



THE USE OF POSITIVE LISTS TO IDENTIFY EXOTIC SPECIES SUITABLE TO BE KEPT AS PETS IN THE EU

SUMMARY

Introduction

The keeping of a ‘companion animal’ or ‘pet’ should enhance both the welfare of the animal and the keeper and should not be problematic for or represent a threat to the wider community or the environment.

Many exotic (wild) species are traded as ‘pets’ are demonstrably unsuited to a captive life in the care of people who do not have the requisite expertise.

The import, breeding, trade in and care of exotic animals as pets represents a threat to consumers, the environment and the welfare of the animals involved. Independent scientific evidence demonstrates that the industry is detrimental to public health and animal welfare, and may additionally be harmful to species conservation and the wider ecology.

Restricting the types of species kept as pets by way of a positive list (or approved/white list) of more suitable species would significantly reduce these problems and represents the most efficient, cost-effective, humane and publicly acceptable solution. In particular, such a regulatory process would help address the threat posed by the impact of invasive alien species.

A positive list of species that could be kept by private individuals would be based on independent, objective and scientifically based criteria. Any species not on this list would be prohibited from trade and private ownership. Belgium, The Netherlands and Greece have all chosen to establish a positive list of species suitable to be kept as pets.

Issues Relating to Wild Pets in the EU

Public health: Around 75% of emerging human diseases are zoonotic (transmissible from animals to humans) and these are significantly associated with wild or exotic pets. A survey of 1,410 human diseases found 61% to be of potentially zoonotic origin. There are at least 70 human diseases attributable to captive wildlife and pets. Some of these diseases are also a potential threat to agricultural animals.

Animal welfare: activities such as wild capture, breeding and the keeping of wild pets in the home account for an annual mortality rate estimated at over 80%. Furthermore up to 75% reptiles kept as pets have been found to die within one year in the home.

Environmental impacts: the impact of invasive alien species alone are thought to cost the US over 120 billion dollars annually, and in the EU 13.5 billion Euro annually – although in the order of 13% of species have been assessed. Much of this cost is attributable to released or escaped imported wild-caught or captive-bred exotic pets. There is also a broader environmental cost associated with biodiversity loss and its role in global economics.

Positive vs. Negative Lists

As a rule, the burden of proof is on industry to demonstrate, in advance, that its proposed practices and products are safe. In other words they do not have an unacceptable, negative impact on the public, animals and the environment. The cost of ensuring that a product or service is non-detrimental before it can be brought to market, is integral to its development. This safety-conscious and problem-preventative approach, commonly under-pinned by statutory obligations, applies to most industries. However, the exotic pet industry seems to be a bizarre exception. The introduction of a positive list approach would ensure that the ‘burden of proof’ rests with exotic pet traders to ensure that species sold do not pose a risk to the public, nor threaten the environment or the animals themselves.

Eighteen Member States have so far chosen to adopt negative lists i.e. those that identify prohibited rather than permitted species, usually for health and safety reasons or to underpin restrictions on international trade for conservation purposes. However, the trade in the majority of species, which do not appear on any negative lists, is conducted without restrictions until or unless a sufficient body of evidence is produced which causes additional

controls being implemented. Negative lists may be exhaustively long and require regular revisions as new species are exploited for the pet trade.

A positive list, which involves a concise list of permitted species, is therefore preferable as it represents a more manageable, proportionate and effective regulatory process and a less bureaucratic burden on enforcement authorities.

International support for change

The following key European non-governmental organisations (NGOs) have indicated their support for the introduction of a positive list system by the European Union: ENDCAP (an umbrella organisation for 24 NGOs in 18 European countries); Eurogroup for Animals (an umbrella organisation for 40 NGOs in 23 countries); Federation of Veterinarians of Europe (an umbrella organisation for over 40 professional veterinary organisations in 38 countries).

Positive list in Belgium – an EU ‘case study’

In 2001, the Belgian government adopted a positive list for mammals comprising forty-two species. The criteria for admitting a species onto the positive list included: that the animal must be easy to keep in respect of its biological needs; it must not be a physical or other public health hazard; it must not be a threat to indigenous fauna if it escapes or is released; high quality data concerning the care of the species in captivity must be available ; and where there is doubt as to the suitability of species as a ‘pet’, the benefit of doubt must be given to the animal – i.e. it cannot be included on the positive list and thus cannot be sold or kept. A person must also prove they have the knowledge to care for the animal as well as the necessary equipment. Assessments are made on a scientific basis.

Despite being challenged several times in court on different grounds (including restricting trade, legitimacy of public interest, and effectiveness compared with the negative list principle, amongst other issues) the positive list system was found to meet all the key criteria necessary to conform to wider legal requirements.

Perhaps very significantly, the positive list was also found to offer valuable protections that a negative list might not provide. Following its implementation, the positive list has been shown to dramatically reduce or eliminate illegal trade in wildlife, impulse purchases of

exotic pets, and unwanted animals entering shelters. The positive list system has also garnered support from the Belgian public who assist the government by reporting prohibited species in trade.

Positive list proposal in The Netherlands

The Netherlands government is considering the introduction of a positive list for wild pets under the Dutch Health and Welfare Act for Animals. Government-funded research at the Wageningen Centre for Animal Welfare and Adaptation has demonstrated that objective modeling can be used to identify species that are or are not suitable as pets – a finding of ‘suitable’ would allow inclusion of a particular species on the Dutch positive list.

Conclusion

The adoption of the positive list system is urgently needed in the interests of public health, animal health and welfare, environmental as well as species conservation and ecological protection, and economic prudence. It is also key to a modern, proportionate, sustainable and humane approach to wildlife trade within Europe and beyond.

Citations and further reading

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Document compiled by the Animal Protection Agency (UK), a Member organisation of ENDCAP*

* Endcap is a pan-European coalition of 24 animal welfare NGOs and wildlife professionals from 16 countries whose members specialise in the welfare and protection of wild animals in captivity.