



## **Fur farming ban in The Netherlands not in violation with the European Convention on Human Rights**

The Hague, December 16, 2016 - According to the Supreme Court, the ban on fur farming (active from January 1st, 2024), is not in breach of the European Convention on Human Rights. There is a fair balance between the protection of the fundamental rights of the fur farmers and the public interest served by the law. Therefore the Supreme Court decided to maintain the earlier ruling of the court.

In 2013 a law was passed banning fur farming from January 1, 2024. This law affects the mink farmers in their business. The government assumes that the fur farmers have enough time for a return of investment during the transition period. The fur farmers disagree: according to them the ban restricts expansion during the transition period and therefore the transition period is not a reasonable compensation.

The fur farmers therefore want the ban to no longer exist. They rely on the protection of property in Article 1 of the First Protocol to the European Convention on Human Rights. Their claims have been rejected ( [ECLI: NL: GHDHA: 2015: 3025](#) ) by the court in The Hague.

During the cassation proceedings the Supreme Court addresses the question whether Article 1 of the First Protocol also provides protection against loss of future revenue. That's according to the Supreme Court - in accordance with the opinion of the Advocate-General - not the case. The court may, according to Article 94 of the Constitution suspend the ban if it is contrary to a binding treaty. The European Convention on Human Rights Rights protects only existing property rights, and not the ability to acquire property in the future.

The ban contains regulations which regulate the existing property rights of the fur farmers. That, according to Article 1 of the First Protocol, is allowed if there is a fair balance between the protection of the fundamental rights of the fur farmers and the public interest served by the law. The Supreme Court maintains the judgment of the court of The Hague that in this case there is a fair balance.

The Supreme Court, unlike the Advocate-General, agrees with the court in The Hague that the fur farmers can get a return of investment during the transition period. This judgment of the court becomes final.

The verdict (in Dutch):

<https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:HR:2016:2888>  
<https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Hoge-Raad-der-Nederlanden/Nieuws/Paginas/Wet-afschaffing-nertsenhouderij-niet-in-strijd-met-het-mensenrechtenverdrag.aspx>