

# STATES OF JERSEY



## **FUR PRODUCTS: PETITION (P.72/2006, AS AMENDED) – REPORT TO THE STATES**

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**Presented to the States on 7th March 2007  
by the Council of Ministers**

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**STATES GREFFE**

## REPORT

### 1. Introduction

- 1.1 In June 2006 a report and proposition entitled 'Fur Products: Petition' (P.72/2006) was lodged 'au Greffe' by Senator Stuart Syvret in which the States were asked –

*“to agree that a total ban on the importation of fur and fur-trimmed products into Jersey, and on the sale in the Island of such products, should be implemented and to request the Ministers for Economic Development and Home Affairs, in consultation with other with other Ministers as appropriate, to bring forward for approval the necessary legislation to give effect to the ban.”*

- 1.2 An amendment to the proposition was lodged by Senator Ben Shenton on 19th September in which it was proposed that, instead of introducing a ban at this stage, the Council of Ministers should be requested to 'investigate the feasibility' of introducing a ban. The amendment also proposed that the Council of Ministers should be asked *“to report to the States Assembly within six months on the consequences of any total or partial ban on the importation and sale of such products having regard, in particular, to the cost implications and to compliance with Jersey’s international and European Union obligations.”*

- 1.3 The amended version of the proposition was adopted by the States on 26th September 2006 and it reads as follows –

*‘The States adopting the proposition of Senator Stuart Syvret, as amended, requested the Council of Ministers to investigate the feasibility of introducing a total ban on the importation of fur and fur-trimmed products into Jersey, and on the sale in the Island of such products, and requested the Council to report to the States Assembly within six months on the consequences of any total or partial ban on the importation and sale of such products having regard, in particular, to the cost implications and to compliance with Jersey’s international and European Union obligations.’*

- 1.4 In accordance with the States decision, an investigation into the feasibility and consequences of introducing a ban has since been carried out by the Council of Ministers. This investigation has been coordinated by the Chief Minister’s Department, with assistance from other States departments including Home Affairs, Economic Development, Education, Sport and Culture, and Law Officers’ Departments. In addition, there has been consultation with retailers who might be affected by the introduction of a ban, and information has been obtained from animal welfare organisations. These organisations include the [Coalition to Abolish the Fur Trade](#) (CAFT) and [People for the Ethical Treatment of Animals](#) (PETA), both of which were mentioned in the report accompanying P.72/2006.

### 2. The market for fur products in Jersey

- 2.1 In carrying out this investigation, it was considered important to establish a clearer picture of the extent of the fur trade in Jersey. It was accordingly decided to carry out market research, involving a significant cross-section of the retail sector, in order to obtain further information about the current extent of the market and the potential impact of a ban.

- 2.2 A questionnaire was accordingly prepared by the Economic Development Department and circulated on a confidential basis to a broad cross-section of retailers that were considered to be potentially involved in the sale of fur and fur-trimmed products, e.g. clothing, footwear, children’s toys, and furnishings. The majority of retailers contacted were involved in the sale of clothing, as this represented the most important sector of the market, and they included both bigger and smaller retail outlets. A copy of the questionnaire is attached as **Appendix 1**, and it includes a summary of the responses received.

- 2.3 It will be seen from the summary that a total of 35 questionnaires were distributed, and 13 responses were received. Only five of the 13 respondents said that they currently sold fur or fur-trimmed products, but they also indicated that the percentage of turnover was very small, ranging from 'too small to measure' to

'less than 5%'. Three out of these five respondents said that a ban would create a problem for their business if a ban were to be introduced, with one retailer stating that there was a need to *'meet the needs of the customer'*.

2.4 In global terms, therefore, the results of the survey would indicate that the quantities of fur and fur-trimmed products imported and sold in Jersey are relatively small, and impact of a full or partial ban on the retail sector would not be expected to be particularly significant. There are, however, a small number of individual retailers for whom a ban might cause difficulties, although this is likely to affect only a small percentage of their turnover.

### 3. The implications of a ban on fur products

3.1 If it is assumed, therefore, that a ban on fur products could be introduced without a major impact on the retail sector as a whole, what would be the more general implications of a ban on the importation and sale of fur products?

3.2 As Senator Shenton has noted in the report accompanying the amendment to P.72/2006, there would be practical difficulties associated with a total ban on the importation of fur products. A total ban on importation, for example, would not allow the senator *'to keep his sheepskin slippers and the visiting dignitary her fur coat'*. The majority of people, in the Council's opinion, would accept that such a ban would be unreasonable and it would, in any event, have little or no impact on the trade in fur products. Another option would be to introduce a ban on the importation **for sale** into Jersey of fur and fur-trimmed products.

3.3 It has already been acknowledged that such a ban would require additional resources for it to be effectively enforced, and this point was commented upon during the States debate in September 2006. In particular, members will recall that the department most likely to be directly affected is Customs and Immigration, within Home Affairs, and a detailed comment on the resource implications of introducing a ban was issued by the Home Affairs Minister shortly before the debate on P.72/2006. A copy of this comment is attached for information as **Appendix 2** It was estimated at that time that *'even an attempt to effectively police such a prohibition on the importation of fur would require one extra customs officer per shift on duty at the airport, harbour and post office. This equates to a total of three extra staff – one extra officer for each of the anti-smuggling teams – at a cost of almost £170,000 a year.'*

3.4 As part of this feasibility study, there has been consultation with the Customs and Immigration Service about the kind of measures that would be required to effectively introduce and enforce a ban on fur products, and further information is given below.

3.5 Customs Officers are multifunctional and operate in 3 frontier teams with 8 persons on each shift who are based at the Harbour, Airport and Post Office. As part of their normal duties Customs Officers are responsible for investigations, as well as aiding in the preparation of prosecution case files.

3.6 In order for Customs Officers to deal with all aspects of fur seizure, it would be necessary to issue new service guidance and to alter the training programme. This would be possible within existing budgets, but there are additional areas identified which would require extra manpower or financial resources. These would include the processes associated with the detention of imported goods, notification of responsible carriers, and testing the compliance of carriers (who are obliged to secure goods pending examination). In addition, the physical examination of goods would require Customs Officers to work within existing service guidance for their own protection and for audit purposes when handling other people's property. All of the above processes have to be carried out in accordance with agreed and established procedures, and by their nature these are resource intensive.

3.7 The seizure of goods identified by Customs Officers as possible prohibited items requires a large amount of secure storage, and due provision would need to be made for the storage of suspected fur products. The current arrangement is that rent is paid for the secure storage of items such as drugs, firearms, CITES goods, vehicles and vessels. These facilities are under pressure and would be more so if with the introduction of a ban on fur products, which could include large furnishings as well as many smaller

items.

- 3.8 Where a seizure has been made and the seizure is not contested, or any appeal against seizure fails, then goods are condemned as forfeit and may be disposed of at the discretion of the Agent of the Impôts. Items to be destroyed are incinerated using Transport and Technical Services' secure burn facility where there is current charge of £0.69 per kilo. Disposal of items is a direct cost which is paid for by Customs and Immigration and could become substantial if large numbers of fur items were to become liable for forfeiture, particularly if these included larger or heavier items such as furniture.
- 3.9 If a ban were to be introduced and well-publicised, then it is anticipated the public would report incidents to the Customs Service when they believe the law has been broken. It is envisaged that situations will range from telephone calls to the public office to intensive investigations where serious infractions are suspected. A distinction would need to be made between real fur and false fur (otherwise known as 'faux fur') products, particularly when receiving information from the public about alleged fur items. In this connection the Customs Service would need to create and maintain a database of importations of products which are proven to be faux fur, together with details of relevant retail outlets. Customs and Excise would also need to be kept informed of those retailers wishing to import and sell faux fur products. This information would most probably be shared with Trading Standards Department, which might have a legal remit concerning the sale of illegally imported fur.
- 3.10 Investigations relating to the illegal importation of genuine fur products would naturally involve the Attorney General's guidance. In the more serious cases, they would also involve the search of premises, arrest of individuals, seizure of suspected items and the questioning of those persons in accordance with legal requirements.
- 3.11 In summary, therefore, a ban on fur products would represent a significant increase in workload for the Customs Service. This would include the logging and handling of received information, investigations, physical examinations and the preparation of prosecution case files. As already noted by the Minister for Home Affairs, it is estimated that this additional commitment would equate to 3 extra staff at a cost of nearly £170,000 a year. If these resources were not made available, there would be an adverse impact on the other services that are currently provided by Customs and Immigration.

#### **4. Publicising a Ban on Fur Products**

- 4.1 If the States were to introduce a ban on fur products, then it would be necessary for it to be publicised, both for the information of the travelling public and for those engaged in trade with the Island. Jersey has transport and trade links with a large number of jurisdictions, but none of these jurisdictions currently have a ban on the importation and sale of fur products, and for this reason it is particularly important that prominent publicity should be given to any action taken by the Island.
- 4.2 In these circumstances it is considered that it would be necessary to seek significant input from a professional media service to publicise a ban, both domestically as well as externally. This would be needed to help maintain Jersey's reputation as a tourist destination, by ensuring that those entering or re-entering the Island were aware of such a ban.
- 4.3 The costs of a publicity campaign of this nature could be significant. Resources could be diverted from within the Customs and Immigration budget, but this would be to the detriment of other initiatives. Detailed costings have not been prepared for a publicity campaign, as these would depend partly on the nature and extent of a ban, but it is envisaged that a campaign would need to include the following features, all of which have resource costs –
- publicity information aimed at trade groups/trade magazines both locally and in the UK;
  - issuing of Gazette notices;
  - posters at all feeder ports and airports, promotion on the Customs; and
  - Immigration website.

- 4.4 Reference has already been made to the need to allow people to be able to continue to travel to and from the Island with fur products which are already in their possession and are intended for their own use. Senator Shenton should be allowed *'to keep his sheepskin slippers and the visiting dignitary her fur coat'*. However, it needs to be recognised that this situation could be difficult to monitor and enforce, as it may be difficult in some circumstances to distinguish between those goods which are purely for the individual's own use (and are already in his or her possession), and those goods which have been purchased overseas and are being brought back to the Island. Such goods might be intended for resale, or alternatively simply for the individual to keep as a memento or souvenir, but presumably both would be prohibited by the ban on importation.
- 4.5 In such cases, an individual may return to the Island with a personal item containing fur which is legal in the jurisdiction of travel, but which would be confiscated and subsequently destroyed on return to the Island, with the added possibility of a pecuniary fine. In this connection it is worth noting that many items of clothing contain real or faux fur and it is often difficult to differentiate between the two.
- 4.6 From the above, it will be seen that a ban on the importation of fur products could be difficult to enforce, and it is possible that the Island could receive negative publicity, e.g. in the case of a visitor to the Island unwittingly bringing fur products to the Island in contravention of a ban.
- 4.7 Business and leisure visitors to Jersey currently travel freely between Europe, the UK and the Island, and ease of access is a significant factor in the promotion of Jersey as a tourism destination. A restriction on the free movement of personal items containing animal fur may be viewed as an impediment to that ease of access, and could have negative consequences in this context.

## **5. Introducing a partial ban on fur products**

- 5.1 As an alternative to a full ban on fur products, it has been proposed that there a partial ban should be introduced. This could take two possible forms: a ban on the importation for sale of fur products; or a total ban on the importation of certain types of animal fur (e.g. mink), whether or not they were being proposed for sale within the Island.
- 5.2 Difficulties are associated with both types of approach. As already noted, it may sometimes be difficult to differentiate between products which are intended for personal use and those which are intended for resale. In the case of the latter, it is worth noting that such items will tend to be high value products, and it is possible that an illegal market for fur products would develop as a consequence of a ban.
- 5.3 It can also be difficult to differentiate between real and synthetic furs, and any full or partial ban needs to ensure that products may be correctly identified. Most synthetic furs should be identifiable by Customs Officers by visual examination of the fur and the base on which it is affixed, provided that these officers are given a basic level of training. If, however, such an examination should be inconclusive, then a more detailed examination with a microscope would be necessary. This is relatively straightforward but time-consuming and would require the item in question to be seized pending an inspection. Microscopic examination would require the removal of a few fibres from the object in question, which would be charged at the laboratory rate of £23.00 per sample (2007 fee). Depending on the volume of samples, this could take place within existing resources, but it would be unlikely that the item could be processed and returned to the owner that day.
- 5.4 The introduction of a partial ban on certain types of animal fur is likely to be more costly because of the highly specialised nature of fur identification which is outside the scope of laboratories on the Island. The two primary techniques, visual comparative examination and DNA analysis, are dependent on the size of the pelt available but both are expensive. Samples would need to be compared with reference collections held by organisations such as the Natural History Museum and the Zoological Society of London, but reference collections of exotic fur species are rare.
- 5.5 The States Analyst has advised that that charges for a full examination could range from several hundred

to several thousand pounds per item depending upon the technique used. A full DNA test, for example, could cost several thousand pounds, and this may be necessary in certain cases for the identification of a particular species. There would also be a significant delay in releasing the suspect item due the period of time required for the processing and analysis of samples off-Island.

## 6. International and European Union Obligations

6.1 As indicated by Senator Shenton in his amendment to P.72/2006, any investigation into the feasibility of introducing a full or partial ban on the importation of fur products into Jersey needs to take account of the Island's international and European Union obligations. At an international level, the Convention on Trade in Endangered Species (CITES) has been extended to Jersey, and the Planning and Environment Department administers CITES Regulations which prohibit trade in fur products from endangered animals. CITES was the subject of a comment by the Planning and Environment Minister at the time of the debate on P.72/2006, and a copy of this comment is attached for information at **Appendix 3**.

6.2 Contacts with animal welfare organisations, including CAFT and PETA, together with additional research, have established that there is currently no jurisdiction in the world in which there is a total ban on the importation of fur or fur-trimmed products. This does not mean that a ban is therefore impossible, but before taking such a decision the Island would need to have regard to the implications that such a decision would have at an international level, and particularly with regard to the Island's relationship with the European Union.

6.3 In this connection Jersey would need to take into account the Island's legal obligations under the Treaty Establishing the European Community (TEC). Article 299 (6)(c) of the TEC states that –

*“This Treaty shall apply to the Channel Islands ... only to the extent necessary to ensure the implementation of the arrangements for those Islands set out in the Treaty concerning the accession of new Member States.”*

6.4 The arrangements for the Channel Islands, including Jersey, are set out in Protocol 3 to the UK's Act of Accession to the EC Treaty. Article 1 of the Protocol states–

*“(1) The Community Rules on Customs Matters and Quantitative Restrictions ... shall apply to the Channel Islands...under the same conditions as they apply to the United Kingdom ...*

*(2) In respect of agricultural products and products processed therefrom which are the subject of a special trade regime, the levies and other import measures laid down in Community Rules and applicable by the United Kingdom shall be applied to third countries. **Such provisions of Community Rules, in particular those of the Act of Accession, as are necessary to allow free movement and observance of normal conditions of competition and trade in these products shall also be applicable...**”(our emphasis)*

6.5 Among the Community rules referred to are Articles 28–30 of the TEC, which provide as follows –

### “Chapter 2

#### Prohibition of quantitative restrictions between Members States

##### Article 28

*Quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between Members States.*

##### Article 29

*Quantitative restrictions on exports and all measures having equivalent effect shall be prohibited between Member States.*

### *Article 30*

*The provisions of Articles 28 and 28 shall not preclude prohibitions or restrictions on imports, exports or goods on transit justified on grounds of public morality, public policy or public security; the protection of health and life of animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States.”.*

- 6.6 If, therefore, Jersey should decide to introduce measures which would restrict the free movement of goods, such as a ban on the importation of fur products, which could not be justified on any of the grounds mentioned in Article 30, it would quite possibly be in contravention of the Island's obligations under Protocol 3. The Council of Ministers does not consider that such a move could be so justified, and in particular, notes that a comprehensive ban on imports of such products has not been introduced by the EU or by any EU member State. It may be noted that a ban on all sales of fur products would almost certainly amount to a measure having equivalent effect to a quantitative restriction and would be equally likely to be incompatible with Protocol 3.
- 6.7 An alternative course of action would be for the Island to ban direct imports of all fur products from a country outside the EU/EEA, since Articles 28-30 of the Treaty obviously do not apply to such imports, but since there is probably no such importation taking place or likely to take place (virtually all goods come into the Island from the UK or France) there is little to be gained from doing so.
- 6.8 On legal grounds alone, therefore, the Council of Ministers does not consider that it would be feasible simply to introduce a full or partial ban on the importation of fur and fur-trimmed products. A ban on the importation of fur products would call into question the Island's status in relation to the EU, and the Council of Ministers does not consider that such a move would be justified, as the Island benefits in many ways from its current position in relation to the EU. These benefits include the free movement of goods between Jersey, the U.K., and other E.U. member states.
- 6.9 This does not mean, however, that there is no scope for change. The Council respects the views of those who feel strongly about the fur trade and, whilst it does not feel it would be either practical or desirable to introduce measures which would jeopardise the Island's current position in relation to the European Union, it does believe that there are positive measures which can be taken within the Island that can begin to address some of the more inhumane aspects of the fur trade, and in particular the trade in cat and dog fur. This proposal is discussed in more detail in the next section.

## **7. EU Proposed ban on cat and dog fur products**

- 7.1 In November 2006 the European Commission announced its intention to introduce measures to ban trade in cat and dog fur products across the European Union. This announcement followed a request for action from E.U. member states, as well as a campaign headed by Paul McCartney and his estranged wife, Heather McCartney. This campaign highlighted some particularly abhorrent practices in the Far East, including the live skinning of cats. Such practices, in the Council's view, should not be condoned.
- 7.2 The evidence available to the European Commission indicates that most cat and dog fur products originate from third countries, as there is no tradition of rearing cats and dogs for fur production in E.U. member states. Many E.U. member states have already introduced their own specific legislation against the trade in cat and dog fur, but there is a lack of consistency between these measures and the European Commission believes that this divergency could be disruptive to the internal market. It is therefore proposed that an EU Regulation should be drafted which would ban the import, export, sale and production of cat and dog fur and skins. It has been proposed that the Regulation should be introduced in 2008/2009, and once in force it would be applicable to all Member States. If enacted in its present form, the Regulation would be binding and of direct effect in Jersey as a Community rule on quantitative restrictions or a measure of equivalent effect, and all the States of Jersey would have to do is enact local implementing measures.

7.3 The Council of Ministers welcomes this recent development, and notes that this could be done by means of Regulations that would be brought by the Minister for Planning and Environment and made under the European Communities Legislation (Implementation) Jersey Law 1996.

## **8. Trapping of Animals**

8.1 In addition to banning the importation of cat and dog fur products, it has been suggested that the Island should take steps to prevent the use of fur traps. In fact, legislation is already in place to prohibit the use of a wide range of traps, including leghold traps. The Animals (Trapping) (Jersey) Law 1961 aims to prevent cruelty in connection with the trapping of animals and creates an offence whereby a person shall be guilty if –

*“for the purpose of killing or taking animals the person uses, or knowingly permits the use of, any trap other than an approved trap, or uses, or knowingly permits the use of, an approved trap for animals, or in circumstances, for which it is not approved”.*

8.2 The approved traps are listed in the Spring Traps (Approval) (Jersey) Order 1996 which lists traps that are permitted for the killing or taking of rats, mice and other small ground vermin. These traps are the same as those approved by DEFRA (Department for Food and Rural Affairs) for use in trapping in the UK.

## **9. Raising Awareness of Issues relating to the Fur Trade**

9.1 The Council of Ministers recognises that the fur trade is a subject on which many people have strongly- and sincerely-held views, as evidenced by the 2,505 people who signed the petition attached to P.72/2006. For many, fur farming of any kind is regarded as unacceptable, whereas others may consider it to be acceptable provided that certain animal welfare standards are adhered to. The Council does not express a view on this subject, nor indeed has it been asked to do so, but it does accept that this is a subject that is of interest and concern to many.

9.2 In order to encourage and promote awareness and discussion of this issue, the Council has asked the Minister for Education, Sport and Culture to consider introducing the subject as a component of the PSHE (personal, social and health education) curriculum in secondary schools. PSHE is designed to contribute to the school curriculum by helping to give pupils the knowledge, skills and understanding they need to become informed, active and responsible citizens. At Key State 3 (11 to 14 years), the PSHE curriculum includes the following objectives –

*‘2(j) to express and justify orally and/or in writing a personal opinion relevant to a topical, political or social issue, problem or event.*

*2(k) to contribute to group and class discussions and take part in debates.*

*2(l) to reflect on topical, political, social, spiritual, moral and cultural issues, problems and events through the analysis of a variety of sources”.*

9.3 Discussions with the Education, Sport and Culture Department have revealed that two of the 11-16 schools in the Island already include ‘Animal Rights’ in this area of the curriculum and make specific reference to issues relating to the fur trade.

9.4 It is suggested that the subject of animal rights and the fur trade could be introduced as a component of the PSHE curriculum across **all** secondary schools in the Island. In making this suggestion, the Council acknowledges that this would have an impact on the PHSE curriculum, and a decision would need to be taken by Education, Sport and Culture about what should be dropped from the curriculum in order to compensate for this addition. The Council notes that the subject could be introduced at relatively little cost, as it is estimated that the creation of the relevant lesson plan, including resources and materials, would be in the region of £2,000. This would be a one-off payment and would need to be budgeted for as



part of the PSHE curriculum from the ESC budget.

## **10. Conclusions and Recommendations**

- 10.1 Having carried out this investigation, the Council of Ministers has concluded that it would not be feasible to introduce a ban on the importation and sale of fur products as this could place the Island in breach of Protocol 3 in relation to the free movement of goods, and would thus call into question the Island's status in relation to the European Union.
- 10.2 The Council does, however, recommend that measures should be taken within the Island that would go at least some way to meet the concerns of those who signed the petition attached to P.72/2006. In particular, the Council recommends the following measures –
  - (a) Introducing a ban on the importation and sale of cat and dog fur products as soon as the relevant legislation has been introduced in the EU; and
  - (b) The Minister for Education, Sport and Culture should consider making a change to the PHSE curriculum at secondary school level (11-16 years) to include a module on animal welfare and the fur trade.
- 10.3 The Council also intends to maintain a watching brief on developments in the E.U. to ensure that the Island is in a position to introduce further legislation where appropriate.

## **COUNCIL OF MINISTERS**

**1st March 2007**

QUESTIONNAIRESurvey Results

35 questionnaires sent out

13 questionnaires returned

<u>QUESTION</u>	<u>RESPONSE</u>	<u>COMMENT</u>
do you sell any fur or fur-lined/trimmed products in your retail business?	<b>YES 5</b> <b>NO 8</b>	One yes response was to selling a couple of products trimmed with rabbit fur.
	<b>OF THE 5 WHO RESPONDED</b> <b>YES</b>	
On average, what % of your goods are furs or fur-lined/trimmed?	<b>Responses ranged from “too small to measure” to “less than 5%.”</b>	
What % of your turnover results from fur or fur-lined/trimmed goods?	<b>Responses ranged from “too small to measure” to “less than 1%.”</b>	
When you import goods from suppliers in the UK or elsewhere, is it evident from the manufacturer whether or not they use fur or fur-lined/trimmed products?	<b>YES 4</b> <b>NOT ALWAYS 1</b>	
Would it create a problem for your business if a ban on the importation and trading of fur in Jersey were to be introduced? If yes, please supply brief details.	<b>NO 2</b> <b>YES 3</b>	Of the 3 who responded Yes, responses ranged from “not insurmountable” through “there is a need to meet the needs of the customer” to “in favour of a ban.”
What measures would your business be prepared to take as an alternative to the introduction of a ban on fur trading and if so, what would they be (e.g. a consumer campaign to clarify your company position with regard to fur trading)?	<b>NO COMMENT 4</b> <b>YES 1</b>	The one positive response stated that the company would not stock the product if a voluntary ban was suggested.
Do you have any further comments you consider to be relevant on the subject of the importation and trading of fur and fur-lined/trimmed products in Jersey.	<b>1 RESPONSE</b>	Could be problematic in terms of having all stock opened and checked at the Docks and potentially damaged.

# STATES OF JERSEY



## FUR PRODUCTS: PETITION (P.72/2006) – COMMENTS

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Presented to the States on 30th August 2006  
by the Minister for Home Affairs

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STATES GREFFE

## COMMENTS

The Senator is correct in his statement that Customs officers at the ports control the importation and exportation of prohibited or restricted items and this includes CITES goods.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement between signatory States. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. Jersey is a signatory to CITES through the U.K. Government.

In practice CITES provides for controls upon trade in specified animals and plants; it is not a 'blanket' prohibition as proposed. At present in Jersey, Planning and Environment administer the issue of import and export licenses to control the movement of CITES goods into and out of the Island. Some 400 licences are issued annually.

Because CITES has such wide-reaching international acceptance, most CITES goods are imported from or via signatory countries. The risk of items listed by CITES being imported into Jersey without the proper authority is therefore negligible.

To put this into perspective, since 2004 the Customs only detained 8 items suspected of being unlicensed CITES goods and only one of these was confirmed to be on the CITES list and was formally seized. The resource demands of CITES controls upon this Service are not therefore onerous.

A total ban on the importation of fur would not only include clothing but could also include footwear, children's toys, soft furnishings and upholstery as well as various other items. The proposition also includes a prohibition on the re-importation of fur items legally owned and exported by local residents.

Some possible scenarios that will occur should the proposition be accepted are –

- Visitors arrive with clothing that is trimmed or made of fur.
- A visiting dignitary arrives with a high value fur coat.
- A local resident returns from the U.K. with a fur coat that has been owned for many years but may be of sentimental value.
- A household removal includes soft furnishings or items of clothing including fur.
- Clothing lines trimmed with small quantities of fur (rabbit for example) are imported by major local retail establishments.

Any of the aforementioned would give rise to the following which would have to be adequately resourced –

Detection of goods –

- Additional resources will have to be deployed to detect illegal importations.

Seizure of goods –

- Items imported contrary to prohibitions and restrictions can be seized as liable to forfeiture. Seizing extremely high value items can be problematic, raising as it will issues of secure storage. Where claims are made against seizure, Officers will have to prepare the necessary reports and evidence for consideration by Head of Service or where necessary the Royal Court.

Case investigation –

- Additional resources will have to be deployed to investigate illegal importations.

It should be noted that wherever possible Jersey Customs applies a policy of clearly publicizing restrictions that exist upon importations into the Island. Given that this proposed ban would be unique to Jersey considerable resources would have to be expended in publicising the nature of the ban at all ports and airports that serve the

Island.

Moreover an educational plan aimed at developing awareness of the import ban would need to be rolled out throughout clothing retailers, furnishing stores and toy shops in order to help make the ban effective.

The Jersey Customs and Immigration Service commit resources on an intelligence and analysed risk basis in order to maximize effectiveness. Current priorities include the protection of the Revenue and the protection of our borders against the importation of controlled drugs and illegal immigrants.

Identifying items made of fur (and establishing that the items are made of fur and not a man made product) at importation would be impossible with existing resources without a change in our current priorities and working practices.

Within Customs' current priorities it is estimated that even an attempt to effectively police such a prohibition on the importation of fur would require one extra customs officer per shift on duty at the airport, harbour and post office. This equates to a total of three extra staff – one extra officer for each of the anti-smuggling teams – at a cost of almost £170,000 a year.

# STATES OF JERSEY



## FUR PRODUCTS: PETITION (P.72/2006) – COMMENTS

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Presented to the States on 22nd September 2006  
by the Minister for Planning and Environment

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STATES GREFFE

## COMMENTS

Senator Syvret's Proposition assumes that the resources required to enforce a ban on fur products would require nothing more than the effort that CITES currently requires. The very specific nature of the CITES convention suggests that this is perhaps an underestimation.

Jersey is proud to be a signatory to the Convention on the International Trade in Endangered Species commonly called CITES. Through CITES, panels of international experts regularly assess the conservation status of species of animals and plants worldwide and identify whether they are endangered or even vulnerable to exploitation. These species and importantly, their parts or derivatives, are then listed under the Convention.

By being CITES listed, regulations and restrictions are conferred these species. Operationally this means that there can only be trade or movement of listed wildlife products if there is sufficient documentation and import or export permits to prove their legal origins as defined by the Convention.

The Convention is internationally recognised as effectively controlling and monitoring the trade in over 30,000 vulnerable species of animals and plants, whether they are traded as live specimens, fur coats or dried herbs. But, as suggested by its name, CITES, only relates to what have been deemed by scientists as **endangered** species. Its role is to protect the **wild populations** of animals or plants from exploitation. It does not necessarily impose trade restrictions in listed species that have been artificially raised or captive bred.

Under the Convention there are no restrictions on non-listed species which are allowed to enter trade whatever their method of capture. CITES is not designed to prevent legal operations such as fur-ranching of common species like mink. Similarly, CITES does not prevent the collection from the wild of commonly found species like racoons or coyotes which are described in the Senator's report.

Although Jersey has yet to fully ratify CITES, the Environment Division of the Planning and Environment Department currently administer CITES regulations in conjunction with the Customs and Immigration Department. Therefore anybody who attempts to import or export a CITES listed species requires the appropriate licences from both the country of export as well as the country of import.

In 2005 over 350 movements of CITES listed animals, plants or their derivatives were made to and from Jersey. Many of these pertain to movements of animals from Durrell or the Eric Young Orchid Foundation as well as birds like parrots entering the pet trade and items, often antiques, containing listed materials such as ivory or tortoiseshell.

I will shortly be bringing to the house, even tighter legislation that will allow us to fully ratify the treaty through the U.K. Nevertheless I would like to assure the house that operationally, we currently administer CITES very strictly.

It is important to recognise that the duties carried out by officers in relation to CITES are very different from that being proposed by the proposition. Currently attentions are focused towards CITES listed species which is a very small proportion of the trade in fur since clearly it is the more common species whose pelts are used in fashion items.

Over the last 3 years there have been less than 10 legal CITES movements of endangered species listed under CITES relating to the fur trade – an example would be the import of hunting trophies like a lion rug by a Jersey resident who participated in a legal hunt in Africa.

I hope it is clear that from a conservation perspective, my Department in conjunction with Customs and Immigration are well able to control the trade in the fur of vulnerable and endangered species in line with the International Community. However to prohibit the trade in all fur has many other considerations that the Minister for Home Affairs has quantified in her comment.