

The Belgian Positive List is designed according to the following criteria:

1. **Animal welfare:** Animals must be easy to keep and kept with respect to their essential physiological, ethological and ecological needs.
2. **Environment:** No species should be listed for which there are clear indications that, in case an animal escapes, it would be able to survive in nature and consequently represent an ecological risk.
3. **Human health:** The animals should not be aggressive by nature and/or dangerous, or expose the health of humans to any other particular danger.
4. **Husbandry:** Bibliographic information must be available concerning the keeping of these animals.
5. **No doubt:** In case of contradictory data or information on the possibilities to keep an animal, the animal should be given the benefit of doubt, i.e. it will not be on the list.

*"Not every animal is suited to life as a household pet. In order to prevent unnecessary suffering of wild animals European countries should create positive lists of species which are allowed to be kept based on criteria considering animal welfare, human health and safety, invasive species risks, species conservation, and available knowledge on the care and needs of the species."*

Sirpa Pietikäinen  
Member of European Parliament - Finland

#### The Netherlands

In 2015 The Netherlands passed legislation to regulate the keeping and trade of exotic mammals as pets by means of a Positive List. The regulation is part of the regulation 'Keepers of Animals', which establishes the following criteria to assess the suitability of animals as pets:

1. The need of an animal to **move** and the need for a special environment (e.g. habitat, migration, territory).
2. The average **size** of the adult animal (e.g. size, body mass).
3. The need of an animal for periods of **activity or inactivity** during the day or the season (e.g. nocturnal/diurnal, hibernation etc.).
4. The need of an animal to **forage** and eat, including the composition of his diet (e.g. foraging behaviour, frequency).
5. The degree of need for safety and possibility to **shelter** (e.g. defensive behaviour, climate sensitivity).
6. The degree of need of the animal to **reproduce** and raise their young (e.g. parenthood, reproduction, infanticide).
7. The need of the animal to **groom**.
8. The social or **biosocial needs** of the animal.
9. The degree of need of the animal for stimulation and **enrichment** (e.g. the need for play, digging substrates).

Besides taking the animal welfare risks into account, the regulation also prescribes that keeping the animal will not cause an unacceptable degree of danger for humans, other animals or the environment.

#### THE FUTURE: POSITIVE LISTS IN EUROPE

A Positive List is the single most effective and efficient measure to reduce the suffering of exotic animals being kept unsuitably as pets in Europe. Especially when considering the issues of invasiveness and human and animal health risks, the open internal market makes it crucial to achieve Positive Lists in a significant number of countries.

AAP Animal Advocacy and Protection and Eurogroup for Animals, in collaboration with partners throughout Europe, are working together to inform policymakers and the public about the need for and advantages of a Positive List, and offering practical solutions and advice on its design and implementation.

# THINK POSITIVE

## WHY EUROPE NEEDS 'POSITIVE LISTS' TO REGULATE THE SALE AND KEEPING OF EXOTIC ANIMALS AS PETS



#### INTRODUCTION

There are more than 200 million pets in Europe, including mammals, birds, reptiles, fish and amphibians. However, many species, especially exotic animals, are unsuited to a life in captivity. This may result in severe animal welfare problems, and can also be detrimental to biodiversity, have a negative impact on public health, and present a danger to the health of other animals. Therefore, the impacts of keeping exotic pets can have high costs across many sectors.

Rescue centres are increasingly confronted on a daily basis with the problems that stem from this trade. Owners may no longer want their pet because it was an unsuitable match from an impulsive and poorly-informed purchase. Much animal suffering and neglect could be avoided if prospective owners considered factors such as: life span, adult size, social needs, cost of care and veterinary treatment, and requirements for appropriate temperature, humidity, lighting, and stimulating social and physical environments. Such unsuitable matches of exotic pet keeping is the direct consequence of absent or inadequate laws and regulations, which cause a situation in which the demand for rescue is significantly higher than the actual capacity of rescue facilities.

There are several ways to regulate the keeping and sale of exotic pets, but a Positive List (a list of allowed species) is the most effective, concise, transparent, enforceable and economically feasible way.

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This brochure includes references to a number of original or secondary sources. Of particular importance are the article by C. A. Schuppli and D. Fraser 'A Framework for assessing the suitability of different species as companion animals' (1999), and Eurogroup's 'Analysis of national legislation related to the keeping and sale of exotic pets in Europe' (2013). For additional information on sources, please contact us.



## THE PROBLEM(S) WITH EXOTIC PETS

### Animal Welfare

Exotic pets have complex needs making it difficult, if not impossible, for the average owner to provide specialised care, diet and housing to meet their needs. Examples of exotic pets suffering from inadequate nutrition, injuries from misuse of artificial heating/lights, behavioural problems and inappropriate medical care are commonplace. For many species there is a lack of good quality information, but even when it exists the public often ignore it. In consequence, the animals suffer and die prematurely. For example, animals which are social by nature are frequently forced to live alone; other solitary animals may be forced to live in a group. This tends to cause conflict, which can be lethal.

*Degus (Octodon degus) require a diet without sugar. Due to feeding of fruit, degus in captivity become diabetic and blind. When there is too much fat in their diet, they also develop liver diseases and diarrhoea.*

An additional concern is that animals may be procured by methods that cause suffering, such as in the case of wild-caught animals or species that are intensively bred for the pet trade. Often, particularly with primates, adults are killed in order to capture infants. It has been estimated that for every chimpanzee that is confiscated or kept as a pet, another 10 animals died from capture or trade conditions.

*In order to catch baby Barbary macaques (Macaca sylvanus), the mothers and their babies are scared by dogs. They then climb up trees, where they are followed and hunted down until the young animals are exhausted and unable to hang on to their mothers' pelt anymore and fall to the ground.*

Some species also require high levels of exercise or key stimuli in their captive environment, often difficult to supply, in order to lead normal lives.

*Gerbils in the wild dig burrows, but in captivity, when they cannot dig a burrow, they often develop stereotypical behaviour, such as constant scrabbling in the corners of their cages.*

Some animals have long life spans requiring a lifetime commitment by owners. As such the animals' welfare may suffer when the owners die or cannot care for the animals any longer, resulting in neglect or difficult rehoming efforts. Tortoises and parrots are prime examples of animal species that can live at least 40-50 years, requiring a significant commitment and long-term planning for their care as a pet.

**'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

### Environmental Impacts

The capture of wild animals for the pet trade, the destruction of their natural habitat and the introduction of invasive species are significant factors driving biodiversity loss worldwide.



The Convention of International Trade in Endangered Species (CITES) regulates the trade in vulnerable wildlife species through permitting or outright bans based on conservation status. Despite these trade restrictions, there is increasing evidence that the import of exotic animals for the pet trade threatens the survival of some wild populations. Breeding animals in captivity is not an ideal solution either: the actual source can be difficult to verify and can be a loophole for illegal trade.

*Approximately 200 baby macaques, close to the total number of newborn individuals for this species in Morocco, are captured annually and sold for the pet market. Because of this the population of Barbary macaques in Morocco has shrunk from 17,000 animals in 1975 to about 5,000 today.*

Some species may have an impact on local biodiversity when they are released by their owners or when they escape into the wild. Some animals may not survive in a foreign climate, and may die from, starvation, exposure or road traffic. But some non-native species can survive and become invasive, spreading disease, disrupting habitats, and hybridising or competing with indigenous species for food or nests, and therefore threatening them with extinction.

*In the Netherlands, a small population of Pallas squirrels (Callosciurus erythraeus) has managed to survive after escaping from an animal trader. The Pallas' squirrels originate from China and pose a threat to the indigenous red squirrel population through competition for food and nesting locations. As a result of this incident, the keeping of Pallas' squirrels has been prohibited in the Netherlands since July 2012. The species is one of 7 animal species banned from import under EU wildlife trade regulations due to potential ecological risk.*

### Public Health and Safety

Around 72% of emerging zoonotic diseases (transmissible from animals to humans) originate in wildlife. Some of the most serious zoonoses are those associated with non-domesticated, exotic or imported animals. The legal and illegal wild bird trade is known to have played a significant role in the global spread of avian influenza and, as a result, imports of wild-caught birds into the EU were banned in 2007.

*Raccoons (Procyon lotor) are a vector for rabies and the raccoon roundworm (Baylisascaris procyonis), and therefore have a high risk of spreading zoonosis to humans and other animals. The parasite is not very pathogenic in the raccoon, but in other animals the larvae migrate through the body, showing a preference for the brain. Cerebral larva migrans causes brain injury which can be lethal in humans.*

Certain exotic species may present a safety risk to humans from their predatory, aggressive or poisonous nature. Species such as venomous snakes, pythons, crocodilians, large cats and primates can injure humans through poisoning, biting or clawing. Adult animals can be quite strong and present a risk, particularly to small children.

*In 2013, in Canada, two young boys were killed in their sleep by a python which lived in the apartment they were visiting. According to news reports, 'the snake was housed in a large glass enclosure that reached the ceiling of the apartment. It escaped through a small hole in the ceiling connected to the ventilation system.' The owner of the snake also owned the pet store located under the apartment.*

### Health of other Animals

The exotic pet trade may have a serious negative impact due to the spreading of diseases to other animals.

*An Egyptian fruit bat imported in 1999 and sold in a pet shop in Bordeaux, France died of rabies two months later. This led to the euthanasia of all animals which had possible contact with the bat and the vaccination of almost 130 people.*

*In 2000, the US banned the import of three species of tortoises that had the potential to carry heartwater disease and could cause mortality rates of 60% in cattle and up to 100% in sheep.*

### Costs

Catching and eradicating invasive alien species, treating people because of zoonotic diseases, the fight against illegal trade and the slaughtering of thousands of farm animals in order to prevent the spreading of diseases generates hundreds of billions of dollars globally. The European Commission estimates the costs of controls and damage from invasive alien species in the EU at 12 billion euros per year (a conservative estimate). Additional costs derive from illegal trade and treating wildlife-originated diseases.

## CURRENT LEGISLATION

Within the European Union the competence to legislate on the subject of exotic pets belongs to Member States. As documented in Eurogroup's 'Analysis of national legislation related to the keeping and sale of exotic pets in Europe' (2013), where such legislation exists, it is very diverse. Legal provisions may ban the keeping of some species of animals (Negative or black list), or allow only some species to be kept (Positive or white list). Keeping may also require authorization in the form of a license.



**'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 centers. There is a very strong support of the general public for this legislation, leading to a strict social control. This in turn guarantees efficient enforcement without a need for extra investments on the part of the public services.'**

Laurette Onkelinx,  
Former Minister of Public Health, Belgium

## WHY A POSITIVE LIST AND NOT A NEGATIVE ONE

A Positive List is preferable to a negative format due to its simplicity: a concise list of animals that may be kept provides clarity to owners and enforcement agencies and creates less regulatory bureaucracy for governments. This reduces administrative costs and lowers the judicial backlog currently generated by deciding matters of animal welfare when there is an appeal by the pet owners. Additionally, the Positive List approach has already received support from the European Court of Justice.

Negative lists need to be continually updated in a slow and burdensome process as new species are observed being kept as pets, the conservation status of a species becomes critical or incidents occur with species threatening human and animal health and the environment. For these reasons, negative lists will always lag behind new trends in exotic pet keeping and shifts in the trade, and create a false sense of acceptability regarding the safety and welfare of keeping certain species.

*When the import of red eared sliders (Trachemys scripta elegans) from North America was forbidden in the EU, the yellow eared sliders (T. s. troostii) became popular as an alternative species, and have also been introduced in the environment.*

## SUCCESS STORIES

### Belgium

A Positive List for mammals had been under discussion since 1989 and was introduced by Royal Decree in 2001. This unprecedented legislative move caused a stir in national and international circles, and the regulation was challenged in court as hindering 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 (Andibel ruling). The final Royal Decree of 2009 maintains the same 42 species on the list and includes an Annex of criteria according to which species can be evaluated for their inclusion on the list.