



## ORNAMENTAL AQUATIC TRADE ASSOCIATION LTD

*"The voice of the ornamental fish industry"*

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### **OATA's response to the Scottish Animal Welfare Commission report:**

#### **"Ascribing sentience to fish: potential policy implications"**

We are **extremely disappointed** that once again the Scottish Animal Welfare Commission (SAWC) has failed to engage with or consult OATA in the development of the [Ascribing sentience to fish: potential policy implications](#) report. As **recognised key experts** in the field of ornamental fish welfare and husbandry, we would have expected to be included in the process. We would have welcomed the opportunity to provide updated industry insight and statistics. OATA's contribution to the [SAWC's Exotic Pet Working Group \(2020\)](#) is referenced in the Background section of this report (Page 6). Within the working group we provided industry insight, statistics and evidence of positive actions undertaken proactively by trade. We would respectfully ask to **be formally recognised as a key stakeholder** in any future SAWC workstreams pertaining to aquatic species.

The Ornamental Aquatic Trade Association (OATA) represents more than **800 UK businesses** which provide fish-keepers with everything they need to set up and maintain a successful home aquarium or garden pond. **Over 40 of our members are based in Scotland** and include retailers, breeders, importers, manufacturers and plant growers, many of which are SMEs. Analysis has found that the UK ornamental aquatic trade is worth over £1bn annually, of which £660m is generated from retail sales.

The concept of fish sentience is surrounded by conflicting evidence and varying definitions, standards and practices across sectors – including ornamental fishkeeping, commercial food fisheries and the angling community. This can create uncertainty in policymaking and lead to unintended negative welfare outcomes for fish. **OATA takes a precautionary approach by assuming all fish are sentient.** Our positions, advice and guidance have been developed with this assumption and **predates** the inclusion of fish in the [Animal Welfare \(Sentience\) Act 2020](#).



Public discourse often overlooks the high welfare standards embedded within ornamental aquatic trade practices. We frequently work in partnership with **veterinarians** and **scientists** when developing our materials to ensure they reflect current scientific understanding and can inform on best practice for industry.

OATA members, including those in Scotland, already follow **OATA's Code of Conduct** and have a wealth of **advice** and **guidance** available to them to ensure the fish they handle are treated to **high welfare standards**. Please see **Annex 1** at the end of this letter to find details of our Primary Authority scheme for pet shops, guidance on fish transport, water quality criteria, responsible distance selling of live animals, biosecurity, our customer charter and position statements as well as our range of vet endorsed caresheets. Each of these documents clearly demonstrates how the ornamental industry consistently goes **above and beyond legal requirements**.

We would like to offer some comments and insights into the recommendations outlined at the end of the [Ascribing sentience to fish: potential policy implications](#) report. These are included in **Annex 2** at the end of this letter.

We remain fully committed to promoting and advancing a responsible trade in ornamental fish. Should any further work be undertaken in this area or recommendations pursued by either Scottish Government or SAWC we would **urge that key experts, including OATA, are fully and meaningfully engaged**. This will ensure future policy is reflective of the realities of our industry and provide the opportunity to demonstrate how we are already exceeding legal requirements.

Yours faithfully,

Dr Matthew Bond  
Deputy Chief Executive

A handwritten signature in black ink, appearing to read 'M. Bond', is written over a horizontal dotted line.

## ANNEX 1

OATA Code of Conduct: Our members sign and adhere to our Code of Conduct which covers a wide range of standards which we expect them to meet.

OATA Customer Charter: All shops which are OATA members sign up to our Customer Charter which is displayed in the shop and highlights what you should expect from one of our retailer members. This allows customers to find a reputable shop which gives paramount importance to the quality and health of its livestock.

OATA Position Statements: We do not support several practices due to negative welfare implications and recommend our members do not support (through sale or other means): fish being used as prizes or for use in religious ceremonies or as decorations (e.g. on tables at parties ), the import/sale of dyed/tattooed fish and the use of fish as live food.

OATA Water Quality Criteria: We have produced water quality criteria which provide a list of parameters for maintaining good water quality and fish welfare for businesses - these will be different than for a home aquarium.

OATA Transporting Aquatic Livestock Code: This Code outlines the key issues businesses need to address when transporting live fish between businesses, or to customers. Including transporter authorisation, packing standards, delivery/ unpacking advice and how to decide when a fish is fit for sale.

OATA Guide to the Responsible Distance Selling of Live Animals: To address the growing online market this guide explains how to ensure that the sale of fish online upholds high animal welfare standards and complies with legal requirements.

OATA Biosecurity and the Ornamental Aquatics Industry: Provides advice and guidance on how UK businesses can improve their biosecurity. Our aim is to help all businesses within the industry to make informed decisions on how to minimise the biosecurity risks within their business from disease and invasive species. We have also created a Business Biosecurity Self Assessment Tool which is an easy way for businesses to look at their approach to biosecurity and get guidance on how to improve it.

OATA Customer Care Sheets: Endorsed by vets, our caresheets cover a range of coldwater, tropical freshwater and marine fish. It is a requirement of animal activities licencing that customers are informed of the correct care of the animal they are buying, and our care sheets show compliance with this requirement.

OATA's Primary Authority scheme: In conjunction with the City of London Corporation, this co-ordinated partnership is designed to help retailers obtain their annual pet shop license and . This scheme is exclusive to OATA member businesses, free to join and provides a mechanism for retailers to receive "assured advice" recognised by all local authorities in England and Wales.

OATA's City & Guilds accredited training programmes: We offer two training programmes (Foundation and Advanced) with each consisting of four modules: water quality, filtration, fish biology and fish health. Completion of either course is often used to demonstrate the competency requirements for obtaining a pet shop license [[The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018.](#)]. Our training was recently shortlisted for a "[Positive Business Impact](#)" award with judges noting that *"positive feedback reflects the success of their approach – boosting revenue that's reinvested to support the industry. A fantastic achievement from a passionate, expert-led team."*

Pet Know How: We contributed to and supported the development of this project. Prospective owners take an online test which, if passed, produces a certificate to show they have done their research which they can present at a pet shop before buying. Incorporating this tool into pet sales as a requirement would help ensure that people have done some research about the needs of the animal they want to buy before they purchase.

## ANNEX 2

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*"1. Given that fish are sentient, their welfare needs should receive the same consideration in the formulation and implementation of policy as those of terrestrial vertebrate species."*

While we support this recommendation in principle – the **differences between aquatic and terrestrial vertebrates cannot be overstated**. Often, a completely different approach needs to be taken when considering aquatic vertebrates, for example in transport requirements. Our [Transporting Aquatic Livestock Code](#) covers the legal requirements of planning a journey, handling during transit all the way through to unpacking upon delivery and deciding when a fish is fit for sale.

The packing requirements outlined in our Code adhere to the standards set out in the International Air Transport Association's [Live Animal Regulations \(LAR\)](#). This is important because only trained or experienced individuals should handle the packing and unpacking of fish. Unlike air-breathing animals, fish are highly susceptible to harm if disturbed during transport.

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*"7. In circumstances where the Scottish Government has identified that its policy may have an adverse effect on animal welfare, and where there may be an impact on the welfare of fish, it should undertake and publish the results of a welfare impact assessment in order to identify the nature and extent of the possible adverse effect."*

Measuring welfare in ornamental fish as part of an impact assessment is **not a straightforward process**. There is currently no universally agreed upon methodology beyond ensuring the five welfare needs are met, as set out in the [Animal Health and Welfare \(Scotland\) Act 2006](#). The Qualitative Behavioural Assessment (QBA) mentioned in the report, like most examples of captive fish welfare monitoring, is primarily focussed on commercial food fish farming. Ornamental fish require a different approach due to many factors including, but not limited to:

- The vast number of species in trade (upwards of 3,000) and the associated variety in their behaviours, lifespans/cycles and water quality/enrichment requirements.
- Complex mixed species-assemblages affecting interactive behaviours.
- Knowledge of the assessor.
- Availability of equipment – many food fish farms rely on complex lab testing and/or large-scale water sampling which is not realistic for the ornamental trade.

One potential way forward could be via the use of **Operational Welfare Indicators (OWI's)**, as proposed for use in ornamental fish by [Jones et al., \(2021\)](#). OWI's can be either behavioural (latency to feed, prevalence of displays, neophobia etc) or non-behavioural (ventilation rate, fin condition, changes in colouration etc) and have been developed to be fit for purpose and realistic for industry use.

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*"8. Since fish are sentient individuals, monitoring and measurement of fish exploitation should be done in terms of numbers rather than weight."*

This would be difficult to achieve for the ornamental industry, but nigh on impossible for commercial food fisheries. Research conducted by CEFAS examined ornamental trade data extracted from packing notices on consignments crossing the UK border and produced an estimate on the number of fish per kilogram of freight weight. However, invariably these **estimates** can only offer a snapshot over a given time in a specific country. Retail stores are legally required to monitor the number of animals under their care (via stock takes) and record any instances of mortality - [The Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021](#).

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*"10. Statutory Codes of Practice or Scottish Government guidance for the welfare of farmed and ornamental fish should be established, to include similar issues as for other terrestrial species, such as health, water quality, enrichment, familiarity, stocking density, pain relief, handler competence, and monitoring."*

Our industry trades in **live, healthy animals** and has a vested interest in treating each fish as an individual. This is further evidenced by the stark difference in the value of ornamental fish when compared to food fish. One tonne of tuna fished in the Maldives was valued at \$1,583 per tonne, whereas their live ornamental fish exports were valued at \$590,000 per tonne ([Watson & Roberts, 2015](#)).

Our members sign and adhere to our Code of Conduct which covers a wide range of standards which we expect them to meet. These standards go **above and beyond what is legally required** and cover animal welfare, medicines and transport, water quality/testing and staff training, among others. Aspects of our guidance have been used in the development of [Statutory guidance](#) regarding Selling animals as pets under [The Animal](#)

[Welfare \(Licensing of Activities Involving Animals\)\(Scotland\) Regulations 2021](#). Our input ensured this guidance recognised fish as separate to terrestrial vertebrates and treated them accordingly. The water quality parameters stated in the Government guidance is taken directly from our [Water Quality Criteria](#) document. We recognise the value in these statutory guidance documents, which exist for dogs and reptiles, and would welcome playing our part in creating a similar one for pet fish.