

A close-up photograph of a lizard, likely a spiny-tailed lizard, with vibrant blue and green scales. The lizard is perched on a brown wooden branch. The background is a soft, out-of-focus green, suggesting a natural habitat.

**IT'S
TIME
TO
THINK
'POSITIVE'!**

A call for UK governments to adopt 'positive' lists (approved lists) of species suitable as pets

The keeping of a companion animal or pet should enhance both the welfare of the animal and the keeper, and should not be detrimental to the wider community or the environment. However, many species traded as exotic* pets are unsuited to a captive life in close proximity to people. Evidence also shows that the exotic pet trade often has detrimental impacts on the environment and human health.

Across Europe and beyond, there is growing interest in the 'positive list' approach as a better way to regulate the exotic pet trade. Several countries, including Belgium and the Netherlands have already adopted 'positive lists' and many others are looking to follow their example.



*For the purposes of this document, the term 'exotic' is defined as non-native or non-domesticated.



WHAT IS A POSITIVE LIST?

‘Positive lists’ are evidence-based regulations that permit the sale and keeping of only those species that are suitable to keep in the home, and that do not pose a disproportionate risk to people or the environment. All other species are prohibited from sale or keeping, or may only be kept with a special permit (by those who can demonstrate that they have specialist facilities or expertise).



Transitional provisions ensure that existing pets belonging to species not included on positive lists can be kept until they die, provided that they are not bred from or traded. Species can be added or removed from a positive list when new evidence emerges of their suitability, or otherwise, as pets.

The positive list approach has already received support from the European Court of Justice (Andibel ruling, 19 June 2008; see below) and also from the Federation of Veterinarians of Europe.¹



WHY DO WE NEED POSITIVE LISTS IN THE UK?

ANIMAL WELFARE

Across the devolved administrations of the UK, there are very few legal restrictions on the types of animals that can be kept as pets and with over 4,000 species in the international pet trade² consumers have an enormous diversity from which to choose. For most exotic species, very little knowledge exists about their biology and behaviour, and therefore their basic care. For a few species, good quality information is available but only in the form of scientific texts that are largely inaccessible to the general public. There is also an abundance of trade-led misinformation regarding the biological needs, suitability and level of commitment involved in keeping wild animals in the home.

In the UK, approximately 700,000 reptiles are kept as pets³ and an unknown, but probably significantly smaller number of amphibians. The UK population of parrots and other pet birds also stands at 700,000 – not including birds in outside aviaries.³ The number of exotic mammals is unknown although it is estimated that there are up to 5,000 primates currently in private ownership.⁴

As a result of both poor abilities of animals to adapt to captivity and poor captive husbandry expertise amongst private keepers, breeders and businesses, premature mortality rates for exotic pets are high. A study in 2012 showed that at least 75% of reptiles in UK homes died within their first year.⁵

Under UK animal welfare legislation, there is a duty of care for animal keepers to meet the five animal welfare needs:

- The need for a suitable environment
- The need for a suitable diet
- The need to be able to exhibit normal behaviour patterns
- The need to be housed with, or apart from, other animals
- The need to be protected from pain, suffering, injury and disease

Providing spacious, naturalistic and sufficiently stimulating environments for wild animals in ordinary domestic homes can be very challenging and, for many species, impossible. Furthermore, species with complex biological and behavioural requirements are frequently mis-marketed by the pet trade as ‘easy to keep’. Many unsuspecting consumers are soon afterwards rendered unable to cope, reducing even further any hope of them being able to meet the requirements of animal protection laws. To compound matters further, keepers are often unable to recognise signs of stress and disease in their exotic pets

An additional concern is that animals may be procured by methods that cause suffering and high mortality, such as in the case of wild-trapped animals or species that are intensively bred for the pet trade. The mortality rate for wild marine ornamental fish before they reach final point of sale is 80%;⁶ industry standard mortality rate at wholesalers for invertebrates, amphibians, reptiles and mammals is approximately 70% over a six-week period.⁷



ENVIRONMENT AND SPECIES CONSERVATION

The capture of animals for the pet trade is regularly cited as a major cause of species decline and a significant factor driving biodiversity loss. The harvesting of wild animals is known to deplete native populations by up to 70%.⁸



Non-native species that are accidentally or deliberately released by pet owners can become invasive and threaten native species with extinction. For example, the American bullfrog (*Lithobates catesbeianus*) was introduced to the UK via the pet trade⁹ and has now been prohibited from trade by the EU Regulation on Invasive Alien Species¹⁰ due to its potential adverse effects on native frogs, toads and newts.⁹ Furthermore, diseases carried by pet animals can infect wildlife, sometimes with devastating consequences. For example the amphibian pet trade has provided a pathway for the spread of chytrid fungus,¹¹ which is depleting amphibian populations around the world and is a major contributory factor to the current global amphibian extinction crisis.¹²

“SOME SPECIES ARE COMPLETELY UNSUITABLE FOR BEING KEPT BY THE GENERAL PUBLIC. THE ESTABLISHMENT OF POSITIVE LISTS IN EUROPEAN COUNTRIES REPRESENTS A MANAGEABLE, PROPORTIONATE AND EFFECTIVE REGULATORY PROCESS.”

Christophe Buhot, Former President of the Federation of Veterinarians of Europe

HUMAN HEALTH

Exotic pets can pose health and safety risks to their keepers and to the wider public, either by inflicting injuries or transmitting diseases.^{13,14} Animals such as certain primates, big cats, wolves and venomous reptiles require a licence to be kept as pets,^{15,16} and this is intended to ensure that the animals are kept securely. However, not all dangerous wild animals require a licence, for example, large constrictor snakes, which are capable of causing serious injury or death to children and adults.

Also of great concern are zoonotic (animal-to-human) diseases. Around 70 zoonoses are associated with captive wild animals, including campylobacteriosis, allergic alveolitis, lymphocytic choriomeningitis virus, bartonellosis, Q-fever, mycobacteriosis, western encephalitis, avian influenza, and dermatophytosis.¹⁴ Whilst data on prevalence and risk for most of these diseases are unclear, some are well understood. For example, reptile related salmonellosis (RRS), which is a food-poisoning-like illness associated with pet reptiles.



There are around 5,600-6,000 cases of RRS in the UK each year⁵ and a 2015 study in South West England found that 27% of children under five hospitalised with salmonella infections contracted the disease from pet reptiles.¹⁷ Vulnerable groups such as children under five, pregnant women, the elderly and those who are immunocompromised are particularly at risk and are the subject of government health warnings in relation to reptile-keeping.¹⁸

CONSUMER PROTECTION

The exotic pet industry does not conform to the precautionary safeguards demanded for other industry sectors. For example, businesses producing consumer goods must adhere to product safety laws. Particular care must be taken with products of appreciable risk such as certain toys, fireworks, foods and medicines. However, no such precautionary legislation exists for live animals sold as pets.

It is perhaps ironic that under UK legislation, commercial sellers of pet animals need to be suitably trained (albeit rather minimally) and the premises from which the animals are sold have to be inspected but no systems are in place to check whether the animals sold are themselves suitable to keep in the home.

The figure below shows how a child's soft conforms to standards required by safety legislation whereas a live animal does not.



POSITIVE VERSUS NEGATIVE LISTS

Most countries currently operate a system of negative lists for pet selling and keeping, i.e. those that identify prohibited rather than permitted species (usually for human health and safety reasons or to underpin restrictions on international trade for conservation purposes). In the UK, there are bans on keeping certain invasive alien species and particular dog breeds that have been deemed dangerous.

Under a negative list system, 'restrictions are usually only introduced if and when extensive research is undertaken to demonstrate that trade in a certain species has caused harm. Destructive trade practices are therefore allowed to get a 'head start' on monitoring and enforcement. For instance, under the negative list system, species previously unknown to science have appeared in the pet trade.^{19,20}

The reactive approach of negative lists, therefore, involves considerable time lags and any protective action may be too late to prevent damage being done. To compound matters further, reactive rather than proactive systems are more likely to cause regulators and enforcers to be overwhelmed while evaluating relevant information, contributing to the systematic inertia. Negative lists may also be exhaustively long and require regular additions as constantly shifting market trends mean that ever more diverse species appear in the pet trade.

In contrast, a positive list, which is proactive and precautionary in nature, prevents emergent problems. As well as being more effective as a means of control, positive lists also require less regulatory bureaucracy and therefore lessen the burden on the public purse. Also, the concise nature of positive lists means greater clarity for enforcers, pet keepers and the public.





BELGIAN CASE STUDY

In 2001, Belgium became the first EU country to adopt a positive list, which comprises 42 mammalian species. The Belgian positive list is based on the following criteria:

- **ANIMAL WELFARE:** Animals must be easy to keep with regard to their fundamental physiological, behavioural and ecological needs
- **ENVIRONMENT:** No species should be listed for which there are clear indications that if it escaped it would survive in nature and consequently pose an ecological risk
- **HUMAN HEALTH:** Animals should not be aggressive by nature and/or dangerous, or pose any other particular risk to human health
- **HUSBANDRY:** Bibliographic information must be available concerning the keeping of the animals
- **NO DOUBT:** Where data is contradictory, the benefit of the doubt should be given to the animals and it should not be listed

A few years after its introduction, the Belgian positive list was subjected to legal challenge on the grounds that it hindered trade between EU Member States. In June 2008, the European Court of Justice ruled that the Belgian positive list was not in violation of EU free trade regulations as long as it was based on objective and non-

discriminatory criteria and a procedure was in place for parties to request the inclusion of species on the list.²¹

In 2016, Eurogroup for Animals (a pan-European umbrella animal advocacy organisation) carried out an assessment to evaluate the effectiveness of the Belgian positive list. Their findings corroborated government conclusions that the introduction of the positive list had been successful. Over a 6-year period, only 129 exotic mammals belonging to 29 unlisted species had been recorded as confiscated or rescued. Online trade in prohibited species was also found to be minimal and, in comparison to data obtained from other European countries, it was clear that exotic mammal trade overall had reduced. The high level of public awareness and familiarity with the positive list had assisted with compliance and enforcement.²²

“THIS KIND OF LEGISLATION REALLY WORKS. THE BELGIAN EXPERIENCE HAS SHOWN THAT THE INTRODUCTION OF A POSITIVE LIST LEADS TO A CLEAR DIMINISHING OF THE NUMBER OF ANIMALS OF NON-LISTED SPECIES ENDING UP IN SHELTERS OR RESCUE CENTRES. THERE IS VERY STRONG SUPPORT FROM THE GENERAL PUBLIC FOR THIS LEGISLATION, LEADING TO STRICT SOCIAL CONTROL. THIS IN TURN GUARANTEES EFFICIENT ENFORCEMENT WITHOUT A NEED FOR EXTRA INVESTMENT ON THE PART OF PUBLIC SERVICES.”

Laurette Onkelinx, Former Minister of Public Health, Belgium

FREQUENTLY ASKED QUESTIONS

Q. WHY DO WE NEED POSITIVE LISTS WHEN WE ALREADY HAVE SYSTEMS SUCH AS THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES (CITES)?

A. Systems for ‘controlling’ trade, such as CITES, involve negative lists of endangered species under which species are listed only for sustainability and species conservation purposes. Many of the species involved in the exotic pet trade, however, are not known to be endangered and therefore are not covered by the Convention. Additionally, considerations such as animal welfare, public health and safety or invasiveness are not encompassed by CITES.

Even after its inclusion on a CITES appendix - a process which can take years or even decades at high public cost - a ‘protected’ species often continues to be exploited by smugglers who use the great diversity of species in trade to mask their activities (e.g. evading enforcement by mis-describing species). Also, traders often turn to lookalike species and restart the process of harm all over again. In contrast, positive lists place a burden of proof on prospective traders and keepers, making it extremely difficult to circumvent protections.

Q. POSITIVE LISTS RESTRICT SPECIES THAT CAN BE TRADED AND KEPT - WHAT HAPPENS TO THOSE ANIMALS ALREADY IN CIRCULATION AND IN HOMES?

A. Positive lists carry ‘grandfather provisions’, which allow all animals currently in circulation or homes to be kept until they die. Animals must be registered to prevent covert fuelling of trade or unrestricted breeding.

Q. THE VAST MAJORITY OF ANIMALS ARE LEGALLY TRADED, SO WHAT IS THE PROBLEM?

A. Although much of the trade is legal this does not mean it is ethical, or safe for people and the environment. Furthermore, it is estimated that 25% of the global exotic pet trade is illegal,²³ with key supply sectors (for example for the amphibian and reptile industry) involving 44% of illegal trade.²⁴ A positive list would make enforcement more straightforward and workable.

Q. WHY NOT EDUCATE PEOPLE ABOUT THE ISSUES RATHER THAN INTRODUCE POSITIVE LISTS?

A. Detailed species-specific information is required in order to educate the public on exotic animal husbandry to a reasonable level. However this is simply not possible or practicable for the approximately 4,000 species in trade.² Furthermore research has shown that consumers are not dissuaded from buying exotic pets even when they are forewarned about the negative animal welfare or conservation implications.²⁵



THE FUTURE: POSITIVE LISTS IN THE UK



In the UK alone, tens of millions of exotic pets annually face stress, disease and premature death from unnatural causes. This unacceptable and disturbing situation arises because a great diversity of wild animals are traded and kept without intelligent controls on their suitability as pets. The exotic pet trade, which has for decades been out of control, continues to evade responsible measures that are normal for other industries. The current situation is unsustainable and must change - and the most proportionate, transparent, enforceable and economical way forward is the 'positive list'.

Positive lists for pets would also help to safeguard the environment, improve species conservation efforts and protect consumers. It is vital that, post-Brexit, the UK keeps pace with the rest of Europe in adopting key progressive measures such as the positive list – the British public will expect and deserve no less.



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The Animal Protection Agency

The Animal Protection Agency (APA) is a science-based organisation focussed on all aspects of exotic pet trading and keeping, including animal welfare, species conservation, ecology, and public health and safety.

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