

Community legislation in force

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Directory chapters where this document can be found:

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298A0214(02)

Agreement on international humane trapping standards between the European Community, Canada and the Russian Federation

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Text:

AGREEMENT on international humane trapping standards between the European Community, Canada and the Russian Federation

THE EUROPEAN COMMUNITY,
THE GOVERNMENT OF CANADA,
and

THE GOVERNMENT OF THE RUSSIAN FEDERATION,
parties to this Agreement (the 'Parties'),

RECALLING their deep commitment to the development of international humane trapping standards that are based on scientific research as well as empirical and practical evidence;

REAFFIRMING that each Party has, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit its own resources pursuant to its own environmental and developmental policies and that each Party is responsible for conserving its biological diversity and for using its biological resources in a sustainable manner;

ACKNOWLEDGING that the sustainable use of wild animals for human benefit is in keeping with the principles of the World Conservation Strategy, the World Commission on Environment and Development and the United Nations Conference on Environment and Development;

NOTING the commitment, also undertaken by the Member States of the International Union for the Conservation of Nature and Natural Resources (IUCN) at its 18th General Assembly in resolution 18.25, to eliminate as soon as practicable the use of inhumane traps;

RECOGNISING that the process of developing international humane standards for the trapping of mammals undertaken by ISO, the International Organisation for Standardisation, in 1987, is not yet complete;

ACKNOWLEDGING that a primary purpose of any international technological standard is to, inter alia, improve communication and facilitate trade;

ACKNOWLEDGING the considerable research carried out, in particular in Canada, the United States of America, the Russian Federation and the European Community, towards the evolution of more humane, practical trapping methods;

UNDERSCORING the considerable work carried out by the working group on the development of international humane trapping standards that was composed of experts from Canada, the United States of America, the Russian Federation and the European Community;

APPRECIATING that, despite the absence of international humane trapping standards, a number of jurisdictions have followed different approaches and introduced legislation to improve trapping methods and the welfare of wild animals; and

RECOGNISING that the internal constitutional and institutional rules of each Party determine the primary authority for the implementation of the humane trapping standards within its jurisdiction,

AGREE AS FOLLOWS:

Article 1

Definitions

For the purpose of this Agreement:

Traps means both killing and restraining mechanical capturing devices, as appropriate.

Trapping methods means traps and their setting conditions (e.g. target species, positioning, lure, bait and natural environmental conditions).

Humane trapping methods means the traps certified by competent authorities that are in conformity with the humane trapping standards (the 'Standards', found in Annex I to this Agreement) and used in the setting conditions specified by the manufacturers.

Article 2

Objectives

The objectives of this Agreement are to:

- (a) establish standards on humane trapping methods;
- (b) improve communication and cooperation between the Parties for the implementation and development of these standards; and
- (c) facilitate trade between the Parties.

Article 3

Scope

This Agreement applies to trapping methods and the certification of traps for the trapping of wild terrestrial or semi-aquatic mammals listed in Annex I for:

- (a) wildlife management purposes including pest control;
- (b) obtaining fur, skin or meat; and
- (c) the capture of mammals for conservation.

Article 4

Obligations under other international agreements

1. Nothing in this Agreement affects the rights and obligations of those Parties that are members of the World Trade Organisation (WTO) under the Marrakesh Agreement establishing the World Trade Organisation.
2. For Parties that are not members of the WTO, nothing in this Agreement affects their rights and obligations under bilateral agreements listed in Annex II between the Parties.

Article 5

Existing measures

A Party may continue to prohibit the use, in its territory, of traps that had been prohibited for use at the date of entry into force of this Agreement.

Article 6

International cooperation

Without prejudice to Article 9, the Parties agree to:

- (a) cooperate with one another directly, or through competent international organisations, in respect of matters of mutual interest related to this Agreement; and
- (b) develop and enhance multilateral cooperation in the field of humane trapping methods on the basis of mutual benefits and the desire to facilitate trade.

Article 7

Commitment of the Parties

Each Party shall take the necessary steps, in accordance with the schedule in Annex I, to ensure that its respective competent authorities:

- (a) establish appropriate processes for certifying traps in accordance with the Standards;
- (b) ensure that the trapping methods conducted in their respective territories are in accordance with the Standards;
- (c) prohibit the use of traps that are not certified in accordance with the Standards (1); and
- (d) require manufacturers to identify certified traps and provide instructions for their appropriate setting, safe operation and maintenance.

Article 8

Implementation of the Standards

In implementing the Standards, each competent authority of the Parties should use its best efforts to ensure that:

- (a) appropriate processes are in place for:
 - (i) granting or removing permission for the use of traps, and
 - (ii) enforcing legislation on humane trapping methods;
- (b) trappers are trained in the humane, safe and effective use of trapping methods, including new methods as these are developed; and,
- (c) the trap testing guidelines as set out in Annex I are taken into account when establishing domestic certification processes.

Article 9

Ongoing development of the Standards

The Parties shall:

- (a) promote and encourage research aimed at the ongoing development of the Standards; and
- (b) re-evaluate and update Annex I, the first time three years after the entry into force of this Agreement, using in particular the results of the research referred to in paragraph (a).

Article 10

Derogations

1. Derogations to the commitments referred to in Article 7 may be granted by the competent authority on a case-by-case basis, provided that they are not applied in a manner that would undermine the objectives of the Agreement, for any of the following purposes:

- (a) the interests of public health and safety;
- (b) protection of public and private property;
- (c) research, education, repopulation, reintroduction, breeding or for the protection of fauna and flora; and
- (d) using traditional wooden traps essential for preserving cultural heritage of indigenous communities.

2. Derogations granted under paragraph 1 must be accompanied by written reasons and conditions.

3. The Parties shall notify the Joint Management Committee in writing of the derogations granted under paragraph 1 and the written reasons and conditions referred to in paragraph 2.

Article 11

Notification and exchange of information

1. The Parties shall regularly exchange information on all matters related to their implementation of this Agreement. They shall inform each other of the progress of the work done concerning the evaluation of the traps carried out in the application of the schedule set forth in Annex I, on related research and on certified traps.

2. The Parties shall notify each other of the competent authorities that are responsible for the implementation of this Agreement.

Article 12

Mutual Recognition

1. A Party may authorise the use in its territory of traps certified by another Party. Any refusal must be justified in writing.

2. Each Party shall recognise the trapping methods of any other Party as equivalent if the other Party's trapping methods meet the Standards.

Article 13

Trade in fur and fur products between the Parties

1. Without prejudice to Article 15 and paragraph 2 of this Article, and the relevant provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), done at Washington on 3 March 1973, no Party may impose trade restrictive measures on fur and fur products originating from any other Party.

2. At the point of importation into its customs territory, a Party may request a certificate of origin that:

- (a) certifies that the furs or furs incorporated into products to be imported have been obtained from animals that are caught or farmed in the territory of any other Party; and
- (b) includes a reference to a documentation of origin issued by the competent authorities.

Article 14

Joint Management Committee

1. The Parties shall establish a Joint Management Committee (the 'Committee') comprising representatives of the Parties. The Committee may consider any matters relating to this Agreement.

2. The Committee shall meet within 12 months after the date of entry into force of this Agreement. The Committee shall meet periodically thereafter or at the request of any Party. The Committee may also address issues between its meetings by correspondence. The Committee shall adopt its rules of procedure at its first meeting.

3. Decisions of the Committee shall be reached by consensus.

4. The Committee may, from time to time, establish ad hoc scientific and technical expert working groups to make recommendations to the Committee regarding:

- (a) any scientific and technical matters;
- (b) questions of interpretation as proposed by the Parties; and

(c) recommendations on the resolution of disagreements.

5. The Committee may propose to the Parties amendments to this Agreement, taking into account, as appropriate, the relevant recommendations of expert working groups.

Article 15

Settlement of disputes

1. The Parties shall endeavour to arrive at a mutually satisfactory resolution of any matter that may affect the operation of this Agreement through negotiations. Where the Parties concerned are unable to resolve their differences, the Committee shall be convened, at the request of one of the Parties, for discussion and resolution. The Committee, when addressing the issue put to its consideration, may establish, if appropriate, an ad hoc scientific and/or technical working group in accordance with Article 14.4 of this Agreement.

2. If the Committee fails to resolve the dispute within 90 days, on the request of the complaining Party an Arbitration Body shall be established pursuant to Annex III.

3. The Arbitration Body may issue rulings in respect of any dispute concerning the interpretation and application by the Party complained against of the Agreement.

4. The Arbitration Body shall not exceed the terms of reference agreed to by the Parties and shall not issue a ruling beyond the scope provided for in this Article.

5. This Article is applicable mutatis mutandis to cases where there is more than one complaining or responding Party.

Article 16

Accession

Any country may accede to this Agreement, subject to the terms and conditions as may be agreed between such country and the Parties.

Article 17

Final provisions

1. The Annexes are an integral part of this Agreement.

2. This Agreement enters into force 60 days following the date of the deposit of the last instrument of ratification, conclusion or adoption, according to the rules applicable for each Party.

3. This Agreement is not self-executing. Each Party shall implement the commitments and obligations arising from this Agreement in accordance with its internal procedures.

4. Amendments to this Agreement may be proposed by the Committee, or by any Party at any time. Any amendment agreed to by the Parties enters into force on the day following the deposit of the last instrument of ratification, conclusion or adoption of the agreed amendment, according to the rules applicable for each Party.

5. A Party may withdraw from this Agreement by giving at least six months' notice in writing. In such an event, the obligations under this Agreement as regards the withdrawing Party shall come to an end on the expiry of the period of notice.

6. This Agreement is drawn up in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Russian languages, all texts being equally authentic. This Agreement will be deposited in the archives of the Secretariat General of the Council of the European Union, which shall deliver a certified copy thereof to each Party.

(1) The Parties agree that Article 7 does not prevent individuals from constructing and using traps, provided that such traps comply with designs approved by the relevant competent authority.

ANNEX I

PART I: THE STANDARDS

1. AIMS, PRINCIPLES AND GENERAL CONSIDERATIONS OF THE STANDARDS

1.1. Aims

The aim of the Standards is to ensure a sufficient level of welfare of trapped animals, and to further improve this welfare.

1.2. Principles

1.2.1. In the evaluation of whether or not a trapping method is humane, the welfare of a trapped animal must be assessed.

1.2.2. The principle for deciding that a trapping method is humane is that it meets the threshold requirements in Sections 2 and 3.

1.2.3. It is assumed in setting the Standards that traps should be selective, efficient and in compliance with the relevant requirements for human safety of each Party.

1.3. General considerations

1.3.1. Welfare of animals is indicated by measures of the extent of ease or difficulty in their coping with the environment and the extent of failure to cope with their environment. Since animals vary in the methods that they use to try to cope with their environment, a range of measures should be used when assessing their welfare. Indications of welfare of trapped animals include those of physiology, injury and behaviour. Since some of these indicators have not been studied for a variety of species, further scientific studies will be necessary to set thresholds under these Standards, as appropriate.

Although welfare can vary widely, the term 'humane' is used only for those trapping methods where the welfare of the animals concerned is maintained at a sufficient level, although it is acknowledged that in certain situations with killing traps there will be a short period of time during which the level of welfare may be poor.

1.3.2. The thresholds established in the Standards for the certification of traps include:

- (a) for restraining traps: the level of indicators beyond which the welfare of trapped animals is considered poor; and
- (b) for killing traps: the time to unconsciousness and insensibility and the maintenance of this state until death of the animal.

1.3.3. Notwithstanding that the trapping methods must meet the requirements of Sections 2.4 and 3.4, consideration should be given to continuing the improvement of the design and setting of traps, in particular to:

- (a) improving the welfare of animals trapped in restraining traps during the period of restraint;
- (b) producing rapid onset of unconsciousness and insensibility of animals trapped in killing traps; and
- (c) minimising the capture of non-target animals.

2. REQUIREMENTS FOR RESTRAINING TRAPPING METHODS

2.1. Definition

'Restraining trapping methods' means traps designed and set with the intention of not killing the trapped animal, but restraining its movements to such an extent that a human can make direct contact with it.

2.2. Parameters

2.2.1. In the evaluation of whether or not a restraining trapping method meets these Standards the welfare of an animal that is trapped must be assessed.

2.2.2. The parameters must include indicators of behaviour and injury listed in paragraphs 2.3.1 and 2.3.2.

2.2.3. The magnitude of responses for each of those parameters must be assessed.

2.3. Indicators

2.3.1. Behavioral indicators recognised as indicators of poor welfare in trapped wild animals are:

- (a) self-directed biting leading to severe injury (self-mutilation);
- (b) excessive immobility and unresponsiveness.

2.3.2. Inquiries recognised as indicators of poor welfare in trapped wild animals are:

- (a) fracture;
- (b) joint luxation proximal to the carpus or tarsus;
- (c) severance of a tendon or ligament;
- (d) major periosteal abraison;
- (e) severe external haemorrhage or haemorrhage into an internal cavity;
- (f) major skeletal muscle degeneration;
- (g) limb ischaemia;
- (h) fracture of a permanent tooth exposing pulp cavity;
- (i) ocular damage including corneal laceration;
- (j) spinal cord injury;

- (k) severe internal organ damage;
- (l) myocardial degeneration;
- (m) amputation;
- (n) death.

2.4. Thresholds

A restraining trapping method would meet the Standards if:

- (a) the number of specimens of the same target species from which the data are derived is at least 20; and
- (b) at least 80 % of these animals show none of the indicators listed in paragraphs 2.3.1 and 2.3.2.

3. REQUIREMENTS FOR KILLING TRAPPING METHODS

3.1. Definition

'Killing trapping methods' means traps designed and set with the intention of killing a trapped animal of the target species.

3.2. Parameters

3.2.1. The time of occurrence of unconsciousness and insensibility produced by the killing technique must be determined and the maintenance of this state until death must be checked (i.e., until heart function has ceased irreversibly).

3.2.2. Unconsciousness and insensibility must be monitored by checking corneal and palpebral reflexes or any other scientifically proven suitable substitute parameter (1).

3.3. Indicators and time limits

Time limit to loss of corneal and palpebral reflexes	Species
45 seconds	<i>Mustela erminea</i>
120 seconds	<i>Martes americana</i> <i>Marta zibellina</i> <i>Martes martes</i>
300 seconds	All other species set out in paragraph 4.1

3.4. Thresholds

A killing trapping method would meet the Standards if:

- (a) the number of specimens of the same target species from which the data are derived is at least 12; and
- (b) at least 80 % of these animals are unconscious and insensible within the time limit, and remain in this state until death.

PART II: LIST OF SPECIES AND IMPLEMENTATION SCHEDULE

4. LIST OF SPECIES REFERRED TO IN ARTICLE 3 OF THE AGREEMENT AND THE IMPLEMENT SCHEDULE

4.1. Species list

The Standards apply to the following species:

Common Name	Species
Coyote	<i>Canis latrans</i>
Wolf	<i>Canis lupus</i>
Beaver (North American)	<i>Castor canadensis</i>
Beaver (European)	<i>Castor fiber</i>
Bobcat	<i>Felis rufus</i>
Otter (North American)	<i>Lutra canadensis</i>
Otter (European)	<i>Lutra Lutra</i>
Lynx (North American)	<i>Lynx canadensis</i>
Lynx (European)	<i>Lynx lynx</i>
Marten	<i>Martes americana</i>
Fisher	<i>Martes pennanti</i>
Sable	<i>Martes zibellina</i>

Pine marten	<i>Martes martes</i>
Badger (European)	<i>Meles meles</i>
Ermine	<i>Mustela erminea</i>
Raccoon dog	<i>Nyctereutes procyonoides</i>
Muskrat	<i>Ondatra zibethicus</i>
Raccoon	<i>Procyon lotor</i>
Badger (North American)	<i>Taxidea taxus</i>

Additional species will be included in the future as appropriate.

4.2. Implementation schedule

4.2.1. As referred to in Article 7 of the Agreement, trapping methods must be tested to demonstrate their conformity with these Standards, and certified as such by the competent authorities of the Parties, within:

(a) for restraining trapping methods, three to five years after the entry into force of the Agreement, depending on the testing priorities and availability of testing facilities; and

(b) for killing trapping methods, five years after the entry into force of the Agreement.

4.2.2. In accordance with Article 7 of the Agreement, within three years after the end of the periods referred to in 4.2.1 the use of traps that are not certified in accordance with these Standards must be prohibited by the respective competent authorities of the Parties.

4.2.3. Where a competent authority determines that the results of trap testing do not support the certification of traps for specific species or under specific environmental conditions, a competent authority may continue to permit the use of traps on an interim basis while research continues to identify replacement traps. The competent authority shall give prior notification to the other Parties to the Agreement of the traps to be authorised for interim use and the status of the research programme.

PART III: GUIDELINES

5. GUIDELINES FOR THE TESTING OF TRAPS AND RESEARCH ON THE ONGOING DEVELOPMENT OF TRAPPING METHODS

To ensure accuracy and reliability, and to demonstrate that trapping methods fulfil the requirements set out in the Standards studies for testing those trapping methods should follow the general principles of good experimental practices.

In the event that testing procedures are established under the framework of ISO, the International Organisation for Standardisation, and that such procedures are relevant for the assessment of the conformity of trapping methods with some or all the requirements of the Standards, the ISO procedures shall be used as appropriate.

5.1. General guidelines

5.1.1. Tests should be performed according to comprehensive study protocols.

5.1.2. The functioning of the trap mechanism should be tested.

5.1.3. Testing of traps in the field should be carried out in particular for the assessment of selectivity. This test can also be used to collect data on capture efficiency and user safety.

5.1.4. Restraining traps should be tested in a compound, in particular to evaluate behaviour and physiological parameters. Killing traps should be tested in a compound, in particular to identify unconsciousness.

5.1.5. In the field tests, traps should be checked daily.

5.1.6. The effectiveness of the killing traps to render the target animal unconscious and kill it should be tested on conscious, mobile animals, by laboratory or compound and field measurements. The ability of the trap to strike the target animal at vital locations should be evaluated.

5.1.7. The order of testing procedures may be varied to ensure the most effective evaluation of the traps to be tested.

5.1.8. Traps should not expose the operator to undue hazard under normal use.

5.1.9. If appropriate, a broader range of measures should be checked when testing traps. Field testing should include studies of the effects of trapping on both target and non-target species.

5.2. Study situation

5.2.1. The trap should be set and used according to the best advice from manufacturers or others on how to do so.

5.2.2. For compound testing, a compound should be used that provides a suitable environment for the animals of the target species to move freely, hide and show most normal behaviour. It should be possible to set traps and monitor trapped animals. The trap should be set so that video and sound recording can be made of the whole trapping

episode.

5.2.3. For field testing, sites should be selected that are representative of those that will be used in practice. Since the selectivity of the trap and any possible adverse effects of the trap on non-target species are important reasons for field testing, sites for field testing may need to be chosen in different habitats where different non-target species are likely to be encountered. Pictures of each trap and its set and of the general environment should be taken. The trap identification number should be made a part of the photographic record before and after a strike.

5.3. Study personnel

5.3.1. Test personnel should be appropriately qualified and trained.

5.3.2. Among the test personnel there should be at least one person experienced in the use of the traps, and capable of trapping the animals used in the test and at least one person experienced in each of the methods of welfare assessment for restraining traps and in methods of assessing unconsciousness for killing traps. For example, the assessment of behavioural responses to trapping and of aversiveness should be done in particular by a trained person who is familiar with the interpretation of such data.

5.4. Animals to be used in trap testing

5.4.1. Compound test animals should be in good health and representative of those that are likely to be caught in the wild. The animals used should not have prior trapping experience of the trap being tested.

5.4.2. Prior to the testing of traps, animals should be housed in appropriate conditions and provided with adequate food and water. Animals should not be housed in a manner that might in itself result in poor welfare.

5.4.3. Animals should be acclimatised to the testing compound prior to the start of the test.

5.5. Observations

5.5.1. Behaviour

5.5.1.1. Behavioural observations should be made by a trained person, particularly in reference to the knowledge of the ethology of the species.

5.5.1.2. Aversiveness can be assessed by trapping the animal in a readily recognised situation, then re-exposing the animal to the trap in the appropriate situation and evaluating its behaviour.

5.5.1.3. Care should be taken to distinguish responses to additional stimuli from responses to the trap or the situation.

5.5.2. Physiology

5.5.2.1. Some animals should be fitted with telemetric recorders (e.g., to record heart rate, respiratory rate) before testing. Such fitting should occur long enough before trapping for the animal to recover from any disturbance caused by having been fitted with such recorders.

5.5.2.2. All precautions should be taken to limit inadequate or biased observations and parameters, especially those due to human interference when sampling.

5.5.2.3. When biological sampling (e.g., of blood, urine, saliva) is performed, it should be done at times relevant to the trapping event and the time-dependent considerations of the parameter being evaluated. Control data from animals kept elsewhere in good conditions and for different activities, baseline data before the trapping event occurs, and some reference data after extreme stimulations (e.g., a challenge test with adrenocorticotrophic hormone) should also be collected.

5.5.2.4. All biological samples should be taken and stored according to the best knowledge to ensure conservation before analysis.

5.5.2.5. Analytical methods used should be validated.

5.5.2.6. For killing traps, when neurological examinations using reflexes (such as pain or eyes) are performed in combination with the measurement of an EEG and/or VERs or SERs, they should be done by an expert, to provide relevant information concerning the consciousness of the animal of the effectiveness of the killing technique.

5.5.2.7. When the animals are not unconscious and insensible within the time described in the test protocol, they should be killed in a humane way.

5.5.3. Injuries and pathology

5.5.3.1. Each test animal should be carefully examined so as to assess any injury. Radiographic examination should be conducted to confirm possible fractures.

5.5.3.2. Further detailed pathological examination of dead animals should be carried out. Post-mortem examination should be performed in accordance with accepted veterinary examination practices by an experienced veterinarian.

5.5.3.3. The affected organs or/and regions should be examined macroscopically, and histologically if appropriate.

5.6. Report

5.6.1. The study report should contain all relevant information about the experimental design, materials and methods, and results, in particular:

(a) the technical description of the trap design including construction material;

- (b) manufacturers' instructions for use;
- (c) the description of the test situation;
- (d) weather conditions, in particular temperature and snow depth;
- (e) the test personnel;
- (f) the number of animals and traps tested;
- (g) the total number of captured target and non-target animals of each species, and their relative abundance expressed as rare, common or abundant in that area;
- (h) selectivity;
- (i) details of any evidence that the trap was activated and injured an animal that was not caught;
- (j) behavioural observations;
- (k) values of each physiological parameter measured and methodologies;
- (l) description of injuries and post-mortem examinations;
- (m) time to loss of consciousness and sensibility; and
- (n) statistical analyses.

PART IV: RESEARCH

6. RESEARCH PROGRAMMES TO IMPROVE THE SCOPE OF THE STANDARDS

An appropriate range of measures of the welfare of animals that are trapped must be assessed when testing trapping systems. While such measures, in particular additional behavioural and physiological measures, have not been developed and used for a variety of species, their use in these Standards for the species under consideration will have to be verified by scientific studies carried out to determine baseline levels, ranges of response, and other relevant measures.

6.1. Objectives

The research promoted and encouraged by the Parties pursuant to Article 9 must in particular be aimed at the establishment of baselines and reference data necessary to set thresholds for additional parameters, or to evaluate the relevance of other welfare measurement not included in the present scope of Section 2.3 of these Standards, including a number of behavioural and physiological indicators.

6.2. Species-specific research programmes

To improve scientific knowledge in the field of evaluation of the welfare of trapped animals, each Party shall promote further research for the species listed in the following table to be completed within the defined time-frame following the entry into force of the Agreement.

Species	Party Responsible	Time-frame
<i>Ondatra zibethicus</i>	European Community	3 years
<i>Procyon lotor</i>	Canada	3 years
<i>Martes zibellina</i>	Russia	3 years

6.3. Particular measurements to be studied

6.3.1. The parameters to be studied must, in particular, include:

- (a) behavioural responses after trapping, including vocalisations, extreme panic, delay before return to normal behaviour after release from trap and aversiveness. In aversiveness testing, the extent of avoidance or resistance to close approach to the previously experienced trapping situation must be evaluated; and
- (b) physiological parameters, including heart rate and arrhythmia, and biochemical parameters (blood, urine or saliva measures) as appropriate for the species, including glucocorticoid concentrators, prolactin concentrations, creatine kinase activity, lactate dehydrogenase (and possibly iso-enzyme 5) and Beta Endorphin levels (if assays exist).

6.3.2. The magnitude of response of the physiological parameters will refer to basal and extreme levels and time dependency.

6.3.3. Basal level means the quantity, concentration or rate for that physiological variable when the animal is not disturbed by the environmental conditions. For physiological variables that change over periods of a few seconds or minutes, this basal level should refer to a particular activity, for example lying, standing, walking or running and jumping. Extreme level means close to the maximum or minimum level for such animals. The physiological responses referred to above are likely to be shown by all mammals, but exact basal and extreme levels and the pattern of change between these must be determined for each species tested.

6.3.4. The aspects of measures of physiological responses that indicate poor welfare are whether the measured level is far from the normal level and whether the duration of that altered level is significant.

6.4. Monitoring of the research programmes

The Committee shall monitor and coordinate the research promoted and encouraged by the Parties pursuant to Article 9.

(1) In cases where further tests are necessary to determine if the trapping method meets the standards, additional electroencephalogram (EEG), visual evoked response (VER), and sound evoked response (SER) measurements may be made.

ANNEX II

1. Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Russian Federation, of the other part, done at Brussels on 17 July 1995, entered into force on 1 February 1996.

2. Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, done at Corfu on 24 June 1994.

3. Agreement on Trade and Commercial Relations between the Russian Federation and Canada, entered into force on 29 December 1992.

ANNEX III

THE ARBITRATION BODY

Article 1

The complaining Party shall notify the Committee that it wishes to refer the dispute to arbitration pursuant to Article 15 of the Agreement. The notification must include the subject matter of arbitration and, in particular, the provisions of the Agreement the interpretation or application of which are at issue.

Article 2

1. This Arbitration Body shall comprise three members.

2. In disputes between two Parties, each of the disputing Parties shall appoint an arbitrator. In disputes between more than two Parties, Parties with the same interest shall appoint one arbitrator jointly by agreement. In either case, the two arbitrators so appointed shall appoint by common agreement a third arbitrator as President of the Arbitration Body.

3. The President of the Arbitration Body must not:

- (a) be a national of the disputing Parties to the dispute;
- (b) be affiliated with the disputing Parties; or
- (c) have dealt with the dispute in any other capacity.

4. Any vacancy on the Arbitration Body must be filled in the manner prescribed for an initial appointment.

Article 3

If, within 60 days of the appointment of the arbitrators by the Parties, the President of the Arbitration Body has not been appointed, any Party may request the President of the International Court of Justice to appoint him.

Article 4

1. The Arbitration Body shall make its ruling strictly in accordance with the provisions of the Agreement, international law and standard terms of reference as follows:

‘To determine, in the light of the facts and the relevant provisions of the Agreement (specify here the relevant provisions), whether a Party is in compliance with its obligations under the Agreement, and to issue a ruling to that effect.’

2. The Arbitration Body must satisfy itself that the claim is well-founded in fact and law.

Article 5

1. Unless the Parties to the dispute otherwise agree, the Arbitration Body shall determine its own rules of procedure.
2. The rules of procedure of the Arbitration Body must in any event be in accordance with this Annex, the scope of the Arbitration Body's authority to issue rulings and the principles of procedural fairness in international law and practice.

Article 6

The disputing Parties shall facilitate the work of the Arbitration Body and, in particular, using all means at their disposal, shall:

- (a) provide it with all relevant documents, information and facilities, subject only to domestic legal and administrative requirements; and
- (b) enable it, when necessary, to call witnesses or experts and receive their evidence.

Article 7

The disputing Parties and the arbitrators shall protect the confidentiality of any information they receive in confidence during the arbitration proceedings.

Article 8

The disputing Parties shall bear the costs of the arbitration proceedings, including the arbitrators' honoraries and costs of travel, translation and secretarial services, and other related costs, in equal shares.

Article 9

The Arbitration Body may hear and determine counterclaims arising directly out of the subject matter of the dispute.

Article 10

The Arbitration Body shall make its rulings both on the procedure and the substance of the dispute by a majority vote of the arbitrators. Votes cast shall not be disclosed.

Article 11

1. The Arbitration Body shall issue its ruling no later than 180 days after the date on which the President is appointed.
2. The Arbitration Body may, on a unanimous vote, delay the issuance of its ruling, if the disputing Parties agree.

Article 12

1. The determination and ruling of the Arbitration Body must be accompanied by a written statement setting out the findings and reasons on which they are based.
2. A dispute concerning the interpretation or manner of implementation of the determination and ruling of the Arbitration Body may be submitted by either disputing Party to the Arbitration Body that issued the ruling.

Article 13

A determination and ruling of the Arbitration Body is final, binding on the disputing Parties and may not be appealed.

ANNEX IV

DECLARATIONS OF THE PARTIES

Declaration by the Government of Canada concerning an accelerated phase-out period for conventional steel-jawed leghold restraining traps

In recognition of the objectives of the Agreement on international humane trapping standards (the 'Agreement') and pursuant to Article 7 of the Agreement, Canada declares that:

1. The use of all jaw-type leghold restraining traps will be prohibited in Canada for the following species at the date of entry into force of the Agreement:

Martes americana

Mustela erminea
Castor canadensis
Ondatra zibethicus
Martes pennanti
Taxidea taxus
Lutra canadensis

2. (a) Based on the results of testing already available, the use of conventional steel-jawed leghold restraining traps shall be prohibited for the remaining Canadian species listed in Annex I to the Agreement, as follows:

Canis latrans
Felis rufus
Procyon lotor
Canis lupus
Lynx canadensis

(b) This prohibition shall enter into force by the later of:

(i) the end of the full field-testing season commencing in October 1999; or

(ii) the end of the period necessary for testing and implementation, as defined in subparagraph (c).

(c) The 'period necessary for testing and implementation' referred to in clause 2(b)(ii) is two full field-testing seasons plus one year after the end of the second field-testing season, commencing after the Final Conclusion of the Agreement by the Council of the European Union.

(d) For Canada, a field-testing season (referred to in clause 2(b)(i) and subparagraph 2(c)) runs from 1 October to 31 March.

3. In view of subparagraph 2(b), this declaration shall have effect in the period between the Final Conclusion of the Agreement by the Council of the European Union and the entry into force of the Agreement as long as the Agreement (including, for greater certainty, the annexed Declarations) is applied in accordance with its terms by the European Community.

Declaration by the European Community

The European Community understands that the signature of the Agreement on international humane trapping standards is an important and substantial step forward in ensuring a sufficient level of welfare for trapped animals. The European Community therefore confirms that it will not take any measure implementing Council Regulation (EEC) No 3254/91 during the time reasonably needed for the other Parties to ratify the Agreement and, after ratification, as long as the Agreement remains in force and is applied according to its provisions.