



JOINT RESPONSE* FROM

the European Pet Organisation (EPO), the Netherlands

and

Ornamental Fish International (OFI), the Netherlands

in relation to the *Plotosus lineatus* (Striped eel catfish) Risk Assessment (RA)

*** This response is endorsed by the Sustainable Users Network (SUN), United Kingdom.**

October 2018

Summary of response

Our response is two-fold in relation to both Risk Assessment (Part A) and Risk Management (Part B).

In relation to the revised risk assessment (RA) for *Plotosus lineatus* (Striped eel catfish), we thank the RA authors for considering our comments to the first version.

We subsequently consider that the revised RA is both robust and fit-for-purpose.

Our response in relation to Risk Management comprises three sections:

Socio-economic costs, Negative consequences (of an EU wide trade ban) and Restricted Distribution of *Plotosus lineatus* (to the Mediterranean bioregion).

We do not consider that an EU wide ban is the proportionate response but rather, that a regional listing approach should be taken along with bolstering measures such as FAO-EastMed and the Barcelona Convention to tackle the priority pathway of transmission for this species i.e. the Suez Canal given it is a Lessepsian migrant.

Our industry is increasingly concerned with the current, continued approach of EU wide trade bans being adopted as a 'universal panacea'. Further, that by prohibiting the legal and legitimate trade in this species, albeit low, in those Member States where the invasive risk is low, it will create a monopoly in illegal and illicit activity across the entire EU. This especially so given that there are currently no effective enforcement regimes in relation to the IAS Regulation. We therefore outline our rationale in our Part B, as to why we consider a regional listing approach to be wholly justifiable and workable.

Further information in relation to the EPO, OFI and SUN is provided in Annexes 1 to 3.

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Part A – Risk Assessment

In relation to the revised Risk Assessment for *Plotosus lineatus*, we wish to thank the authors of this Risk Assessment (RA) for their consideration of our comments to the first version.

We are particularly grateful to them for their consideration of and subsequent revisions in relation to our comments pertaining to consideration of the Suez Canal as the priority pathway of introduction and the removal of reference to CITES as a mechanism for listing of IAS.

Following the revisions made by the RA authors, we have no comments in relation to the revised RA, given that we consider it to be robust and fit-for-purpose in terms of assessment of the risk to the Mediterranean bioregion.

Part B – Risk Management

Socio-economic costs to the ornamental aquatic industry

We have previously provided information on the estimated trade in *Plotosus lineatus* by the ornamental aquatic industry, advising that this is low within Europe. This species is rarely traded within the EU as the majority of EU traders do not deal with this species. Additional information gained by OFI, support this assertion, with one trader in Sweden reporting that just 12 individuals were sold

within the last 12 months. *Plotosus lineatus* is generally considered to be an unsuitable species for domestic aquaria due to the large size that it attains, that adults are aggressive and that it is venomous. It is therefore not a popular species within the hobbyist community and would generally only be sold to committed hobbyists who have the required type of marine aquaria that can provide duration of life care. It is also sold to research institutions and public aquaria.

Whilst we acknowledge that an EU wide trade ban would have no real detrimental socio-economic impact on our industry as a whole, on principal we are opposed to such an approach being adopted, given that this species would only have the capacity for a restricted distribution in the EU, given that it is a tropical species. It would therefore be unlikely to survive in the colder waters of the Atlantic marine region in comparison to the Mediterranean marine region and given the potential number of propagules entering via natural dispersal due to Lessepsian migration.

Restricted Distribution of Plotosus lineatus

In support of our opinion that a regional listing approach should be adopted in relation to *Plotosus lineatus*, we provide information on the documented distribution of this species as appears on the World Register of Marine Species as below:

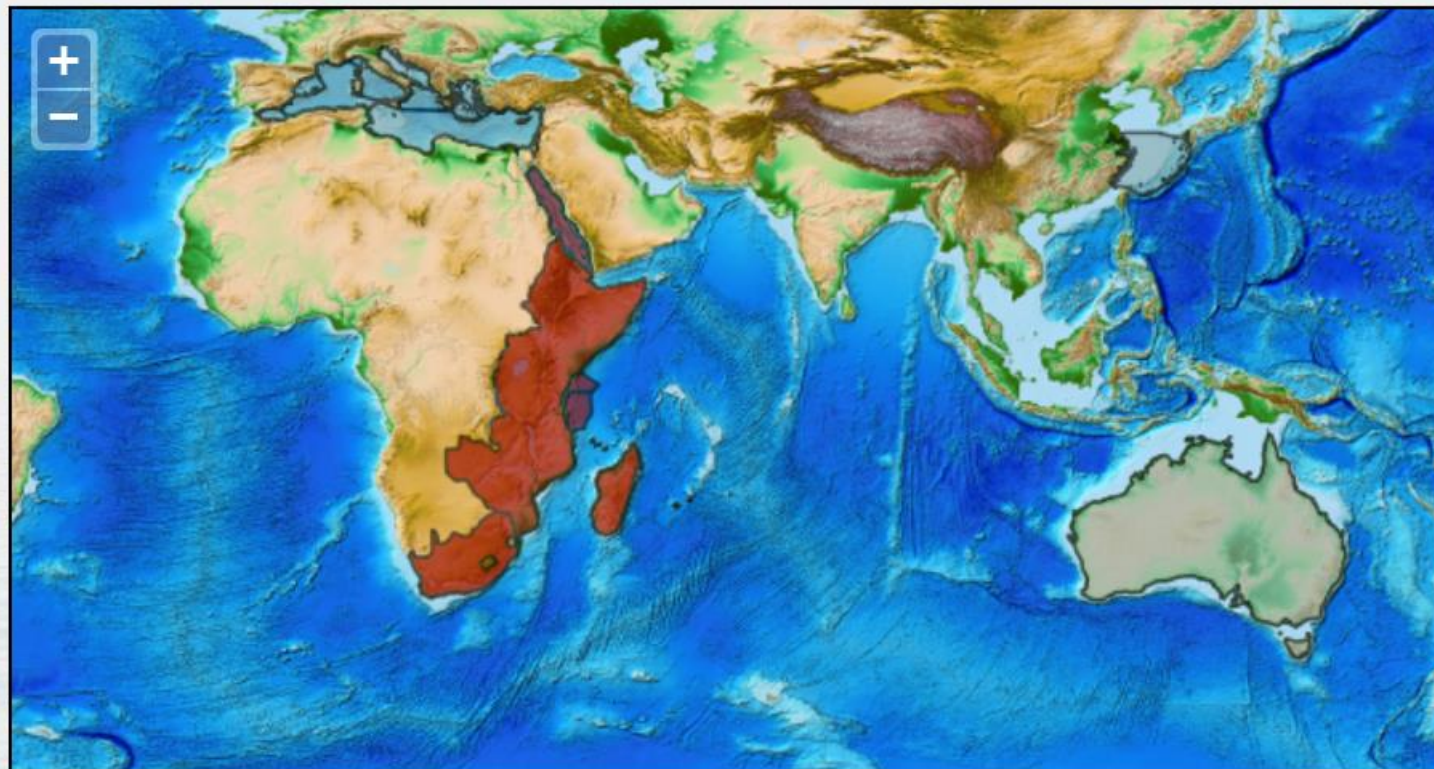


Figure 1: Map of documented distribution of *Plotosus lineatus*.

Source: World Register of Marine Species [Online].

Available at:

<http://www.marinespecies.org/aphia.php?p=taxdetails&id=217659#distributions> (Accessed on 28 September 2018).

According to the World Register of Marine Species, the documented distribution of *Plotosus lineatus* is given as:

● Present ● Inaccurate ● Introduced: alien ● Containing type locality

Australia, Eastern China Sea, Israel, Mediterranean Sea – Eastern Basin, Tanzania, Comores, Federal Republic of Somalia, Indian Ocean, Kenya, Madagascar, Mediterranean Sea, Mozambique, Red Sea, Republic of Mauritius, Seychelles and South Africa.

In our previous response to the first version of the RA, we also presented sea temperature data as sourced from NASA and as repeated below:

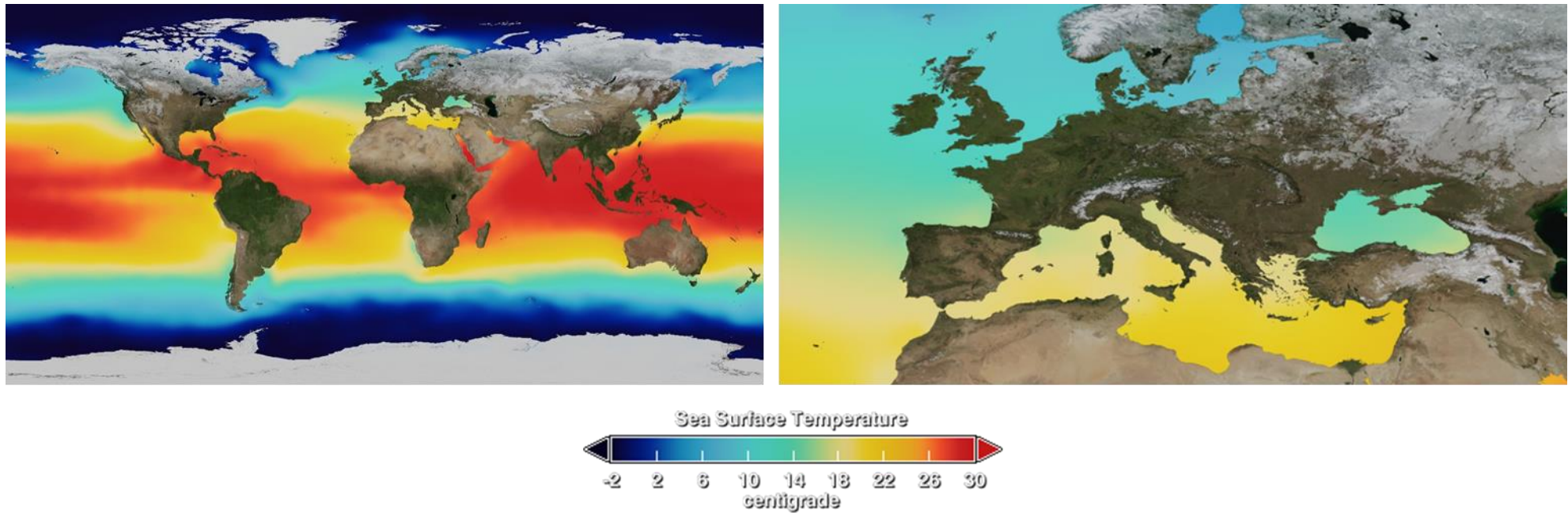


Figure 2: NASA global map of average sea surface temperatures (left) with inset map of Europe (right).

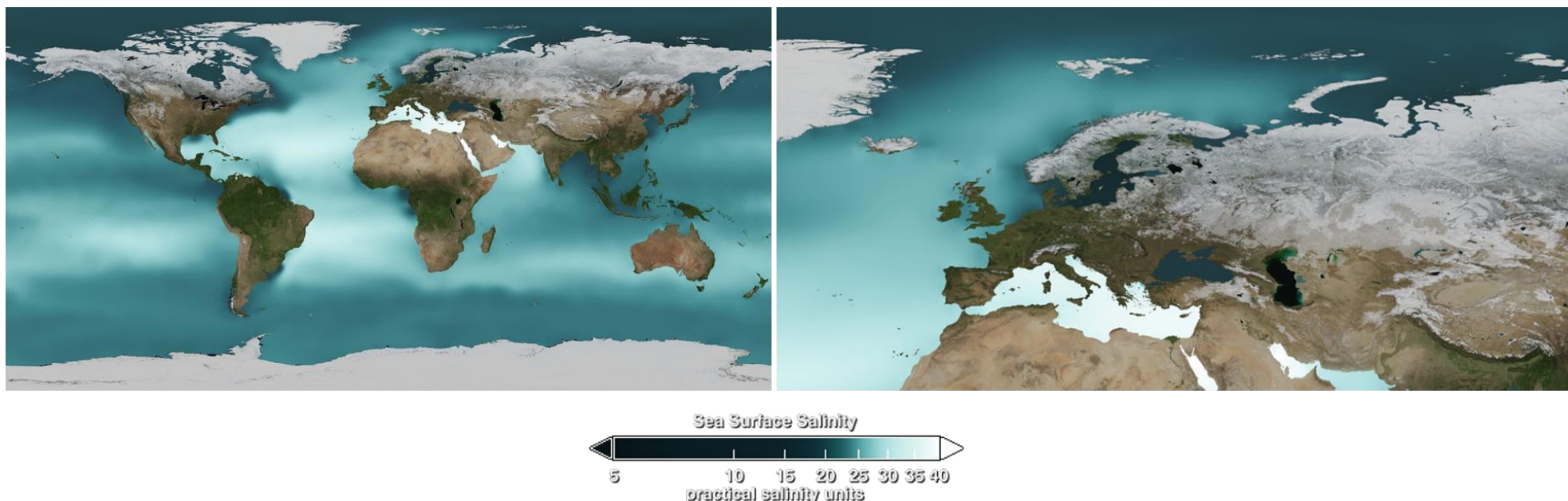


Figure 3: NASA global map of average sea surface salinity (left) with inset map of Europe (right)

Map source: NASA/Goddard Space Flight Centre Scientific Visualization Studio The Blue Marble Next Generation data is courtesy of Reto Stockli (NASA/GSFC) and NASA's Earth Observatory. Available online at: <https://svs.gsfc.nasa.gov/3652> [Accessed on 15 May 2018]

In their summary of establishment, the RA authors state that the thermal requirements for *Plotosus lineatus* would be met "throughout the Mediterranean Sea, the Black Sea and a limited area in the Bay of Biscay". Froese and Pauly (2018) consider that this species is tropical, with a preferred temperature range of 24.5 to 29.1°C. Therefore, based on the temperature range of this species and the RA authors summary of establishment, this species would appear to have a restricted distribution and would not be able to survive in the waters surrounding the more northerly Member States i.e. those in the Atlantic marine region.

Negative consequences of an EU wide listing

In terms of the negative consequences of an EU wide trade ban on this species, these are discussed in terms of the concerns that our industry has in relation to the continued approach of the European Commission implementing EU wide trade bans on IAS which have a demonstrable restricted distribution. In such instances, it is our belief that a regional listing approach is the more proportionate response that should be taken.

The Striped eel catfish (*Plotosus lineatus*) is a known Lessepsian migrant and therefore the priority pathway of transmission is via the Suez Canal. Pursuant to paragraph 21 of EU Regulation No. 1143/2014, it is "*crucial to manage the pathways of unintentional introduction more effectively*", we therefore strongly believe that in relation to this species, that the resources in implementing an EU wide ban would be better served in bolstering those measures which may be available to better manage such pathways e.g. the FAO-EastMed project (as described by Lefkatidou, 2016) and the Barcelona Convention. It is also acknowledged by the authors of the risk assessment in their summary of entry that the "*likelihood of entry through aquarium related pathways is not very high*" which would further provide support as to why a regional listing approach, permitting (legal and legitimate) trade in those Member States in the Atlantic bioregion is wholly justified.

However, we acknowledge that should a regional listing approach be taken and given free trade within the EU, there must be risk mitigation measures in place. Such measures must ensure that any such permitted trade in those Member States where the invasive risk is low i.e. Atlantic bioregion, protects those Member States where this species has the capability to exceed the critical threshold whereby the invasive risk must no longer be tolerated i.e. the Mediterranean bioregion. In terms of alternative species to the ornamental trade, there are none, given that it is the only marine catfish in trade. As with most marine ornamental species, due to their complex breeding cycles, most marine ornamental fish are wild caught rather than captive bred. In relation to this species, to the best of our knowledge, we are not aware of this species being bred in captivity for the ornamental aquatic trade. They are typically sourced from supply chains in the species native range i.e. the Indo-Pacific, from countries such as Sri Lanka, Kenya, Indonesia and the Philippines. We would therefore consider the likelihood that it is being bred in domestic aquaria as being extremely low/negligible.

Given that this species is sold, albeit in low numbers, to a variety of end users e.g. research institutions, public aquaria and committed hobbyists (rather than novice keepers) and that it would appear to have a restricted distribution i.e. unlikely to establish in the Atlantic marine region, we believe that it is entirely justifiable for a regional listing approach to be taken. Given that there are a limited number of traders within the EU selling this species, we consider that it would be workable to implement a licensing electronic system whereby those traders falling within the Atlantic bioregion would apply for a permit to sell these species (in accordance with Article 8 of EU Regulation No. 1143/2014). In order to account for any potential e-commerce trade in this species,

we consider that it would be prudent to place obligations on those who would be permitted to trade in this species. Such obligations could include, but are not limited to, providing undertakings that they will not export/sell to any Member State falling within the 'endangered area' i.e. the Mediterranean bioregion, that they will only be sold to 'contained holdings' defined under Article 3(9) of EU Regulation No. 1143/2014 as "*closed facilities from which escape or spread is not possible*" and where measures are in place (as much as is possible) to prevent entrainment/impingement. Further, that point of sale information must be provided stating that this species poses an invasive risk to the Mediterranean region and promoting the 'No Release' message and advising that this species should not be exchanged unless it is going from one contained holding to another. It is accepted, of course, that should a regional listing approach be taken and trade permitted in Member States within the Atlantic bioregion, our industry must be made aware of the consequences of any infringement of permitted trading. Such consequences could be penalties as provided under Article 30 of the EU Regulation No. 1143/2014 i.e. fines and/or the immediate suspension or withdrawal of a permit. We also consider that it would be prudent for such permitted trade to be regularly reviewed, which could be on the same basis as the List of European Union concern i.e. every 6 years.

Our concerns on the negative consequences of an EU wide trade ban centre on the fact that without a current enforcement regime for the EU IAS Regulation in most, if not all, Member States, any cessation in the legal and legitimate trade would simply serve to create a monopoly for illegal and illicit activity. Such negative consequences have been noted in relation to trade bans made under CITES and as noted by Weber *et al.* (2015) that "*in reality bans are complicated, often ineffective and not a universal panacea*". Further that "*..illegal (wildlife) trade is a monopoly protected from competition...In addition, there is often a lack of sufficient detection, enforcement or repercussions for violating the trade ban*" (Weber *et al.*, 2015). We consider that such observations are equally as applicable to EU wide trade bans made under the IAS Regulation. As we have observed already for some species which have a restricted distribution but have been placed under an EU wide trade ban e.g. *Eichhornia crassipes*, the trade in this species has not stopped (other than legal and legitimate trade). Rather they are now commanding premium prices on online auction platforms and social media platforms such as closed Facebook groups. We believe that it must be noted that trade bans simply serve to stop the legal and legitimate trade but do not stop the trade i.e. illegal and illicit activity. Introducing EU-wide trade bans for species which would have a restricted distribution in the EU, coupled with the fact that, in our opinion, the current IAS Regulation is effectively a "dead letter" i.e. "*laws that exist but are not implemented*" (Sampario and Ostrensky, 2013) is serving to create a 'perfect storm'. The current lack of IAS enforcement both across the entire EU and within individual Member States and given the difficulty in enforcing IAS Regulation in any case is only serving to encourage illegal and illicit activity amongst those so inclined. Such activity takes advantage of the fact that competition from the legal and legitimate trade has effectively been removed thus creating a monopoly. The continued approach of deploying EU wide trade bans as a 'universal panacea' where there is clear evidence of a species restricted distribution (and thus regional listing) and the lack of enforcement is directly resulting in disengagement and falling support from those legitimate businesses who are suffering both reputationally and competitively.

If *Plotosus lineatus* is placed under an EU wide trade ban, we warn that it is highly likely that occurrences of illegal and illicit activity would rise and that there is a very real risk that the likelihood of intentional releases would increase, if the value of this species increases on the black market as has occurred for other species. Based on the information that we have provided therein, that this species is principally a Lessepsian migrant and that it would appear to have a restricted distribution, we ask the IAS Scientific Forum and the European Commission to consider adopting a regional listing approach to allow the continued legal and legitimate trade in this species within the Atlantic bioregion, subject to permits including the necessary obligations and penalties.

References

EU Regulation No. 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species. [Online]. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1417443504720&uri=CELEX:32014R1143> (Accessed on 28 September 2018).

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Annex 1

Additional information about EPO

Created in Vienna in April 1990, the European Pet Organization (EPO) is a coalition of parties interested in protecting and promoting the interests of the European pet industry.

EPO represents ten (10) trade associations in ten (10) countries representing thousands of enterprises many of which are SME's or micro businesses.

Its member organizations include for each country:

- Austria: WKO
- France: PRODAF
- Germany: ZZF
- Italy: VIMAX / AIPA
- Norway: NZB
- Spain: AEDPAC
- Sweden: ZOORF
- Switzerland: VZFS
- The Netherlands: DIBEVO
- United Kingdom: OATA

As per its recently adopted charter (May 2018), EPO members:

- *"Promote responsible pet ownership and recognise the social and health benefits of keeping pets; ^[1]_{SEP}*
- *Promote best practices in the keeping animals by observing the five welfare needs; diet, accommodation; wellbeing; sociability; behaviour; ^[1]_{SEP}*
- *Believe that keeping pets promotes an understanding and appreciation of nature, biodiversity and conservation; ^[1]_{SEP}*
- *Believe that pet-related businesses are responsible for the professional care and transfer of ownership of pets, and should promote best practice amongst the pet industry; ^[1]_{SEP}*
- *Believe that all those involved in the pet trade should abide by all current legislation regarding the trade, ownership and keeping of animals, and reject all illegal practices; ^[1]_{SEP}*

- *Use the latest scientific and empirical knowledge in providing advice about the keeping of animals; ^[1]_{SEp}*
- *Do not support the release of pet animals into the wild; ^[1]_{SEp}*
- *Believe that all those professionally responsible for handling animals should be appropriately trained and have a comprehensive understanding of the animals' welfare needs and the respective legal obligations; ^[1]_{SEp}*
- *Ensure dissemination of relevant information regarding the trading and keeping of animals within the sector; and, ^[1]_{SEp}*
- *Strive for good collaboration and exchange of information amongst its members, within the pet sector, and with government."*

Annex 2

Additional information about OFI

Ornamental Fish International (OFI) is the peak international trade association representing the ornamental fish industry since its inception in 1980. OFI represents members from more than 30 countries around the world and include members from all sectors of the industry (producers, exporters, importers and retailers) as well as a number of NGO's and other trade associations. OFI represents and promotes the interests of the industry through lobbying to various institutions around the world; as well as educating industry and hobbyists in responsible and sustainable Best Practices. Last year (2017), OFI members have adopted its new charter guaranteeing the conduct of an ethical, fair and legal trade.

For more information about OFI, please visit its website at www.ofish.org .

The OFI Charter that members subscribe to is as follows:

- *"OFI members promote and support captive breeding, farming and collection of ornamental aquatic animals (hereunder, fish and invertebrates) and aquatic plants with respect for natural populations, the environment and the contribution made to socio-economic benefits for the local population;*
- *OFI members only trade in fishes, corals, other invertebrates, plants, etc. that are legal in their country; they respect national and international laws and regulations;*
- *OFI members prevent the release of specimens into the wild, except for specific nature conservation projects;*
- *OFI uses the latest science for defining its standards and supports scientific work relating to our industry;*
- *OFI members apply proper scientific names to the best of current knowledge;*
- *OFI supports the careful collection of freshwater and marine fish and invertebrates;*
- *OFI supports the education and training of breeders, farmers and collectors to further improve appropriate handling, animal health and welfare protocols, and promoting diver safety (e.g. OFI condemns the use of cyanide or other poisons, coral breaking or trenching, etc., for the collection of marine organisms);*
- *OFI promotes trade and handling of ornamental aquatic animals with respect for their wellbeing; OFI members pack and transport aquatic animals in accordance with national and international legislation (see OFI Educational Publication 7);*
- *OFI promotes the addressing of biosecurity risks in our facilities and the training of staff in biosecurity practices (see OFI Educational Publication 4); after long-distance transport, or when needed, importers will see to it that fish receive adequate quarantine;*

- *OFI members undertake to make every effort to maintain the health of aquatic ornamental animals. They provide proper water quality, implement adequate treatment and feeding protocols and organize regular health inspections. OFI members restrict the use of antibiotics as much as possible, and in accordance with relevant national legislation.*
- *OFI members operate in a spirit of cooperation with each other and according to honourable standards of trading, both between each other and with non-members of the organization;*
- *OFI members agree to settle legitimate complaints promptly and satisfactorily”.*

Appendix 3

Additional Information about the Sustainable Users Network (SUN)

The Sustainable Users Network (SUN) is based in the United Kingdom and was established in the late 1980s at the behest of a UK Government agency, the Department for Environment, Food and Rural Affairs (DEFRA).

SUN is an umbrella of UK affiliated organisations who are involved in animal-keeping animal trade and animal use (for non-domesticated species) and horticulture. SUN has an individual membership amongst all of its affiliates totalling approximately 1.2 million members. Affiliation to SUN is only permitted if an organisation is able to sufficiently demonstrate to SUN that they support the concept of sustainable trade in wildlife.