furthermore, it only assesses the current situation on farms and does not contribute to improve the welfare standards.

The Recommendation of 1999 has never been turned into a Directive or another legally binding act. The standards set in the Code of Practice however are based on this Recommendation. Therefore, careful analysis is needed on the compliance of these two documents and the strength of the Code of Practice in general to safeguard animal welfare without legally binding the member states. A comparative analysis on the compliance of several aspects is made and results are displayed in table 7. At the end of this analysis, all findings regarding the compliance of the two documents will be discussed.

Table 7: Overview of compliance between the Recommendation 1999 and the EFBA' Code of Practice (Authors' own design)

	EU Recommendation 1999	Code of Practice 2014	Type of compliance [1]
Preamble/preface	Animals kept for fur belong to species which have only been farmed more recently and which have had less opportunity to adapt to farm conditions	Farmed mink, fitch and foxes are domesticated: changed for the purpose of man by genetic and developmental processes. One of their behavioral characteristics is	Lower, incorrect transportation

[1] For explanation on the types of compliance, see chapter 2, section 2.1

	Systems of husbandry at present in commercial use often fail to meet all the needs the fulfilment of which is essential for the animals welfare Bearing in mind that the environment and management have to fulfil to the animal's biological needs rather than trying to 'adapt' the animals to the environment Review the relevant provisions in light of new scientific evidence	that they have adapted to farm conditions Continue improvement of the welfare of these species taking into consideration the biology of their wild ancestors as well as the biology of the farmed varieties New scientific discoveries may make it necessary to update the Code periodically	
General Provisions	This Recommendation shall apply to all animals kept primarily for their furs, in intensive as well as extensive farming systems no animal shall be kept for its fur if: 1. the conditions in this recommendation cannot be met or if the animals belong to a species whose members, despite these conditions being met, cannot adapt to captivity without welfare problems	This Code of Practice applies to farmed mink, farmed fitch, and farmed foxes kept for their furs, in intensive as well as extensive farming systems No mink, fitch or fox may be kept for its fur if the conditions set down in this Code of Practice	Lower, incorrect transportation
Stockmanship and inspection	Identical	Identical	Equal
Enclosures, housing and equipment/accommodation	Identical	Identical	Equal
Management	Identical	Identical	Equal
Research	Included	Not included	Lower, non - application
Killing	Identical	Identical	Equal
Special provisions for mink	Partly complying, following part misses: Research shall be carried out which will establish standards and develop housing systems that minimize the risk of diseases and injuries and provide a stimulating environment to enable animals to fulfil their biological needs, as deducted from studies of the animals in nature and in farm conditions.	Partly complying	Equal
Special provisions for fitch	Partly complying, following part misses:	Partly complying	Equal

	Research shall be carried out which will establish standards and develop housing systems that minimize the risk of diseases and injuries and provide a stimulating environment to enable animals to fulfil their biological needs, as deducted from studies of the animals in nature and in farm conditions.		
Special provisions for foxes	Partly complying: following part misses: Research shall be carried out which will establish standards and develop housing systems that minimize the risk of diseases and injuries and provide a stimulating environment to enable animals to fulfil their biological needs, as deducted from studies of the animals in nature and in farm conditions.	Partly complying	Equal
Special provisions for coypu	Special provisions regarding housing, social behavior and research	No rules available	Lower, non-application
Special provisions for chinchilla	Special provisions regarding housing, plucking, space and research	No rules available	Lower, non-application

In table 7 the most important rulings in the preamble section from both the EU Recommendation and Code of Practice are compared. Mostly, the rulings are the same but the striking difference is that the EU recommendation claims that fur bearing animals are not fully adapted to farming conditions, while the EFBA document does claim this. Also, the comment made that most commercial farms do not meet the essential animal welfare standards, is fully ignored by the EFBA code. Therefore we can state here, in line with figure 1 in the conceptual framework, that there is little compliance in the preface of both documents. This can be subscribed as non-transportation, as some rulings were incorrectly copied or even left out.

Although the Code of Practice also states fur animals should not be kept if the conditions set in the code cannot be met, this only applies to foxes, mink and fitch. The EU recommendation contains specific requirements for mink, polecat, ferret, fitch, foxes, coypu, and chinchilla's and raccoon dogs, and clearly states it applies to all animals kept for their furs. Therefore it can be stated that there is again little compliance in the general provisions of both documents. Furthermore this is quite concerning, since chinchilla's and raccoon dogs are also bred in Europe (see table 4) and hence do not fall under the rules of EFBA.

Regarding the rules on research, the Code of Practice did not include this part. The articles on research lay down areas of investigation which are in need of improvement: biology and welfare of animals; development of husbandry systems; humane methods of killing. With regard to figure 2 in the conceptual framework, it can be stated therefore there is no compliance in the form of non-application.
The rules on killing included in the Code of Practice are mainly based on the provisions laid down in Council Directive number 119 of 1993 on the protection of animals at the time of slaughter or killing. This Directive was revised in 2008, and therefore the EFBA revised their rules on killing methods as well. Since the Directive of

2008 did not include specific standards on fur animals, EFBA provided rules of their own, based on scientific evidence. In so far, one can state that there is indeed compliance and the standards laid down by the EU Directive are equal.

Regarding the articles on special provisions per specie, the Code of Practice does not include provisions for coypu and chinchilla. This is quite worrying, since specific species have specific requirements. When not sought after it is likely to say animal welfare is not safeguarded at all for this particular specie.

Furthermore, the recommendations for research are not included too. Therefore, one can state that for the special provisions, there are equal standards for the mink, fitch and foxes, but no standards at all for other species. In section 4.3 the main findings of this chapter will be discussed.

4.3 Discussion

After careful analysis of both the EU recommendation and the Code of Practice by the EFBA a few findings were made.

It can be concluded that on most areas there is somewhat compliance. What is especially disturbing is that some species are not included at all in the Code of Practice, while they are bred in the EU as well and bred by states which are members of EFBA (see table 4). Furthermore, research to improve animal welfare standards is highly encouraged by the EU recommendation. This is incorrectly transported in the Code of Practice, but the EFBA for example contributed to the research area with the Welfur Project. Therefore all in all, the Code of Practice can be claimed to be equal to EU standards.

However the documents comply some minor findings were found during the comparison of the two documents. In assessing the Code of Practice document, it is highly important to bear in mind that the Code of Practice is written by a pro-fur organization, which acts mostly in the interest of the **fur farmers.** Their mission: '*EFBA participates proactively in the development of a legislative framework and business conditions where all European fur farmers can compete effectively for sustainable growth as well as proudly meeting consumers demand for information about product origin*' (EFBA, 2014) is highly economically oriented. Therefore it is rather doubtful that animal welfare (which is costly and therefore harms competition) will always come in first place.

This firstly shows in the call of the EU Recommendation of 1999 to do more scientific research on animal welfare of fur bearing animals. The Code of Practice clearly states that: 'new scientific discoveries may make it necessary to update the Code periodically'. Apparently, the discovery of the Scientific Committee in 2001 that: '*These species, in comparison with other farm animals, have been subjected to relatively little active selection, except with respect to fur characteristics. There has thus been only a limited amount of selection for tameness and adaptability to captive environment'* (SCAHAW, 2001, p. 185) was not necessary to adopt in their Code of Practice. Although mink were found to be unsuitable for farming, the Code of Practice clearly states that they are domesticated animals. This suggests that scientific evidence will only be adopted when it is in favor of the fur farming industry.

Secondly, it is scientifically proved that mink need swimming water to be kept on farms without stress (SCAHAW, 2001; Mason et al, 2001). Although this is also mentioned in the preface section of the Code of Practice, it is left out completely in the special provisions for mink.

The argument that EFBA establishes rules that are more economically viable than animal welfare oriented is also supported by findings in the revision of killing methods. The EU Recommendation was to be revised every

five years, but unfortunately this has never been the case. The revision of Directive 119/1993 on the protection of far animals at the time of the killing, made the EFBA revise their approved methods of killing as well. These are included in the '*EFBA's response to the Revision of Council Directive 93/119/EC on the protection of animals at the time of slaughter or killing'* (EFBA, 2008). In line with this argument, some striking errors were found in the 'scientifically approved killing methods' provided by EFBA in their response (EFBA, 2008).

First of all, the approved killing methods are claimed to be backed up by scientific evidence. All killing methods approved for mink are based on scientific evidence found in 1978 to 1989 (EFBA, 2008). It can be stated that this scientific evidence is extremely outdated and therefore, recent evidence needs to be sought to properly support the claim that the killing methods for mink are indeed humane. Furthermore, it is claimed that the gas method (use of carbon dioxide) is the most humane way of killing mink, since with this method the mink shows the least signs of stress. The scientific research performed by Hansen (1989) however, used control groups of mink which were already under narcosis. It is rather likely that an animal that is already sedated does not show signs of stress, therefore this scientific evidence is unreliable.

Secondly, the EFBA clearly states that 'a killing method needs to be adapted to each fur farmed species' (EFBA, 2008, p.2). However, the scientific evidence that supports anal electrocution for foxes and Finn raccoon, includes only scientific research on foxes (Korhonen, 2007; Lambooy, 1983)
Therefore it is doubtful that the method is also the best method for raccoons.

Anal electrocution is still permitted by the EFBA and by the EU, although it is strongly fought by anti-fur organizations and considered a cruel method of killing. This is supported by the American Veterinary Medical Association (2000), which states that:

> 'Electrocution is only appropriate as a stunning method to be used prior to another method of euthanasia, not as a one-step killing method as it is commonly used on farms. When animals are electrocuted through their anus or genitals, the electricity does not go through and stun the brain; the animals must remain awake and feel the full excruciating force of a massive heart attack. The use of a nose-to-tail or nose-to-foot method also may kill the animal by inducing cardiac fibrillation, but the animal may be conscious for a period of time before death. Therefore these techniques are not acceptable'

For this reason, the New York State banned anal electrocution from their list of approved killing methods (PETA, 2008). THE EU may however approve this killing method as well, but it is the EFBA which writes the specific rules for fur animals, which are doubtfully reliable in safeguarding animal welfare.

To finalize this chapter, the first sub question '*what does the current EU regulatory framework on the fur farming industry look like'* will be answered. In section 4.1 the whole framework is discussed, including the acts conducted by the EU as well as by the EFBA. The claim made in the theoretical framework that the EU is currently dealing with a policy gap is somewhat untrue. Yes, the EU itself only posed three acts on protection fur bearing animals, but the EFBA conducted its own Code of Practice and initiated the Welfur Project, which is funded by the EU as well. It appears that the EU regulatory framework is therefore quite comprehensive.

However, since the fur farming industry remains self-regulatory in this way it is really doubted that animal welfare is safeguarded by the acts of the EFBA. As shown in this section, the Code of Practice needs improvement and does not fully comply with the EU Recommendation from 1999. Furthermore, rules based on the referred to scientific evidence are very doubtful due to incomplete coverage of all species, outdated scientific evidence and largely debunked assumptions on the most humane killing methods. Furthermore, the

EFBA conducts its rulings on its member organizations, hence control of implementation is lacking. Whether this is the case will be examined in chapter 5, in which national legislation will be analyzed.

5. Empirical findings 2 – National frameworks

5.1 The national frameworks

In this section, sub question number two will be answered: '*What does national legislation of member states on fur farming look like and to what extent does is relate to the EU regulatory framework'*? As explained in chapter 3 a few areas are of special interest:

- Initiatives taken by the government to protect animal welfare fur-bearing animals within their borders
- Initiatives taken by third parties to protect animal welfare of fur-bearing animals
- Codes of practices for fur farmers
- Sanctions when national laws or codes of practices are not met
- The relation between the national framework and the EU regulatory framework; which one has the upper hand?

The sub question will be answered for the following countries: the Netherlands (NL), the United Kingdom (UK), Poland (PL) and Denmark (DK). The chapter will be divided into five paragraphs, one for each country case and one for the main findings and hence the answer to sub question 2. The country cases will be divided into three parts": firstly, the national framework will be outlined and secondly an analysis of compliance will be done between the national regulatory documents and the documents provided by third parties. Thirdly, the conclusions will be presented and some comments on the strength of the national framework will be made. All findings together will be summarized in paragraph five, in a comparative table as described in the methods section.

5.2 The Netherlands

The Netherlands is one of the biggest producers of mink pelts, with almost 5 million pelts a year (see table 4: total fur pelts production in Europe). Animal welfare is at high stake in the Netherlands. Recently, the Dutch party 'Party for the Animals' had on representative elected for the European Parliament, which is the first time in history a animals party made it to the European Parliament. Within the Netherlands, animals in the food industry are protected by the 'Better Life' brand, which has been initiated by the Dutch Animal Protection Association. The brand gives stars to packed meat and eggs in supermarkets to inform consumers about the welfare level of animals at the farm. Three stars mean maximum welfare and are therefore also the most expensive. Since animal welfare is highly important for Dutch consumers, also the fur farms are expected to be of higher welfare than the European standards. This will be discussed in the analysis part, but first the national framework will be outlined.

5.2.1. The current national framework

Animal welfare in the Dutch framework is protected by several laws. All Dutch laws are rather general on the protection of animals in the fur farming industry; therefore in this chapter only the most important one will be outlined.

Animal Health and Welfare Act (1992)

The Animal Health and Welfare Act for animals was established in 1992 and contains multiple chapters covering all laws which apply when animals are kept for production, from the housing to the killing methods, hygiene rules, the use of medicines and transport. Article 34 contains a list with approved animals to hold for production. Of fur-bearing animals, the mink is the only approved animal (Gezondheid- en welzijnswet voor dieren, 1992). This means that farming foxes, chinchilla's or any other fur-bearing animal is illegal in the Netherlands. Since 1998, these two species have been banned from production due to severe welfare problems under farming conditions (Bont voor Dieren, 2011).

Ban on mink production

The Dutch government has been trying to ban mink production from their grounds as well since 2002. In December 2012 the Dutch Senate finally passed the law to ban the production of mink pelts. The current farmers would have ten years to stop their production and earn back their investments (Fur Information Center, 2014). The Dutch Federation for Fur Farmers (hereafter NFE) heavily fought the new law since it would generate large income loss and challenged it in court. The court ruled that the law was unconstitutional since farmers weren't offered any compensation and reversed it (Fur Information Center, 2014). Currently, the law is still highly under discussion.

Due to the pressure of the Dutch Senate to ban the mink production, some farmers already tried to move their production just across the borders. One Dutch farmer wanted to move to the Belgian place Wervik, but this resulted in a huge uproar and protest organized by the Dutch association 'Fur for Animals' in which more than 2000 people participated. Eventually, the license to farm mink was declined to the farmer (Bont voor Dieren, 2014).

This issue illustrates the problem highlighted in the conceptual framework on the policy gap, since as long as there is no clear legislation on fur farming in the EU, farmers just keep on circumventing laws by moving their production.

Welfare Regulation by the NFE

The Dutch Federation of Fur Farmers is one of the member organizations of the EFBA and hence falls under their Code of Practice. In 1995 the NFE drafted an action plan to safeguard animal welfare in Dutch fur farms. This draft has been turned into the Welfare Regulation in 2004 and serves as the only specific act on fur animals. Sanctions and control of implementation are carried out by the Product Board for Livestock, Meat and Egg (hereafter PVE), which is commissioned by the ministry of economic affairs. Their reports on the conditions on mink farms in the Netherlands are publically available and will be discussed in further detail in section 5.2.3.

5.2.2 Analysis of compliance

In this section, the welfare regulation (2004) conducted by the NFE will be compared with the Code of Practice conducted by the EFBA. A comparative analysis on the compliance of several aspects is made and results are displayed in table 8. The level of compliance will be determined by using figure 2. The most important findings will be explained at the end of the table.

Table 8: Overview of compliance between the EFBA and NFE regulations (Authors' own design)

	Code of Practice by EFBA	Welfare Regulation by NFE	Type of compliance[2]
Administration	No rules available	Specific rules on the administration of the farm, including sick animals, animals showing stereotypical behavior and actions taken to reduce this behavior	Higher
Food and inspection	Specific rules on stockmanship and inspection, detailed rulings for the farmer to perform during inspection and actions to be taken when there is something wrong with the animal	General rules on the inspection of the animals health, food and drinking supplies. The use of hormones of any kind is forbidden.	Lower, incorrect transportation
Housing	Minimum standards for mink: 30 cm wide, 70 cm long, 45 cm high (2550 cm^2)	Minimum standards for mink: 30 cm wide, 85 cm long, 45 cm high.	Equal

[2] For explanation on the types of compliance, see chapter 2, section 2.1

	For each additional animal more than 2, an additional 850 cm^2 will be provided	For each additional animal an additional 100 cm^2 will be provided, for each additional more than 2 an additional 850 cm^2 will be provided	
Minks per compartment	When adult animals are placed together adequate supervision is needed	Every compartment maximally holds two minks	Equal
Enrichments	No rules available	Per area one enrichment object will be available	Higher
Behavior and action plans	When there is a significant level of stereotypy or self-mutilation on a farm, the system of housing or management shall be changed appropriately so that the welfare of the animals is improved. If these measures are not sufficient production should be suspended.	The farmer is obliged to have a written action plan available in the case of stereotypy or self-mutilation The action plan must reduce the amount of mink with stereotypical of self-mutilating behavior	Lower, incorrect transportation

The welfare regulation also contains articles on sanctions and control. As the member organizations of the EFBA are responsible for these themselves, comparison to determine compliance is not necessary. Control is performed by the PVE once a year. Every farm receives a report with the findings and if necessary it will face sanctions. There are three sanctions available:

- A warning when standards in the regulation are not met
- A fine of maximally €4,500
- The farmer will face court when the regulation is severely breached

5.2.3 Discussion

Concerning the compliance between the Code of Practice by the EFBA and the Welfare Regulation by the NFE, animal welfare in the Dutch fur farming industry seems quite well protected. The Code of Practice was however already established in 1999, the Welfare Regulation in 2004. Before the Welfare Regulation was conducted, only a plan of action existed. Until 2004 there was no legal protection concerning the animal welfare of fur bearing animals in the Netherlands.

Although there is legal protection nowadays, the welfare of animals in the fur farming industry remains a great concern for Dutch citizens. This was concluded by a public questionnaire performed by the company ERGO: bureau for market and policy investigation. 62% of the respondents named the fur farming industry in the Netherlands the second alarming industry in the Netherlands (ERGO, 3007). 66% of the respondents also stated that the government is responsible organization to protect and improve the welfare of animals in the fur farming industry (ERGO, 2007). Another statement was that animals should not be bred for the production of fur since there are a lot of alternatives available. 75% of the respondents agreed with this statement (ERGO, 2007).

The Welfare Regulation is based on the Code of Practice, but is far less detailed in some areas, especially inspection and stockman ship. Also the fact that two minks may be put together in one compartment is concerning, since the Code of Practice clearly states that adequate supervision is needed. A mink is a solitary animal and normally does not live together with other minks. The Code of Practice also stated that mink are not domesticated and less suited for farming conditions. This notion is fully ignored in the Welfare Regulation.

Since the rules on the action plans were not clear in the Welfare Regulation, the NFE was contacted by phone to clarify. This concerned the action plans farmers need to establish when mink show stereotypy or self-mutilation. There are no other specific requirements laid down in the Welfare Regulation regarding this action plan, or whether it is controlled by a third organization. According to a spokesperson of the NFE, Mrs. Boekhorst, the action plans were all fairly the same: when mink show stereotypy or self-mutilation the farmer simply decides to pelt them in the appropriate period. Mink which do not show this behavior are suitable for breeding (Boekhorst, 20-6-2014, personal communication). With other words this means, that if a mink shows stereotypy it is left to suffer until it is killed for its pelt, which only happens once a year in November. Mrs. Boekhorst added that mink normally only show this type of behavior in the winter, when their pelts grow ticker and therefore they feel itchy (Boekhorst, 20-6-2014, personal communication). However, whether stereotypy or self-mutilation was indeed a biological characteristic rather than caused by a stressful environment wasn't proved by any research, just an assumption.
The Code of Practice in turn clearly states that '*when there is a significant level of stereotypy or self-mutilation on a farm, the system of housing or management shall be changed appropriately so that the welfare of the animals is improved. If these measures are not sufficient production should be suspended*' (EFBA, 1999). Therefore the Dutch regulation seems to be lacking in safeguarding animal welfare in this area.

The implementation and abidance of the Welfare Regulation is controlled and partly written by the PVE. One argument against this is that when regulations are conducted by a product board, the government is left out completely, with specific regard to parliamentary control (PVE, 2004). In this way the industry remains self-regulatory and is it highly doubtful that animal welfare indeed comes in the first place. The NFE also clearly states in their regulation that they're only willing to make investments to improve animal welfare if the government guarantees that the industry will remain for a long term.

All in all, it can be stated that although the documents are partly complying, animal welfare in the fur farming industry in the Netherlands needs great improvement.

5.3 The United Kingdom

The United Kingdom is the only country within the European Union that successfully banned fur farming from their grounds. Before then bill was passed into legislation the UK produced about 1.3 million mink pelts per year (Murphy, 1999). However there is no code of conduct to compare with the EFBA Code of Practice, the UK serves as a valuable case study since it gives an example of how fur production can be efficiently banned.

5.3.1 The current national framework

The UK is known for their widespread legislation on animal welfare. It was the first country in the world to implement laws protecting animals when the Parliament passed an act to prevent the cruel and improper treatment of cattle in 1822 (BBC, 2014). Nowadays two laws protect fur bearing animals in the UK, which will be described below.

The Animal Welfare Act 2006

The Animal Welfare Act came into force in 2007 and applies to all vertebrates other than man. All animals that have been commonly domesticated are under the control of man or which are not living in a wild state are protected by this Act. It covers all specific breaches, from causing mutilation to poisoning, animal fighting or docking of tails. Furthermore it contains specific rules for selling animals, regulations to promote welfare, licensing, and transport etcetera. The Animal Welfare Act also establishes rules for codes of practices and gives the national authorities the right to revise these codes at any time. The Act also permits officers to inspect or even seize animals if codes in the Act are breached. The sanctions for not meeting the rules under the Animal Welfare Act vary from imprisonment or fines not exceeding £20.000 (Animal Welfare Act, 2006).

The most important feature of the Animal Welfare Act is that the law is not only reactive (meaning that action is taken after an animal has suffered unnecessarily) but that it is also preventing since agencies and inspectors can act by advising and educating owners before their pets suffer (RSPCA, 2014).

Fur Farming (Prohibition) Act 2000

The Fur Farming (Prohibition) Act 2000 'prohibits the keeping of animals solely or primarily for slaughter for the value of their fur; to provide for the making of payments in respect of the related closure of certain businesses and for connected purposes' (Fur Farming (Prohibition) Act, 2000).

After public consultation by the UK government it appeared that there was overwhelming public support to ban the practice of fur farming (BBC, 1998). The Act holds every person liable for slaughter or breeding animals for the value of their fur. It also includes a comprehensive table with rules for compensation for existing businesses. If the rules under this Act are breached, the sanctions as laid down in the Animal Welfare Act 2006 apply.

However the Act prohibits the breeding and slaughter of animals primarily for their fur, obtaining and selling fur coming from meat production as a by-product is not prohibited.

5.3.2 Analysis of compliance

As the UK banned fur farming from their grounds, a higher level of compliance applies to this case since animal welfare is logically safeguarded.

5.3.3 Discussion

The estimated value of 1.3 million mink pelts that were produced before the Fur Farming Act was established in 2000 is one of the highest amounts compared to table 4: total fur pelts production in Europe. Clearly, the economic value of the fur farming industry does not always outweigh the moral argument against fur farming in general and gave the UK the possibility to ban the fur farming industry.

5.4 Poland

Poland (PL) had become a member of the EFBA in 2013. However fur farming has been a common industry in the county for decades. The fur farmers in PL fall under the Polish Fur Breeders and Producers Association (hereafter PZHIPZF). According to table 4 six million mink pelts are produced in Poland every year. The website of the PZHIPZF however states that many more species are bred in PL for their fur, namely: coypu, chinchilla's, rabbits, mink, foxes and polar foxes, raccoon dogs and ferrets (PZHIPZF, 2014b). There are therefore no numbers publically available on the amounts of pelts produced in total.

5.4.1 The current national framework

Very little information is available about the Polish legislation. The most important laws will be named below. Since all legislation is available in Polish, the notion is made that information in this paragraph is subjective to interpretation and translation errors.

Polish Animal Protection Act

The general animal protection law in PL is the Polish Animal Protection Act. It recognizes animals as sentient beings and humans should treat them as such (Animal Law, 2010). The Act is rather general and provides regulations on treatment of (Animal Law, 2010):

- Domestic animals
- Farm animals
- Animals used for the purpose of entertainment, shows, films and sports, and for special purposes
- Used in experiments
- Animals kept in zoological gardens

- Free living animals (wild)
- Animals not belonging to the domestic fauna

The Act does not contain specific laws on fur animals. The minimal conditions of keeping farm animals are laid down in a regulation by the ministry of agriculture (Sabine Brels, 2-7-2014, personal communication). This regulation has been amended four times, but the new regulations are not available in English nor Polish, hence little is known about the specific legislation on fur animals.

Also the website of the PZHIPZF has no information available on the legislation on fur farming (not even in Polish language). It is only stated that the 'fur farming was considered in 1997 on the basis of the Law on the Organization of Animal Breeding and Reproduction, which has been amended in DZ. U. nr 133, item 921 in 2007. In this Act is stated that fur animals are farm animals and therefore they are on equal footing with pigs, cattle and poultry (PZHIPZF, 2014b). Furthermore, it also does not have a code of practice or a document of some kind available for their members. This does not mean that it does not exist, but still it is odd that nothing is available.

The PZHIPZF is the first association which introduced a certificate designed to confirm the high level of animal welfare on a farm, the professional preparation of farmers, preservation of the environment and the sustainable re-use of food (PZHIPZF, 2014a). However, special provisions on how to obtain this certificate or how many farms currently hold such a certificate are not available.

5.4.2 Analysis of compliance

Too little data is collected to assess the compliance of the Polish framework with the European framework. Therefore this paragraph will be left open.

5.4.3 Discussion

Poland has been farming many species over the years but EFBA could only state the total amount of mink pelts in their annual report (see table 4). This is rather peculiar but reasons for this can only be guessed. It is however strange that the Polish Association PZHIPFZ, which has been a member organization of EFBA since 2013 did not provide numbers on the other species. Since their fresh membership, numbers on the other species could be presented in the upcoming annual report. If this would not be the case, then probably the Polish Association or the government lacks supervision on the industry too.
Furthermore, in aiming at representing the farmers of their association, in Poland and now because membership of the EFBA, also the EU, PZHIPZF could work on their transparency. As more than six million pelts of only mink already are produced under their supervision and they claim to participate in promoting animal welfare (PZHIPZF, 2014), it would be better if more EU citizens could get information from their website. Since there is currently no EU regulation on fur farming, it is not strange that the national organizations aren't providing information available in English.

5.5 Denmark

Denmark is at the center of the international fur trade through Kopenhagen Fur, the largest fur auction house in the world and the Danish Fur Breeders Association (hereafter KF). KF holds five auctions a year, offering around 21 million mink skins as well as many other species. The annual action turnover is around 930 million Euros. As nearly all skins are exported, KF contributes significantly to Denmark's foreign trade (Kopenhagen Fur, 2014c). Some facts about Danish fur farming (Kopenhagen Fur, 2014a):

- Every year Danish fur farmers raise almost 17.2 million mink
- 1,500 Danish fur farmers own the cooperative company Kopenhagen Fur
- Fur farming is Denmark's third largest type of animal farming

Since Denmark is a very important actor in the worldwide fur farming industry, it is expected that their welfare standards will be of the best quality, to set an example to other actors. This will be discussed in the analysis part, but first the national framework will be outlined.

5.5.1 The current national framework

The Danish legislative framework on fur farming is one of impressive size. Fur bearing animals are covered by varied specific laws as well as general ones. The most important ones will be outlined in this paragraph. Since all legislation is available in Danish, the notion is made that information in this paragraph is subjective to interpretation and translation errors.

Before mentioning some legislation in more detail, on overview is provided of all acts and regulation covering the fur farming industry (Kopenhagen Fur, 2014b):

- Regulation on fur farms (number 1428 of 2006)
- Guidance on fur farms (number 607 of 2002)
- The Animal Welfare Act (number 252 of 2013)
- Regulation on the protection of fur animals (number 1734 of 2006)
- Prohibition against the keeping of foxes (number 469 of 2014)
- Regulation on slaughter and killing of animals (number 583 of 2007)
- Act on mandatory health advice in mink farms (number 261 of 2011)
- Act on housing of mink and fencing of mink farms (number 265 of 2006)
- Act on the protection of farm animals (number 432 of 2004)

The first note made on the figure above is that the breeding of foxes for fur has been prohibited by the Danish government. This has been done in 2009 already; the regulation has been amended in 2014.

Furthermore there are two acts on fur farms, one regulation and one guide. Regulation 1428 (2006) is however not focused on animal welfare, but on the environment. It does not include any special provisions concerning the animals but rather the farm halls in which the animals are kept. Guidance 607 (2002) is also an environmental act, which is focused on the sustainability of the fur farms. It contains chapters on pollution, ammonia and the re-use of food waste in the food of fur animals. The difference between these two documents is that the regulation (Bekendtgørelser) is legally binding, but the guidance (vejledning) only has an informative purpose. It has no legal value. (N-lex, 2006).

Regulation 1734 (2006) on the protection of fur animals

With Regulation number 1734 of 2006 Denmark is the only country in this thesis which actually has fur farming rules laid down in the national legislative framework. This regulation is also a 'Bekendtgørelser' and therefore legally binding (N-Lex, 2006). It contains several chapters with provisions on care and supervision, enclosures, management, feed, weaning, capturing, breeding etcetera. The regulation also contains special provisions for mink and ferrets; foxes; chinchilla's and coypu. Furthermore it contains a chapter on penalties.

The act on housing of mink and fencing of mink farms is again an environmental law, which lays down specific requirements for farms with more or less than ten thousand animals. It does not contain specific requirements for the improvement of animal welfare.

5.5.2 Analysis of compliance

In this section, the regulation on the protection of fur animals will be compared with the Code of Practice conducted by the EFBA. A comparative analysis of several aspects is made and results are displayed in table 9. The level of compliance will be determined by using figure 4. The most important findings will be explained at the end of the table.

Table 9: Overview of compliance between the EFBA and DK regulations (Authors' own design)

	Code of Practice by EFBA	Regulation on the protection of fur animals	Type of compliance
Scope/preface	This Code of Practice applied to farmed mink, farmed fitch and farmed foxes kept for their furs, in intensive as well as extensive farming systems	The provisions of this regulation shall apply to animals kept mainly for the production of fur, hereinafter referred to as fur animals	Higher, broader scope of animals and legally binding
General provisions	Identical	The rules of this regulation are the minimum requirements which must be met by the owners of fur animals, unless more stringent requirements are specified in other legislation	Equal
Care and supervision	Provides specific rules on inspection and detailed provisions for the farmer to perform during inspection and actions to be taken when there is something wrong with the animal	General rules on inspection, no detailed requirements for the inspection of the health and welfare of animals	Lower, non-transportation
Enclosures, buildings, cages, equipment	Identical	Identical	Equal
Management	Identical	Identical	Equal
Special provisions for mink, ferrets and fitch	No rules available	Each cage must be enriched with appropriate stimuli for playing. There must be at least permanent access to straw and either a shelf or a pipe	Higher
	Identical	Specific rules on nest boxes	Equal
	Minimum standards for mink: 30 cm wide, 70 cm long, 45 cm high	Minimum standards for mink: 30 cm wide, 85 cm long, 45 cm high. [3]	Higher
Special provisions for foxes	The environment shall be enriched with objects that provide stimuli to gnaw and	Foxes environment must be enriched with objects that provide appropriate stimuli.	Higher

[3] Specific standards differ in the length of the cage. Since a requirement is that the animals can stand up in their cage this is of importance.

	other occupational material	Foxes should have the opportunity to see and smell their own species, and should be able to dig in a wooden box of an appropriate size with suitable material such as sand or gravel	
	Minimum requirements for enclosures: Single adult animal: 0,8m^2 Single adult animal with pups: 2.0m^2 Minimum height: 70cm	Minimum requirements for enclosures: Single adult animal: 3.0 m^2 Single adult animal with pups: 4.0m^2 Minimum height: 75cm	Higher
Special provisions for coypu	No rules available	Specific provisions for the breeding and farming of coypu	Higher
Special provisions for chinchilla's	No rules available	Specific provisions for the breeding and farming of chinchilla's	Higher
Killing methods	Specific provisions	Specific provisions are included in Regulation number 583 of 2007, chapter 11	
	Manual dislocation of the neck is an approved killing method	Manual dislocation of the neck is not allowed	Higher
	No specific rules on which method can be used on which animal	Specific rules on which killing method can be used on which animal	Higher

5.5.3 Discussion

After careful comparison of both the Code of Practice by the EFBA and the Regulation on the protection of fur animals, it can be concluded that Denmark serves as a great example in protecting animal welfare. Almost all provisions have a higher standard than stated in the Code of Practice. Noteworthy is that the regulation is not conducted by Kopenhagen Fur, but by the Ministry of Agriculture and is legally binding to all fur farms, member of Kopenhagen Fur or not.

5.6 Discussion

In the beginning of this chapter, the question '*What does national legislation of member states on fur farming look like and to what extent does it relate to the EU regulatory framework'* was posed. As explained in chapter 3 a few areas were of special interest:

- Initiatives taken by the government to protect animal welfare fur-bearing animals within their borders
- Initiatives taken by third parties to protect animal welfare of fur-bearing animals
- Codes of practices for fur farmers
- Sanctions when national laws or codes of practices are not met
- The relation between the national framework and the EU regulatory framework; which one has the upper hand?

Before answering the sub question itself, firstly a comparative table (10) will be displayed in order to easily compare the four countries studied in this chapter.

Table 10: Comparative table of four country case studies: NL, UK, DK, PL (Authors' own design)

	NL	UK	PL	DK
Aspects				
Initiatives taken by the government	Prohibition of farming all fur-bearing species, except for mink Dutch Senate proposed a bill for the prohibition of mink farming	Prohibition on fur farming	Specific legislation exists, but is not available in English and could not be found in the Polish database	Abundant set of rules and laws on the fur farming industry. Protection of fur animals is part of national legislation.
Initiatives taken by third parties	Establishment of a welfare regulation in 2004 by the NFE	Not applicable	Certificate conducted by the PZHIPZF to guarantee high animal welfare standards	Kopenhagen Fur contributes to the Welfur Project and other research
National code for fur farmers	Yes, however not legally binding	Not applicable	Not available in either Polish or English, hence probably non-existent	Part of national legislation
Compliance with the EU Code	Partly complying, needs great improvement	Higher	Not applicable	Higher
Sanctions when laws or codes are not met	Sanctions are performed by the product board PVE. Maximum fine is €4,500.	Sanctions vary from fines up to £20.000 to imprisonment when the Animal Welfare Act is breached	Not available	Breaches fall under the Animal Welfare Act
The relation between the national framework and the EU regulatory framework	The killing methods are complying with regulation number 1099 of 2009. Besides that, little compliance is found with the current EU regulatory framework.	Member states are allowed to conduct higher standards than the EU standards, the UK did this by prohibiting fur farming	Member of the EFBA since 2013, further information not available.	The killing methods are complying with regulation number 1099 of 2009. DK has higher standards on most species than the EU Code of Practice provides

The main conclusion that can be drawn from this chapter is that national legislation varies significantly. While some countries decided to completely or partly ban fur farming, other countries provide very high standards. PL is one of the biggest producers in Europe but has just become a member of the EFBA and furthermore, publically available legislation or codes are lacking. The relation to the EU regulatory framework is very weak, partly because there is no existing specific legislation. It appears that all countries have implemented Regulation number 1099 of 2009, but the Code of Practice is only loosely implemented and subjective to the vision and economically viability of the national industries. Therefore the member organizations seem to implement the Code of Practice only to some extent. DK has to set an example, since Kopenhagen is at the center of fur trade and therefore their rules are of higher standards.

The answer to sub question number two is therefore: national frameworks widely differ and only partly relate to the EU regulatory framework. Since member organizations can give their own twist to the Code of Practice

by the EFBA, sanctions widely differ between countries too and it is very doubtful that animal welfare is safeguarded in equal balance between the countries.

6. Discussion

In this thesis some important findings were done. Before the main research question can be answered in the chapter 7: conclusion, the results are discussed here.

The policy gap that was outlined in the conceptual framework stood central in this research. It was argued by scholars that the EU paid much attention to protect fur animals, but only fur animals farmed or killed outside of their borders. This concerned the industries around seal fur and cat and dog fur. In 2012 the EU established a new strategy, the Strategy for the Protection and Welfare of Animals, which consisted many goals which had to be achieved in 2015. It appeared that the only goal concerning fur animals was to revise the laws on cat and dog fur imports. This Strategy therefore gave a confirmation on the concerns of many authors about the policy gap. However, the scholars that argued about the policy gap did not take into account the EFBA as a main actor in the fur farming industry. Hence in the assessment of the regulatory framework, acts conducted by the EFBA where left out of the picture.

The EFBA contributes to safeguarding animal welfare in the fur farming industry in quite some ways. They conducted a Code of Practice, which was based on the much cited Recommendation on the protection of fur animals of 1999. They also initiated the Welfur Project, which serves as a farm assessment tool for fur farms in Europe. This project is based on the Welfare Quality Project of the EU, which emanates from the Strategy 2012-2015.

In the first chapter of analysis (chapter 4) the EU regulatory framework was further examined by a comparative case study. On the one hand, there is the EU which conducts laws which have to be implemented by the member states' governments and on the other hand there is the EFBA which conducts guidelines for fur farming in Europe which have to be implemented, monitored and sanctioned by the member organizations (the national fur alliances). Since the EU only conducted one act concerning specific standards for fur animals (Recommendation 1999) and this act was implemented by the EFBA in the Code of Practice, the compliance between these two documents was examined. The main argument that can be drawn from this examination was that the fur farming industry is self-regulatory and hence the guidelines and rules established by the EFBA are influenced by their economic viability. Many important findings on farming certain species were left out completely in the Code of Practice, and the entire document has only been updated once in 2008 regarding the killing methods. Nevertheless, this new chapter is based on many outdated references and wrongfully used scientific evidence. The fact that the definition of animal welfare remains difficult is thankfully used by the EFBA, since it appears they picked the scientific evidence best suiting their new guidelines, while many other articles claimed the used killing methods are not humane and should be left avoided. Since the fur farming industry is self-regulated by the EFBA and Kopenhagen Fur, there is little control on the guidelines.

Another argument that can be made about the EFBA is that they take the guidelines in 1999 set by the EU Recommendation for granted. Even though the Welfur project set new guidelines on animal welfare in the fur farming industry, it appears that a shoebox size for a cage if sufficient for animal welfare. Eight universities were involved in this project and even here it seems that animal welfare standards is based on what is least costly instead of setting an objective example. The current standards were assessed but apparently not one scientist asked himself if the current standards are actually making the life of the animal's worth living.

The second issue that is brought forth by the EFBA by being the main regulatory body is that it is dependent on the implementation of the member organizations. Therefore in the second chapter of analysis (chapter 5) the regulatory framework of four countries was examined. The UK was in this case an outlier, since it is the only member state in the EU so far to successfully ban fur farming from their grounds. Nevertheless, it was useful to examine their legislative framework, since many other member states tried to ban fur farming for the same

ethical reasons, but did not succeed when the WTO or the International Court intervened. When investigating the NL, PL and DK it appeared that the policy gap indeed extended to their polices as well. There's a huge contrast between the four countries examined and between them, there are almost no similarities. This is odd, since they were all implementing the same Code of Practice. The freedom of the member states in implementing higher standards and the freedom of the member organizations of the EFBA mirrors one to the other. Member organizations are responsible for the 'code' within their borders, but control by the EFBA on what they are actually implementing seems lacking. Furthermore, in the case study of the Netherlands the statement was made that the member organizations only choose to comply with what seems economically viable for them. In this way some species are left vulnerable since no **fair** legislation is made on what should be done for them to maximize their welfare.

If one major statement needs to be made from this research, the most plausible one is that all information, except for the laws and regulations of the national governments or the EU, is highly propagandizing the view point of the distributing organization. Unfortunately, the laws and regulations lack the needed supervision to be adequately efficient. They're highly subjective to interpretation and furthermore sensitive since not every member states' government cares for controlling them.

Collecting data on the fur farming industry is actually quite comparable to finding out which one of two fighting toddles started the fight, both parties are misleading and exaggerating their own point of view. Instead of trying to strive for an equal treatment of fur animals, the fur farming industry should strive for equal consideration as argued by Peter Singer in his Animal Liberation (1975). Animal welfare is an arbitrary characteristic in itself; hence it is meaningless to talk about which party is right or which scientific research is the best basis for animal welfare. Fact is that right now, fur animals are not considered under European law at all and an arbiter is needed to conduct objective and clear rules on the fur farming industry which leaves no room for circumventing the laws.

7. Conclusion

The question that was posed at the beginning of this thesis was:

To what extent is the current EU regulatory framework on the fur farming industry able to safeguard the protection of animal welfare in the European fur farming industry?

To answer the main research question, the following sub questions needed to be answered:

1. What does the current EU regulatory framework on the fur farming industry look like?
2. What does national legislation of member states on fur farming look like and to what extent does is relate to the EU regulatory framework?

In the introduction chapter the policy gap in the fur farming industry was outlined. Scholars argued that animal welfare in this industry was at stake due to this gap and that the EU should focus on this tackling this issue rather than focusing on animal welfare problems outside of their borders. Via several import bans the EU aimed to protect seals, cats and dogs from maltreatment, but many calls from within their borders were left ignored.

The first sub question therefore served to sketch the EU regulatory framework. Many actors and scholars argued that only three EU laws were currently protecting animals in the fur farming industry, and it appeared that they were wrong. Actually there are only two, since the recommendation by the council which was adopted in 1999 needs to be turned into an actual law before it is legally binding.
The EFBA was however left out of sight and though they are the main body to conduct rules on fur farming these weren't taken into consideration by any of the scholars cited in the introduction part or the anti-fur organizations (which is rather obvious though).
The EFBA acts as the Good Samaritan by implementing the recommendation by the Council of Europe into their Code of Practice. In chapter 4 it is however argued in detail that their scope onto animal welfare is limited by economic viability and that compliance between the two documents is lacking. Only three fur animal species are covered by the Code of Practice, which only leaves room for suggestion of backdoor practices concerning the other species. Moreover, the rules in the Code of Practice, which are based on scientific evidence, are very doubtful due to incomplete coverage of all species, outdated scientific evidence and largely debunked assumptions on the most humane killing methods. Furthermore, the EFBA conducts its rulings on its member organizations, hence control of implementation is lacking.

Sub question two serves to investigate whether control of implementation is lacking. By conducting four case studies a comparison was made to illuminate the harmony the EFBA is ought to bring between the member states. It is however found that the studied countries differ widely in their legislative frameworks and compliance with the Code of Practice conducted by the EFBA. It appears that especially the importance of the actor involved in the fur farming industry influences this compliance, since Denmark has very high standards for fur farming and all rules are implemented in national legislation. This is caused by the important status of Kopenhagen Fur. In the Netherlands it was found that the rules on fur farming are controlled by a third party and sanctions are not implemented in national legislation. Hence the government is not involved and the industry remains self-regulator.

The conclusion left to be made then is the answer to the main research question. On the basis of the research conducted in this thesis it can be stated that the current EU regulatory framework on the fur farming industry is definitely not able to protect animal welfare in the European fur farming industry. The mother organization EFBA contributes to keep the industry self-regulatory and is dependent of the national member organizations

in implementing their rules, which are also highly doubtful in some manners. Some member states' governments choose to intervene while others simply do not, as is the case for the Netherlands. As already noted in chapter 6: discussion, equal consideration is what is needed at least, since member states vary widely in their approach, since consumers widely differ in their needs and since even scholars cannot agree on what guarantees the best animal welfare in this industry. The EU needs to step up to make this equal consideration at least possible.

It should be noted that further research on the regulatory frameworks on fur farming in other member states is needed to support this conclusion. Other suggestions for further research are made in chapter 8.

8. Limitations and Future Research

The research conducted in this thesis is subjective to several limitations, which influenced the collection of data and the made conclusions:

- The author of this thesis is a member of the Party of the Animals, however not actively involved. The viewpoint of the author could therefore have influenced the interpretation of data. Obviously, the intention was never to be subjective about anything that has been written in this thesis.

- The collection of data was extremely difficult, since there are only two parties publishing data, either the fur farmers associations or anti-fur organizations. Scholars also highly contradict each other in research on animal welfare.

- Furthermore some data was only available in the national language and therefore sometimes not accessible for the author herself. However many contacts with experts in the field were made to preclude any misinterpretations.

- Data was collected from the internet and scholar databases. Some legal documents may not be publically available on the internet, but this does not make them non-existent. This is for example the case for the 'code of practice' of the polish fur breeders' association.

- This research was performed in a limited time frame.

- After analyzing data that was found on the member states, new research aspects arose. These are not included in this research.

Concerning these limitations and the findings done in this thesis, some remarks can be made on future research that needs to be performed:

- There is currently no other research available concerning the fur farming industry. This thesis has focused on policies, but many other areas are left unexamined. However there are many scientific articles available on the welfare standards of animals, it seems that one never has asked whether the current conditions are not been taken for granted too much. The difficulty of implementation is one issue, but what about implementing the wrong standards to start with?
- More and more consumers and organizations speaks up against the fur farming industry. However, Kopenhagen Fur claims that the demand is still rising. Where does all this fur go to and who is buying if in Europe the overall opinion seems to be against wearing or buying fur?
- China, the US and Canada are also major contributors to the fur industry. Little is known about the difference in standards between the EU and these countries. It might be the case that imports are done on animals' furs which have died horrible conditions.

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