OATA submission to consultation regarding the draft Target Operating Model.

The trade in pet fish and other aquatic animals represents an industry with a total retail value of £670 million, employing 7500-9500 people in the UK. OATA represents over 800 of these businesses, ranging from importers of live fish, plants growers, manufacturers, distributors, maintenance services and retail outlets. The import of live fish and animals for the pet trade drives the rest of the industry. In 2022, the UK imported 950 tonnes of live fish for the pet trade, representing £134.6 million of retail value to the end user. Fish for the trade (in 2022) were imported from 46 countries, 8 from the EU, 38 from Rest of World.

We believe that live aquatic animals* destined for the pet trade, including live ornamental fish, should be in a lower risk category than currently proposed in the Target Operating Model (TOM). These animals are a low biosecurity risk due to the fact they are destined for closed systems (throughout the supply chain and with the end user) and have poor survivability beyond these settings. The fact that these animals are lower risk is already recognised by government across departments, with reduced checks at the border (10% of consignments) already in place at the border which are already excessive relative to the biosecurity and welfare risks posed by consignments. With lower risk category designation, consignments of live aquatic animals for the pet trade should be subject to reduced requirements of physical checks at the border and operators dealing in these animals should be eligible for all the other associated benefits of a lower categorisation, such as the trusted trader schemes that are being developed.

The import of fish and other aquatic animals is regulated by a suite of regulations, both at national and international levels. The IATA regulations [1], which are developed in accordance with veterinary advice, set out strict standards on how live fish must be packed in order to protect their health and welfare. Live aquatic animals are transported in sealed bags, with water and oxygen, which are themselves packed into polystyrene boxes to maintain a stable temperature during transit. These boxes are then sealed until arrival at their destination or upon inspection at a BCP. Live aquatic animals are packed to survive 48 hours from the time accepted by the airline, and delays at the border can significantly impact their welfare, leading to stress or in extreme cases, death of the livestock. This can happen for a variety of reasons, such as the loss of appropriate temperature in the box, or the build-up of toxic waste products during transit. Importers who unpack fish have done so for many years and know the correct procedure to unpacking live aquatic animals slowly and delicately to not induce shock. Excessive opening of boxes at BCPs can lead to welfare impacts on animals down the line. Levels of mortality recorded at the border by officials are less than 1% [2], [3] indicating that supply chains in these animals are well managed and arguably warrant reduced checks.
*When we refer here and throughout to live aquatic animals we primarily refer to live tropical fish destined for the pet trade but this can also include cold water fish (fish destined for garden ponds), aquatic invertebrates (such as corals, shrimps, crabs) and live invertebrate feeds. These are subject to a suite of regulations and monitored by the Fish Health Inspectorate who maintain a permissive list of freshwater fish species that present low biosecurity risk to native populations.*
Question 1: What are your views on the new model for Safety and Security controls, their impact on businesses and their implementation?

The specific points we would welcome stakeholders considering are:

- Taking into account the need to secure the border, if there are any further measures you would like us to consider, to reduce the burden of Safety and Security controls within the context of the World Customs Organisation (WCO) framework. - Please see here for further detail.

- If there are any further opportunities to deliver data efficiencies through the Single Trade Window. - Please see here for further detail.

The development of a single trade window (STW) is a welcome step for industry to reduce burdens on businesses. However, a single trade window should aim to include all possible forms of data entry that are related to trade movements and government should engage with industry to ensure there are no gaps in the provision of the STW. Obvious examples that may not yet have been included in the development of the STW are the inclusion of CITES permitting within the platform. The CITES team has recently rolled out the use of Pegasus – their own software for traders in CITES listed specimens – which could have cross over or inclusion in the new platform developed for the STW. In addition, businesses that wish to register as an Aquacultural Production Businesses (APB) – something that all importers of live aquatic animals must do – input data that could easily be incorporated into the STW to save needless repetition of data input. Lastly, full incorporation of systems currently used by traders e.g. IPAFFS, CDS must be fully included within the STW platform - any additional data input required outside of that platform would undermine its value and cause needless burdens on business.
Question 2: What are your views on the new model for Sanitary and Phytosanitary controls, its impact on biosecurity, animal health and welfare, food safety, businesses, as well as its implementation?

The specific points we would welcome stakeholders considering are:

- The impact of the new Sanitary and Phytosanitary goods regimes on your supply chain whether you are an importer or exporter. - Please see here for further detail.

The risk categorisation as set out in the draft TOM as High for all Live Animals [4] would mean that all live animals are subject to 100% physical checks at the border, although we acknowledge that statements have been made that this could be lower for live aquatic animals due to lower inherent biosecurity risks. High proportions of physical checks would lead to unnecessary and significant delays for Live Aquatic Animals that enter the UK, and are not proportionate to the biosecurity risks posed. Current levels of physical checks at BCPs are set at 10% per consignment, as set out in the Trade in Animal Related Products Regulations [5], the Commission Implementing Regulations 2019/2130 [6] and applied by APHA staff at the border. This, alongside reduced level of checks away from the border by the Fish Health Inspectorate [7] (FHI) for ornamental fish [8], clearly demonstrates that government already understands that live aquatic animals for the pet trade pose a low biosecurity risk, supporting their inclusion in the lower risk categories.

The majority of live aquatic animals destined for the pet trade are of low biosecurity risk and all species of freshwater fish in trade (88.3% of trade by value) are regulated by a permissive list maintained by the FHI [9], [10]. 86% of all ornamental fish imported to the UK are destined for closed systems not connected to natural water bodies i.e. aquariums. In addition, the majority of these are tropical species, would not survive in UK waters and have very low likelihood of disease transfer to native populations. All businesses in the UK supply chain will have a dedicated biosecurity plan in place, implemented through Aquatic Animal Health regulations [8] and the Licensing of Activities Involving Animals regulations [11], [12] and enforced respectively by the Fish Health Inspectorate [7], [13] and Local Authority inspectors. Some species in trade (referred to as “coldwater species”) are destined for semi-closed systems e.g. outdoor garden ponds, which do carry a slightly higher biosecurity risk. Importers of these species are already subject to greater controls under the existing AAH regulations [8]. This includes the need for an importer to submit a Biosecurity Measures Plan to the Fish Health Inspectorate to outline the measures taken to manage fish health and disease of “susceptible species”. These species listed as “susceptible” are ones that can contract certain diseases that are of threat to native populations of UK fish. Of a total of over 2000~ species in trade in the UK, there are less than 0.5% of those species listed as “susceptible”. No marine species are susceptible or present a biosecurity risk. As with all importers of live aquatic animals for the pet trade, importers of these species are subject to inspection by the FHI to ensure these biosecurity measures in place are appropriate to the risk they pose, such as quarantining, health certification and sourcing from certified “disease free” facilities.

The categorisation of high risk and therefore introduction of 100% checks on live aquatic animals destined for the pet trade would be highly disproportionate to the risk they pose, would negatively impact businesses operations and bottom lines, and seriously impair animal welfare. As outlined in the introductory statements above, live fish are packed in such a way to maximise their welfare until they are expertly unpacked by individuals with training and experience in managing fish welfare. Unnecessary opening of boxes can negatively impact the welfare of animals that pass through BCPs.
by both disrupting the stable temperature maintained inside the box – thus providing stress to the animals within – and increasing the exposure of the animals within to toxic waste products that can build to excessive levels if the consignment is needlessly delayed. In addition, the imposition of increased check levels at the border on live aquatic animals could have negative impact on the welfare of other live animal consignments passing through BCPs and impact the ability of border staff to carry out needed checks. Historic staffing and resource issues already present themselves applying the current level of physical checks, with shortages of veterinary staff likely to persist as BCP infrastructure is implemented for European ferry traffic. Given that our sector makes up the majority of animals passing through Heathrow Animal Reception Centre, unnecessary delays in processing consignments of live aquatic animals of low biosecurity risk could severely affect other live animal consignments passing through BCPs. As an example, one operator alone can receive up to 20 shipments in one day through a BCP, processing 400-1000 boxes a week. Reduced physical checks at the border, proportionate to the biosecurity risk these consignments pose, would eliminate these unnecessary delays and minimise impacts on businesses and animal welfare.

○ The impact of the new Sanitary and Phytosanitary goods regime on your specific business model, particularly in relation to the use of groupage for importing. - Please see here for further detail.

There are multiple business models in our sector for the supply of live aquatic animals, with some consignments destined for large scale wholesalers post-clearance at BCPs, and others destined for retail outlets with their own relevant biosecurity plans and measures in place. Regardless, delays arising from SPS checks on these consignments currently do and will have impacts on animal health, welfare and cost impacts on businesses (potential loss of stock, increased staffing costs, etc). Given the inherently low biosecurity risk of live aquatic animals for the pet trade (certainly in comparison to other live animal consignments), the risk categorisation and associated level of checks applied at the border should be lower than is currently set out in the draft TOM for all live animal consignments. As discussed above, regulators already make a clear distinction between different species groups of live aquatic animals regarding their biosecurity risk and the level of inspection burden they apply to importing businesses. The category of risk and frequency of checks at the border should reflect this.

It should also be noted that all goods originating from the European Union should at least initially be considered low risk, as biosecurity risk they pose has not changed in any significant way since Brexit when they freely entered the UK without checks at the border.

○ How the pilots for Trusted Trader Schemes for Sanitary and Phytosanitary goods might operate effectively. - Please see here for further detail.

There are many importers in our sector that are already subject to oversight of their operations as APBs by the FHI under the AAH. The FHI already inspect businesses in our sector away from the border, proportionate to the biosecurity risk that they pose [13], meaning that current checks applied at the border are arguably excessive. When checks are undertaken at the border on consignments of LAA, officials [2], [3] record mortalities at <1%, indicating that importers are already operating at high standards of welfare and biosecurity. In addition, given the length of time that many of the importers have operated for, they have historical good documentary compliance and
good biosecurity practices. Some importers in our sector are also on the HMRC list of Approved Economic Operators (AEOs) and are in effect already part of an “ecosystem of trust” with the government.

Given that officials in stakeholder meetings on the TOM have indicated that Live Aquatic Animals pose a lower level of risk than other live animal products, we propose that Live aquatic animals are revised to a lower risk category so that businesses in our sector are included in a pilot for TT schemes to receive the same benefits as traders also dealing in other lower risk goods. If included in these TT schemes, businesses in our sector could determine how they could best qualify for reduced burdens of checks and/or application of checks themselves at their own facilities. As touched on above, importers of live aquatic animals for the pet trade can utilise various different business models which will have differing suitability to the Trusted Trader schemes outlined so far in stakeholder consultations. The accredited trusted trader scheme (ATTS) is likely to suit those importers that have their own wholesaling facilities where they quarantine livestock and distribute from there. The technology assured scheme (TAS) will suit “consolidator” businesses that distribute livestock direct to businesses who carry out health checks and quarantine themselves. If required, we can supply details of businesses that would be willing to participate in pilots of both schemes.
**Question 3:** What challenges exist for the private sector in meeting the proposed timeline for introducing the new model, and how can specific business models for importing be further supported to prepare?

The specific points we would welcome stakeholders considering are:

- If there may be any operational difficulties when implementing Sanitary and Phytosanitary import controls using the current business processes and systems. - Please see here for further detail.

Businesses that operate at the border in our sector already have to manage issues arising from the use and implementation of current systems. Before roll out of new models of border checks, the existing systems must be effective at delivering border checks with potentially increased traffic arising from volumes from the EU. Where there are inadequacies currently, government should with industry to troubleshoot and rectify issues. For example, although improved there are still delays associated with the implementation of CDS, and issues with the functionality of the ALVS link between CDS and IPAFFS.

The government has highlighted their intention to pursue electronic certification of model health certificates and streamline their content. This is a welcome move given the current system of physical certification causes needless delays and confusion when e-certification would be of greater use to officials and industry. Our sector would happily work with government to trial and feedback on e-certification to ensure that these certificates are fit for purpose.

- If any changes to systems would have an impact on sensitive supply chains. - Please see here for further detail.

For the reasons outlined above, delays to consignments of live aquatic animals must be kept to a minimum to maximise animal welfare and reduce stress on animals in transit. As such, before physical checks are rolled out for live animals from the EU, appropriate BCP facilities need to be ready, at all points of entry, to inspect live animal (other) consignments. This includes the need for physical infrastructure needing to be in place. In previous representations to government, we have made clear that there are large volumes of traffic for our sector, of Live aquatic animals, that enter from the Europe through several seaports, not just the Short Straights.

Insufficient physical infrastructure and / or staffing would lead to delays in processing consignments of live aquatic animals, posing a significant threat to animal health and welfare due to the nature of how these animals are shipped. Any diversions of these consignments to alternative BCPs would not only increase costs and burdens on businesses but also could lead to the mortality of animals in consignments.
Question 4: What further detail is needed in order for businesses to prepare for and implement the new Border Target Operating Model? The specific points we would welcome stakeholders considering are:

○ We would welcome views on how our proposed approach to implementing a cross-government approach to authorisations for Trusted Trader status could be made as simple as possible for businesses to use. - Please see here for further detail.

In order for businesses in our sector to adequately prepare for the implementation of new border checks, adequate notice is needed for several aspects that have been outlined in stakeholder meetings and the draft TOM. As has been previously touched on, the need for relevant infrastructure and staffing to handle inspections of Live Animals is paramount to prevent delays to consignments, and impacts on businesses and animal welfare. As soon as possible, businesses should be informed of the BCPs likely to be ready to receive live animals when physical checks are rolled out.

In addition, details on the rollout of pilot schemes for TT schemes have been light and it is unclear exactly when these will take place. Operators in our sector are keen to assist but need dates provided in good time for when these pilot schemes will open, which crucially will allow as wide a participation as possible across different business models within sectors.

Finally, costs associated with the movement of consignments across the border should be reviewed and where possible minimised. Combined fees quoted of £500-600 fees/consignment are excessive, particularly when British businesses are being severely negatively impacted by the current economic outlook of low consumer confidence, high inflation and increased costs. Accumulated expenses at the border should be considered when reviewing fee structures and level. An example importer for our sector for mixed consignments could conceivably be paying fees that cover plant health, animal inspection and certification, CITES certification and checks, handling fees by the port authority, out of hours charges (for consignments landing out of standard operating hours) as well other hidden costs associated with moving livestock across the border. The fees that are applied to importers should be proportionate to the actual need of checks – where there is demonstrably low biosecurity risk and good historic compliance they should be reduced.
Reference list


