

REGULATORY APPRAISAL ANNEX B

The Prohibition of Keeping or Release of Live Fish (Specified Species) (Amendment) (Wales) Order 2002.

Purpose and intended effect of the proposal

i) identify the issue and objective

Issue

The unauthorised introduction and spread of non-native fish and shellfish species can have far-reaching and undesirable ecological consequences and can lead to the displacement and/or collapse of other native species and habitats.

Objective

The 1998 Prohibition of Keeping or Release of Live Fish (Specified Species) Order introduced new licensing arrangements to supplement existing controls to prevent the unauthorised introduction and spread of non-native fish and shellfish in England and Wales. There is now increasing concern that other non-native temperate species also pose a potential threat to our native flora and fauna and the environment. The purpose of this Order, therefore, is to provide further protection by extending the original list of non-native fish and shellfish species covered by the 1998 Order for which a keeping/release licence is required.

ii) risk assessment

It is accepted internationally that introductions of fish species have generally been harmful and national and international guidelines on the introduction and transfer of non-native species reflect this. However, it is impossible to predict precisely how non-native species will perform under novel conditions outside their native range, or the effects that introduced species may have on native flora and fauna and the natural environment. It is thus difficult to distinguish introductions that might be relatively benign and have little impact on native species from those with the potential for being seriously damaging. A precautionary approach is therefore appropriate in relation to the keeping and release of non-native species and international agreements reflect this.

All introductions of non-native fish species pose some threat. The introduction of novel species of fish (or shellfish) may have adverse effects upon resident fish populations either directly, or indirectly through impacts on the aquatic ecosystem. There are a number of ways in which this might occur:

- direct predation;
- competition with indigenous fish for food, cover or spawning sites;
- the introduction of new diseases or parasites (against which the resident populations have inadequate defences);
- hybridisation with resident fish causing possible reduced viability and fecundity of stocks;
- potential adverse effects on the environment through habitat degradation.

The introduction and spread of species such as zander and signal crayfish illustrate the problems that can occur and highlight just how difficult and expensive it is to eradicate such species once they have become established. The ecological damage these introduced species have caused to native species is wide and varied. The signal crayfish is a vector for crayfish plague, to which the native species is not resistant, and also outcompetes our native species. As a result, populations of the native crayfish have declined dramatically. Zander, a piscivore, can cause a decline in small fish numbers, resulting in reductions in fishery value.

There have been a number of attempts to eradicate non-native crayfish using mechanical, biological, physical and chemical methods and the Environment Agency is continuing to fund research into possible eradication methods. To date, control methods have had only limited localised impact in the short term. Over the long term there appears to have been little, if any, effect on population levels. Associated costs have also been high. Broadly similar conclusions have been reached following efforts to control populations of zander.

Other species, such as the sunbleak are known to have become established in parts of southern England and concerns have been voiced about their impact on local coarse fish populations.

Options

i) identify options

Three options have been identified.

option 1

Do nothing - continue to rely on present controls.

As we were initially concerned with those species that presented the greatest and most immediate threat to native flora and fauna, the existing Order applies only to certain genera or species rather than encompass all non-native fish and shellfish. Relying on present controls will not, therefore, provide any protection from introductions of non-native species not covered by the Order and not subject to the licensing arrangements.

option 2

Increase awareness of the risks posed by unauthorised introduction of non-native fish and shellfish species.

We consider that further education on the potential risks of non-native fish will only prove effective if backed up by legislative controls especially as illegal introduction of some non-native fish species can be highly profitable. The ability of the Environment Agency and CEFAS, who advise on and enforce the current Order, to effectively disseminate information to the wide range of fishery owners/managers, dealers, wholesalers, fish farmers, researchers and members of the public is limited.

option 3

Extend the list of non-native fish and shellfish species which require a keeping/release licence

Legislative backing, through an extended list, together with appropriate dissemination of information, would provide the basis of an enforceable non-native fish and shellfish policy.

ii) issues of equity or fairness

It is perceived that the proposed measure should impact equally across the whole industry. The likely burden on small businesses is not considered to be any more onerous than for larger businesses, although we recognise smaller businesses may have less administrative capacity.

Benefits

i) identify the benefits of each option (to business, citizens and the environment)

option 1

No perceived benefits in reducing the risk of further introductions of potentially damaging non-native fish and shellfish species.

option 2

Limited benefit only as likely to have a small impact on stopping unauthorised non-native introductions.

option 3

This option provides for the greatest protection to native habitats from unauthorised introductions of non-native fish and shellfish species. It allows for easier investigation of offences and with other legislation makes it easier to trace fish movements in the UK.

ii) *quantify and value the benefits*

option 1

None.

option 2

Limited impact; unlikely to affect unauthorised introductions.

option 3

Extension of licensing controls and greater publicity will help to ensure accidental or deliberate introductions of non-native fish and shellfish are minimised and so protect the environment.

Compliance costs for business, charities and voluntary organisations

i) *business sectors affected (including number of businesses)*

This regulation affects all those who wish to keep or introduce non-native fish and shellfish in England and Wales. There is no impact on importers unless they are also acting as a dealer/wholesaler. Experience of ILFA since 1998 has shown little, if any, impact on business sectors and we have no evidence to suggest the current arrangements under ILFA have been a burden.

Those affected would be largely fish farmers, fisheries, dealers/wholesalers/retailers, but also some researchers, aquaria and also members of the public. Based on the number of licences issued to date and the species to be included in the extended list, the new measures could possibly affect 45 fish farms, 19 fisheries and 32 dealers/wholesalers/retailers.

ii) *compliance costs for a typical business*

There is no cost to importers or those who wish to hold non-native fish and shellfish not listed in the Order or at annex A. Compliance costs will range from nil to negligible. The administrative costs of filling out the application form and postage will be minimal.

For fish farms and retailers – there will be a requirement to keep additional movement records but this should not be onerous.

For fisheries – successful applicants may need to install or upgrade facilities such as screens, grilles, or gravel beds. But this would reflect good management practice (ie to ensure the fish do not escape).

iii) total compliance cost

options 1 and 2

Nil.

Option 3

Minimal.

Consultation with small business

The extended list of licensed non-native fish and shellfish has been fully and openly discussed with current licence-holders, including fish farmers, fishery owners/managers, dealers/wholesalers/retailers and their respective industry and trade associations. Their comments and concerns have been taken into account in determining the final list.

Identify other costs

Option 1 and 2

Nil

Option 3

Nil

Results of consultation

[Consultation has taken place with all interested parties, including current licence holders, industry and trade associations, government and conservation and environmental organisations.]

Summary and recommendation

It is recommended that option 3 be adopted, to give legislative backing through an amended Order which extends the current licensing arrangements to include a limited number of additional non-native fish and shellfish.

Enforcement, sanctions, monitoring and review

Enforcement will be carried out by the Environment Agency and Centre for Environment, Fisheries and Aquaculture Science in the course of their normal duties. It is considered their annual performance and target reports will be sufficient for monitoring the effectiveness of the Regulation.