



Notification Number: 2003/445/F

Draft Decree amending Decree No 91-1163 of 12 November 1991 applying the Law of 1 August 1905 on fraud and falsification in the area of products and services to the sale of fur products and similar products.

Date received : 03/12/2003

End of Standstill : 04/03/2004

Issue of comments by : Commission

Message

Message 002

Communication from the Commission - SG(2003) D/52311

Directive 98/34/EC

Translation of the message 001

Notification: 2003/0445/F

Fristerne indledes ikke - Kein Fristbeginn - Καμμία έναρξη προθεσμίας - Does not open the delays - No abre el plazo - N'ouvre pas de délais - Non fa decorrere la mora - Geen termijnbegin - Nao inicia o prazo - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200302311.EN)

1. Structured Information Line

MSG 002 IND 2003 0445 F EN 04-03-2004 03-12-2003 F NOTIF 04-03-2004

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4. Notification Number

2003/0445/F - X00M

5. Title

Draft Decree amending Decree No 91-1163 of 12 November 1991 applying the Law of 1 August 1905 on fraud and falsification in the area of products and services to the sale of fur products and similar products.

6. Products Concerned

Any finely worked product or material made from animal skin prepared by means of a process intended to ensure preservation of the skin while preserving the adjoining hairs.

7. Notification Under Another Act

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8. Main Content

This draft, which implements the Consumer Code (Article L. 214-1), is intended to amend the Decree currently in force for the reasons stated in point 9.

Article 1 of the draft text stipulates that the trade name of products made exclusively from fur must include the name of the animal species used, and Article 2 stipulates that on the label for products made partly from fur, the word "fur" must be followed by the name of the animal species used or replaced by the name of this species.

Keywords: fur; label ; animal species

9. Brief Statement of Grounds

Decree No 91-1163 of 12 November 1991 (which entered into force on 1 May 1992) applying the Law of 1 August 1905 on fraud and falsification in the area of products and services to the sale of fur products and similar products prohibits the sale of any object presented as fur if it is not made from animal skin covered in its hair.

This text specifically demands traders operating in this sector label fur products offered for sale with the name of the animal species used (e.g. rabbit, fox, mink, lemming, possum). This same name must appear in catalogues and publicity material as well as on any invoices or delivery orders sent by professionals.

This text has to be supplemented in order to rectify a loophole. According to Article 4(3), the label on products made exclusively from fur originating from the skin of various animal species must mention each of the species used while in the case of products made only partly from fur, (...) the word "fur" may be followed by the name of the animal species used, or replaced by the name of this animal (Article 5(2)). As a result, under the strict terms of the Decree, it is necessary to indicate the name of the animal species except in the case of a product made exclusively from fur originating from one and the same animal species.

So, beyond the fact that a coat made entirely from rabbit fur can legitimately be offered for sale under the simple name "fur" it appears that the consumer, not having anything material (i.e. a label) bearing the name of the animal species under which the trader has verbally presented him with the product at the time of sale, would not be able to prove, if necessary, that he has been deceived as regards the quality of the merchandise.

10. Reference Documents - Basic Texts



- Consumer Code, particularly Articles L. 214-1, L. 214-2 and L. 215-1;
- Decree No 91-1163 of 12 November 1991 applying the Law of 1 August 1905 on fraud and falsification in the area of products and services to the sale of fur products and similar products;

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

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16. TBT and SPS aspects

TBT and SPS aspects (Agreements drawn up within the framework of the WTO)

TBT aspect (Agreement on technical barriers to trade)

iii) ? The draft does not have any notable impact on international trade.)

SPS aspect (Agreement on sanitary and phytosanitary measures)

b)

i) ? The draft is not a sanitary or phytosanitary measure pursuant to Annex A of the SPS Agreement.

iii) ? The draft does not have any notable impact on international trade.)

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