



Department
for Environment
Food & Rural Affairs

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Consultation on captive-bred birds; changing how we regulate trading in England, Scotland and Wales

Summary of responses and the government response

March 2016



Llywodraeth Cymru
Welsh Government



The Scottish
Government
Riaghaltas na h-Alba



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Contents

1. Introduction	1
2. Overview of responses to the consultation	2
3. Summary of responses to consultation questions	3
3.1 Key proposals	6
3.2 Options to deliver the Key Proposal	11
4. Summary of further issues to consider	14
Maximum ring sizes for British-bred birds	14
Possible use of Class Licenses to permit trade of rare and threatened species	16
Characteristics of close rings for British-bred birds	17
Providing certain information when applying for rings	19
Requirements for birds with abnormal plumage	20
Size and value of the market.....	22
5. The governments' response	23
Under this option we will:.....	24
Changes in detail:	25
Further amendments: maximum ring sizes for Part 1 of Schedule 3 birds	25
Further issues to consider:	26
Annex A: Maximum ring sizes.....	27
Annex B: List of respondents	28

1. Introduction

In January 2015 Defra, the Welsh Government and the Scottish Government published a joint consultation on '[Captive-bred birds: changing how we regulate trading in England, Scotland and Wales](https://consult.defra.gov.uk/biodiversity/trading-captive-bred-birds-proposed-changes)'.¹ The consultation sought views on a number of proposed changes to the way the trade in captive-bred birds is regulated in Britain. It ran for eight weeks, from 28th January 2015 to 24th March 2015.

In England, Scotland and Wales all wild birds are protected by law from being killed, injured and taken from the wild by section 1 of the [Wildlife and Countryside Act 1981](http://www.legislation.gov.uk/ukpga/1981/69) (WCA 1981)². This protection does not extend to birds bred in captivity, which people may lawfully possess, though they must be able to show that the bird is lawfully held if challenged. Throughout the consultation and this summary document 'captive-bred birds' means those birds which have *a) been lawfully bred in captivity and b) are of a species which is ordinarily resident or a visitor to the European territory of any Member State in a wild state*. This does not include poultry or (in England and Wales only) any game bird.

Trade in captive-bred birds is permitted, but is regulated in order to ensure the protection of wild bird populations. Article 2 of the Birds Directive places a duty on Member States to maintain wild bird populations and Article 5 of the Birds Directive requires Member States to introduce a system of general protection to ensure this. These obligations are achieved primarily through Part 1 of the WCA 1981, in particular section 1 which prohibits the killing, injury, taking or possession of any wild bird.

Prior to the consultation, concerns had been raised that the current regulation of trade in captive-bred birds requires reform, as it may restrict the trade in certain birds imported into the United Kingdom (UK) from other European Member States. Our main objective is to create a simpler regime for the trade in captive-bred birds that is easier for those wishing to trade imported birds to comply with, whilst continuing to protect wild birds from being unlawfully traded.

The consultation outlined three options which could resolve these concerns, whilst continuing to protect wild birds. The primary aim of the consultation was to seek views to assess the advantages and the disadvantages of these three options (which are outlined in full in the [original consultation document](https://consult.defra.gov.uk/biodiversity/trading-captive-bred-birds-proposed-changes/supporting_documents/Consultation%20Document%20%20Jan%202015.pdf)³).

The options were designed to implement changes to the way we regulate the trade in captive-bred birds in Britain, to ensure that requirements for trading are consistently

¹ <https://consult.defra.gov.uk/biodiversity/trading-captive-bred-birds-proposed-changes>

² <http://www.legislation.gov.uk/ukpga/1981/69>

³ https://consult.defra.gov.uk/biodiversity/trading-captive-bred-birds-proposed-changes/supporting_documents/Consultation%20Document%20%20Jan%202015.pdf

achievable, regardless of whether the bird was hatched in Britain or imported from another EU Member State.

The consultation:

- a. Set out the current legislative and administrative regime under which live captive-bred birds may be lawfully traded in England, Wales and Scotland.
- b. Discussed a key issue that has been identified with the current regime, regarding the onward selling of certain birds imported from other European Member States.
- c. Identified three possible options for addressing the issue.
- d. Sought views on the potential solutions.
- e. Discussed and sought views on a number of additional issues relating to trade in captive-bred birds which will be used to inform future policy.

This document summarises the consultation responses received and sets out the Defra, Welsh Government and Scottish Government response.

2. Overview of responses to the consultation

A total of **39** responses were received from individual members of the public, non-government organisations such as the Royal Society for the Protection of Birds (RSPB) and the Wildfowl and Wetlands Trust (WWT), delivery bodies such as Natural England, representative/membership organisations, and small to medium sized businesses.

23 (59%) responses were submitted by individuals, and **16 (41%)** responses were submitted on behalf of organisations. **Six** respondents asked for their response to remain confidential (these responses are included within the consultation summary).

Not all respondents (including four e-mail responses) are included in each table and/or pie chart, as some respondents tended to reply in more general terms and did not necessarily answer every question within the consultation document.

We asked respondents to confirm whether their response applied to Great Britain as a whole, or just England, Scotland or Wales. A breakdown of responses is set out in *Figure 1*.

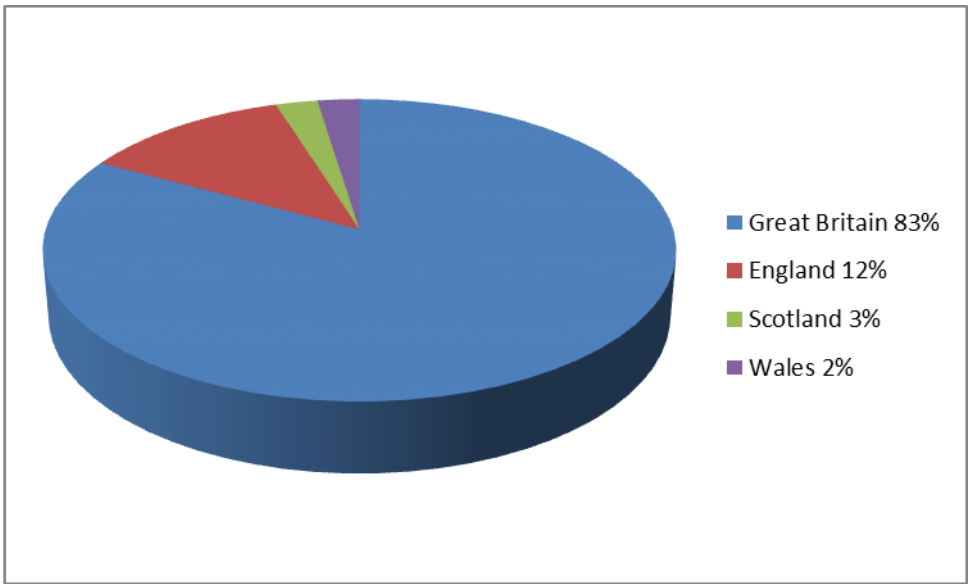


Figure 1: Breakdown of which geographic area each response applies to

3. Summary of responses to consultation questions

Questions 1 – 6 captured respondents’ details, such as their name and/or organisation.

Question 7: Consider the ease or difficulty of the current approach to regulating trade in captive-bred birds in Britain

Figure 2 provides a breakdown of responses, the majority of respondents **30 (79%)** find the current approach **too difficult** to comply with. **Three (8%)** of the respondents believe that the current approach is **too easy** to comply with.

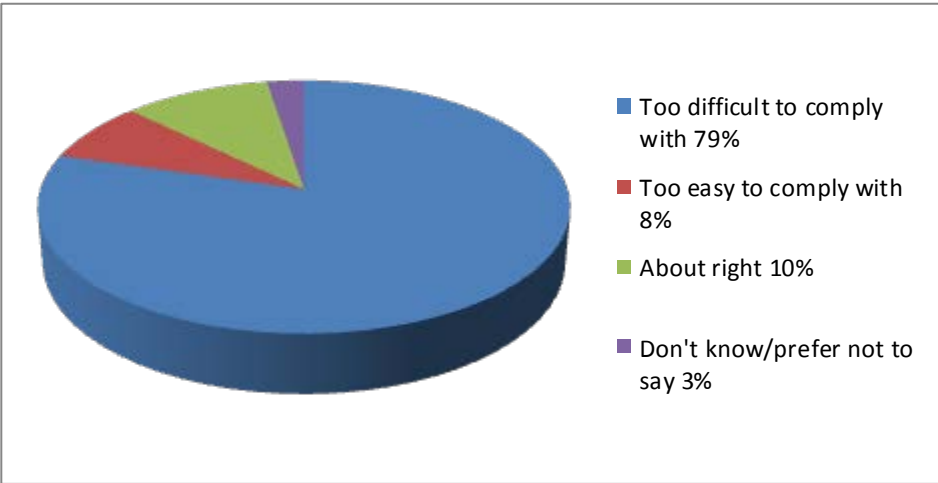


Figure 2: Breakdown of response to question 7 ease or difficulty of the current approach to regulating trade in captive-bred birds.

Question 8: Consider how difficult or easy the current approach in Britain is compared to similar approaches of other European Member States.

Figure 3 provides a breakdown of responses. The general consensus of respondents (**29 or 74%**) is that the British approach is more difficult to comply with. One (**3%**) respondent said that the British approach, compared to that of similar European Member States, is easier to comply with.

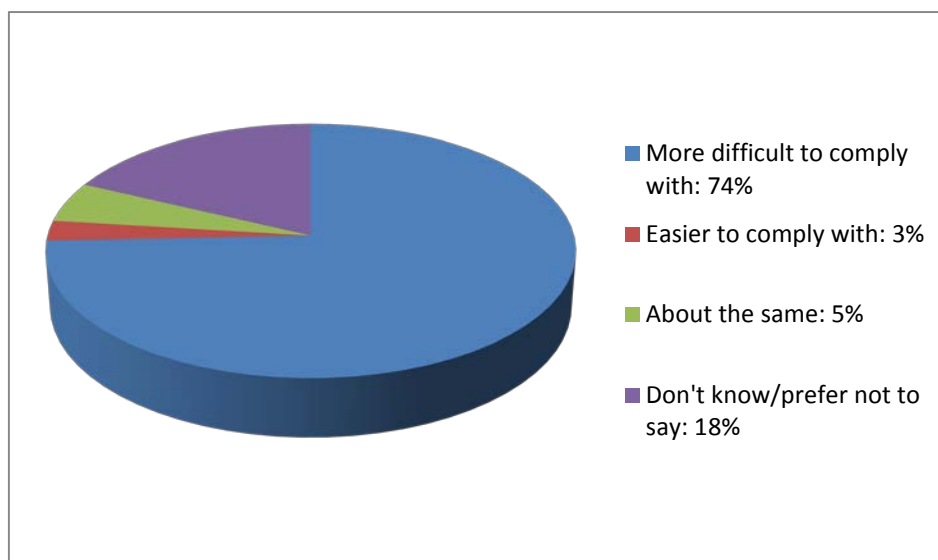


Figure 3: Breakdown of responses to question 8 comparing the British regime to regulating trade in captive-bred birds to similar regimes in other European Member States.

Question 9: Opportunity to provide evidence and additional comments to support answers to questions seven and eight

29 respondents provided additional comments on the perceived difficulty or ease in Britain's current approach to regulating trade in captive-bred birds. Of those who contend that the current approach to regulating trade **is too difficult to comply with**, comments were, in the main, focused upon the requirement for documentary evidence:-

- **Complexity of the current British regime and difficulty to comply with compared to that of other EU Member States.** Examples given were that the UK requires documentary evidence of captive breeding whereas throughout many other European (EU) Member States a closed ring is taken as sufficient proof of captive-bred breeding. Individual breeders feel they are put at an unfair disadvantage compared to those who operate within other EU Member States due to the perceived simplicity of other EU Member States approaches to trade in captive-bred birds. *'Birds are traded in the EU only based on the fact that they are closed rung and these bird can enter the UK without any supporting papers contrary to birds bred within the UK'*

- That the existing requirement for documentary evidence to prove captive bred breeding (in addition to rings) is inadequately defined
- Some individual breeders note that it can be 'impossible' to obtain documentary evidence of breeding records, particularly from other EU Member States
- Documentary evidence is not always easy to provide regarding parentage of a captive-bred bird, particularly where a bird has been bred in a mixed aviary

Others comments included:

- Four respondents said that the current British approach may amount to a restraint on their trade
- One respondent noted the difficulty that some individual bird keepers may have in physically applying rings to captive-bred birds. Particularly if the individual is visually impaired or suffers from a physical condition such as arthritis
- One respondent said that the existing British regime stigmatises bird keepers 'in same category as wild bird poachers'

Those respondents (**three**) who view the current regime **as too easy to comply with** voiced a number of concerns:

- Existing difficulties in investigating and prosecuting individuals keeping and trading in wild taken birds *'The problem appears to be that while the intention of the law is good it's application is poorly worded and it is very hard to take action against criminals and to determine mens rea to the satisfaction of the courts'*
- Concerns were expressed about the effect that deregulation has had on the illegal trade in wild birds elsewhere in the European Union. Evidence to support this view included: An NGO respondent cited a 2007 report commissioned by Vogelbescherming Netherlands which concluded, *'The liberalization of the legislation in 1997 and 2002 has led directly to an increase in demand for many native species. A significant percentage of these birds are wild.'*
- Two respondents voiced concerns around closed rings, that *'closed rings in themselves do not offer enough protection against the illegal wild bird trade'*
- An NGO respondent questioned whether or not Britain may be considered as operating a more precautionary approach than some other EU Member States. The respondents understanding is that in France, Germany, Holland and Belgium there are certain possession and registration controls on birds (those often commonly kept in aviculture in Britain e.g. goldfinch). *'Ring numbers issued in these countries are unique and allow breeders of individual birds to be identified and traced'*.

Two (5%) respondents felt the ease of complying with the regime in Britain is similar to that in other EU Member States. Additional comment included:

- *“We have no evidence that the current regime is unfit for purpose. We receive very few applications annually to trade either Schedule 3 or non Schedule 3 species without documentary evidence. This suggests there is either not a demand for trade in such species or there is not a significant issue with using the current general licence in its current form”*

3.1 Key proposals

Under the key proposal to resolving the Primary Issue⁴ we proposed to make changes to the current regime so that captive-bred birds may be traded in Britain provided they meet the following conditions:

a) They are of a species that may currently be traded under section 6 of the Act (i.e. Part I Schedule 3 species) or under a General Licence (unless other conditions/exceptions are specified); b) They are ringed in accordance with the requirements of the country in which they were hatched; and c) They are fitted with rings that meet the minimum standard for rings as described in the Convention on the International Trade in Endangered Species⁵ (in many cases this is likely to be the same ring as required by the Member State).

In this consultation response, together these are referred to as the ‘Key Proposal’.

Question 10: On a scale of one to five, with one being negative and five positive we asked respondents for their view of the key proposal.

Figure 4 provides a breakdown of responses, **29 (76%)** responded positively to the Key Proposal by selecting four or five on the scale.

⁴ The key aim of the consultation was to seek views on the proposed changes to the regime which imported captive-bred birds will be more likely to be able to be met. For the consultation we referred to this as the ‘**Primary Issue**’.

⁵ Commission Regulation (EC) No 865/2006: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R0865:20120927:EN:PDF>

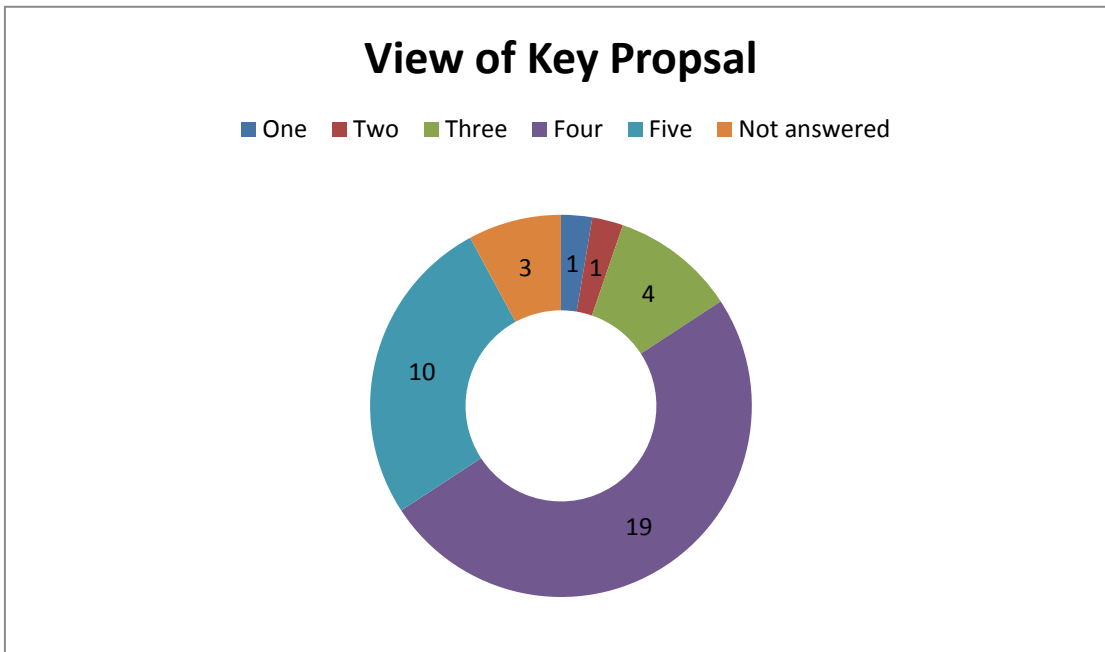


Figure 4: Positive to negative view of the Key Proposal

Question 11: We asked respondents to consider what effect (if any) the Key Proposal would likely have on the number of traded birds under four different scenarios.

A. British captive-bred birds legally traded in Britain - The majority of respondents (58%) stated that there would likely be a small increase in the number of captive-bred birds **legally** traded in **Britain**.

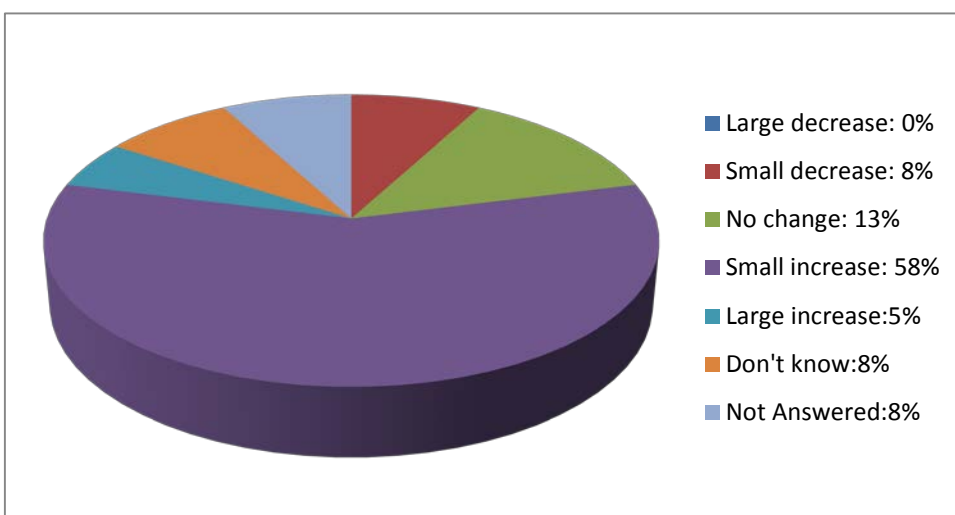


Figure 5: Q11a) Likely effect of the Key Proposal on the numbers of British captive-bred birds legally traded in Britain.

B. British captive-bred birds illegally traded in Britain: 50% of respondents stated that there would likely be no change in the number of captive-bred birds **illegally** traded in **Britain**

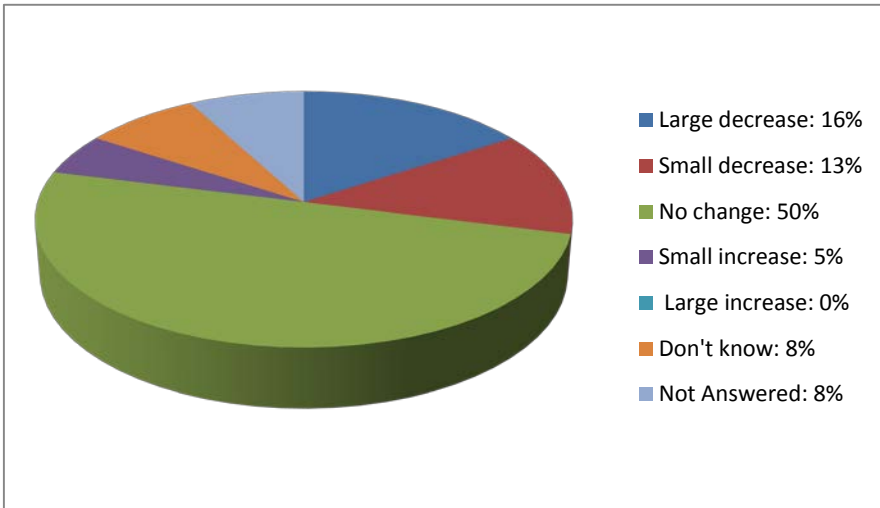


Figure 6: Q11b) Likely effect of Key Proposal to have on the numbers of British captive-bred birds illegally traded in Britain

C. Imported captive-bred birds legally traded in Britain: 53% of respondents stated that there would be a small increase in the number of **imported** captive-bred birds **legally** traded in **Britain**.

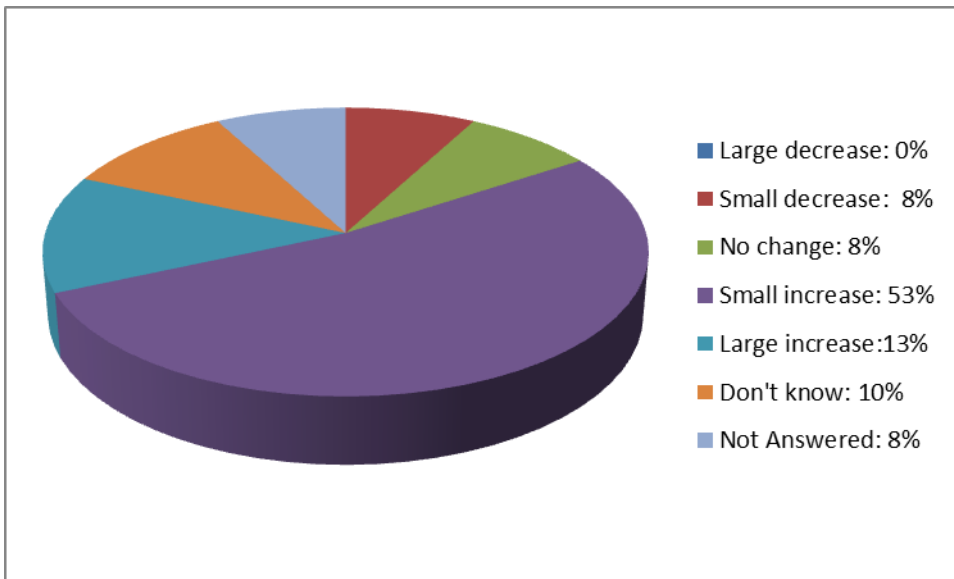


Figure 7: Q11c) Likely effect of Key Proposal on imported captive-bred birds legally traded in Britain

D. Imported captive-bred birds illegally traded in Britain: 45% of respondents stated that there would likely be no change in the number of imported captive-bred birds traded in Britain.

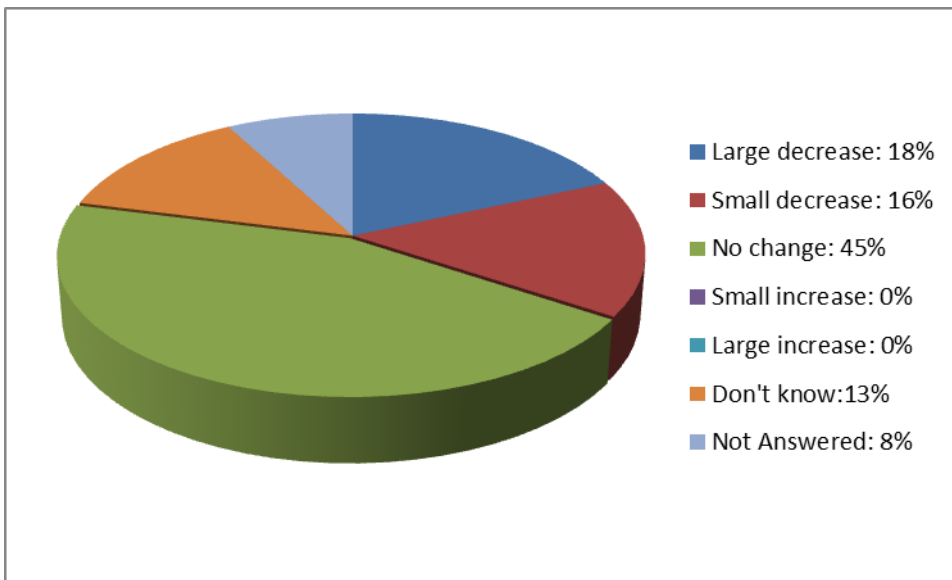


Figure 8: Q11d) Likely effect of Key Proposal on imported captive-bred birds illegally traded in Britain.

Question 12: We asked respondents if they were aware of any European Member State(s) where the ringing requirements for trading all/some species of captive-bred birds would be unlikely to meet the proposed minimum standard.

We received **23** responses to this question, **22** of whom were unaware of any European Member States who would be unlikely to meet the proposed standard. An individual raised a concern around a difference in sub species and differences in sizes - *'The English bullfinch is 14cm long and the northern bullfinch (mainland Europe) is 17cm long'*. The respondent suggests that *'...the list of species and the associated ring sizes would need to be expanded to cover all of the sub species and conform with those in use in the other European countries...'*

Question 13: We provided the opportunity for additional evidence to support questions in this section.

21 respondents provided additional evidence or information to support their views and answers to Question 10 – 12.

Of those with a negative view of the Key Proposal:

- **Wild genes and illegal trade:** An NGO raised concerns that *'closed rings are not proof that parents were lawfully in captivity when the egg was laid'*. Concerns were raised that wild genes in captive wildfowl may come from illegal egg collection rather than wild caught birds and as such contend that simply requiring closed rings will not sufficiently control the illegal wild bird trade.
- **Licences:** Two respondents stated they should be required to provide proof of captive breeding, through individual or class license or other means.

- **Impact of deregulation:** An NGO raised concerns about the possible impact the Key Proposal may have on the taking and trading in wild caught birds. Namely any 'deregulation' may; i. Create an easier environment for criminals to operate within; ii. Make it more difficult to detect offences; and iii. Make it more difficult for the statutory agencies to investigate those offences that do come to light.
- **Documentary evidence:** An NGO stated that *'removing the requirement for documentary evidence for such a minor issue is not justified'*, and suggests that the level of trade be dealt with via Individual or Class Licences which can remove the requirement for documentary evidence. Contending that this approach *'would allow trade in captive-bred birds from other EU Member States, without the current need for documentary evidence, whilst at the same time introducing some accountability into the system for traders and allow the level of such trade to be monitored'*.
- **CITEs definition:** Concerns were raised about the use of the CITEs definition around ring sizes (although it should be noted that we propose to use the CITEs definition - not specified ring sizes). *'EU CITES-listed species are medium to large sized birds. For these species, slight variations in the internal ring diameter is probably not crucial. However, for small passerines simply expanding the internal diameter by 100 microns (0.1mm) can be enough to pass the close ring onto the leg of a wild-caught adult bird. We believe for many small passerines a close ring which is just large enough to be pushed onto the leg of an adult wild-caught bird would probably appear from a general inspection to meet the Article 66.8 definition'*.

Additional comments and information received around the Key Proposal include:

- The majority of respondents who provided additional information commented that, the issuing of rings is generally confined to two issuing bodies in each EU Member State, respondents suggested this may help to ensure rings meet the minimum requirement on all species. Although no additional evidence was supplied to support this suggestion.
- One respondent highlighted the need for the availability of sufficient information to ensure bird keepers are made aware of changes to legislation and to ringing requirements.
- An individual respondent stated that 'all birds (including canaries) should be close rung, and that the rings should include the breeders details'.
- A nature conservation body provided further comment and evidence to this question *"Since interim measures (whereby documentary evidence of captive breeding was not required) were introduced in Autumn 2012 there has been no significant change in the number of licences applied for. After an initial small number of applications for a larger than normal number of Schedule 3 species, few applications have been received. This suggests that several things may be occurring: that the level of demand is not widespread nor substantial; that EU bred birds are traded under the General Licence either with evidence of captive breeding accompanying sale; or*

traded unlawfully without evidence of sale under the General Licence, or with no licence.

3.2 Options to deliver the Key Proposal

Question 14: We set out three options to deliver the Key Proposal.

- **Option One:** Amend regulation 3 of the Wildlife and Countryside (Ringing of Certain Birds) Regulations 1982 (SI 1982/1220) ('the Ringing Regulations') to include the proposed new definition of permitted rings
- **Option Two:** Amend the Wildlife and Countryside Act 1981 so that trade is only permitted through a licensing system
- **Option Three:** Expand the exception in Section 6 of the Wildlife & Countryside Act 1981 to allow trade in all captive-bred birds currently permitted to be traded under General Licences

These three options can be [viewed in full](#).

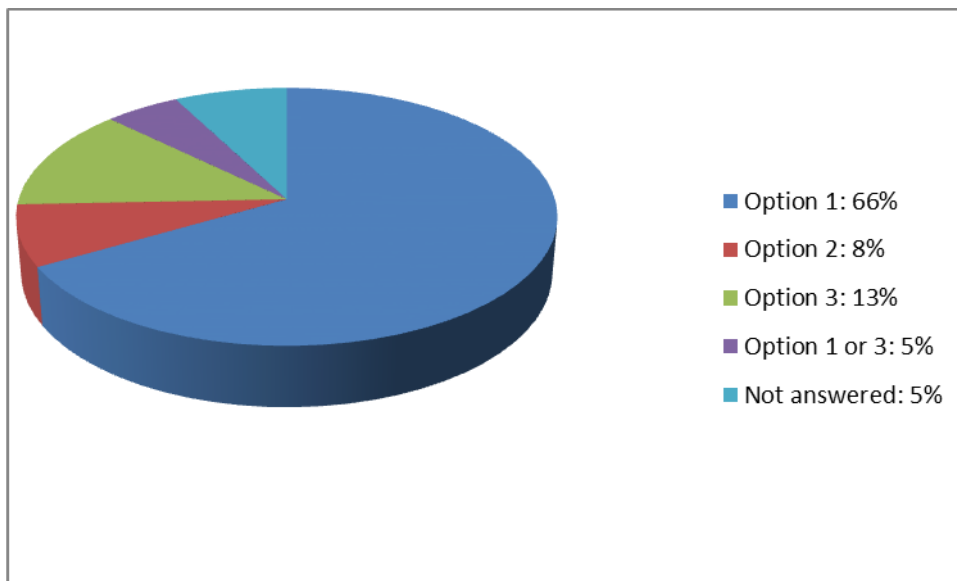


Figure 9: Respondents preference for Option 1- 3

The majority of respondents, **26 or 66%**, preferred **Option One**. Two respondents selected both Option One and/or Option Three.

Three respondents commented that Option Three would be the ideal long term choice. However, they raised concerns about the time and cost in implementing this option. Some suggested that Option One be used in the interim whilst the necessary Parliamentary procedures are completed to implement Option Three.

A small number of respondents were not in favour of any of the proposed options, one respondent stated that each option could potentially weaken protection for wild birds. One

NGO suggests *'that trade in captive-bred birds from other EU Member States can be dealt with via individual licenses or class licenses which can remove the requirement for documentary evidence. This would allow trade in captive-bred birds from other EU Member States, without the current need for documentary evidence, whilst at the same time introducing some accountability into the system for traders and allow the level of such trade to be monitored'*.

Question 15: We asked respondents to provide additional comments to support their choice of Option.

Some of the advantages and disadvantages of Option One, **as identified by respondents** are set out below:

Advantages

- *'Option One meets costs and speed considerations. The others would be more complicated and expensive'*
- *'Simpler to understand. Doesn't penalise people engaged in a legal hobby'*
- *'Allows captive bred native birds to continue being bred and eventually possibly even help repopulate wild bird species under decline'*
- *'Clear and simple but still distinguish lawfully bred birds'*
- Does not lessen *'the protection we afford to birds in the wild'*
- *'Option One would presently be best implemented and would provide required changes more quickly at a reasonable cost, but any restriction of species on General Licences for sale and exhibition be confined to exclusion only of cities listed species'*
- *'Will decrease the possibility of unfair prosecutions'*

Disadvantages

- *'Option One is simple but effectively changes little and leaves a largely antiquated system for both sale and protection, with difficulties to react quickly to changes, in either species conservation terms or market demands'*
- *'This is closest to current system but removes the requirement for documentary evidence of lawful origin and introduces problems associated with the proposed minimum ringing standards. It has the potential for increased illegal trading in wild taken birds by claiming these are imported birds from elsewhere in the EU'*

Three (8%) respondents preferred Option Two, to amend the Wildlife and Countryside Act 1981 so that trade is only permitted through a licensing system.

The advantages and disadvantages of Option Two, as identified by respondents, are set out below:

Advantages

- *'Option Two... allows fairly rapid change for markets and conservation concerns about wild birds, whilst maintains the level of protection'*
- *'Although changes to licenses would not undergo Parliamentary scrutiny, they would be subject to public consultation enabling users of the system to air views and suggestions directly with the licensing authority'*
- *'...would give the clearest route to effective enforcement because it would be easier to take a case against someone for breach of the licensing system, than to demonstrate criminality in intent'*
- *'The option appears to offer a simple legislative situation and rapid flexibility, with public scrutiny and stakeholder input into decisions made'*
- *'It also enables gathering of evidence of levels of trade via reporting'*

Disadvantages:

- Concerns were raised around deregulation and the removal of birds on Part I Schedule 3 onto General Licence, *'without seeing the proposed General Licence, it is not possible to support this as it could end up with a far weaker system in relation to Part I Schedule 3 species'*.

5 (13%) respondents preferred Option 3, to expand the exception in Section 6 of the Wildlife & Countryside Act 1981 to allow trade in all captive-bred birds currently permitted to be traded under General Licences

The advantages and disadvantages of Option 3, as identified by respondents, are set out below:

Advantages:

- One respondent said that this option *'will encourage trade therefore giving the hobby a future and also reducing prejudice in trade therefore reducing costs of licences...'*
- Fully enable *'free trade between European countries'*

Disadvantages:

- This option means that *'large numbers of species not traded or at least traded at very low levels (many former Schedule 4 species) would be put into statute'*
- *'There is no requirement for any statutory ring sizes'*

- One NGO stated that *'this option is unacceptable and that rare breeding birds in the UK must be protected from illegal exploitation by being placed onto a Class Licence'*.

4. Summary of further issues to consider

In addition to the Primary Issue and associated Key Proposal views were welcomed on five further issues that have either been raised by stakeholders, or which became apparent during the course of the review of the current regime.

The further issues were:

- Maximum Ring Sizes for British-bred birds
- Possible use of Class Licenses to permit trade of rare and threatened species
- Characteristics of close rings for British-bred birds
- Providing certain information when applying for rings
- Requirements for birds with abnormal plumage

We took the opportunity to gather information on these issues to assist our further thinking and to inform future policy and legislative development.

Maximum ring sizes for British-bred birds

Question 16: Which (if any) of those species listed under Part 1 of Schedule 3, do you think maximum ring sizes should be specified for?

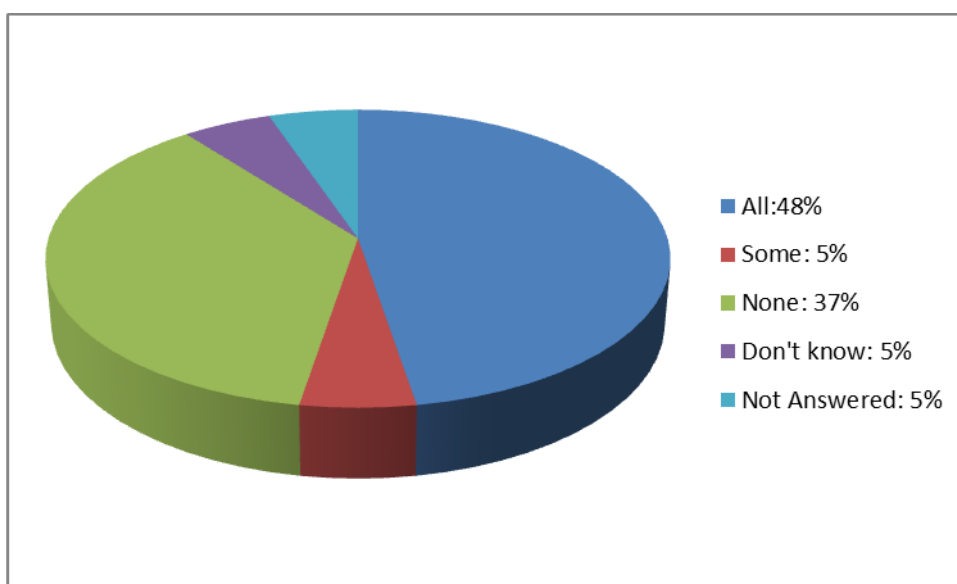


Figure 10. Maximum ring sizes for British Bred Birds

There was no general consensus which of those species listed under Part 1 of schedule 3 maximum ring sizes should be specified for. **18 (48%)** respondents thought **all species** (listed) should have maximum ring sizes, **14 (37%)** thought that **none of the species** (listed) should have maximum ring sizes specified.

Question 17: Which (if any) of those species not listed under Part 1 Schedule 3 (but which are required to be ringed when traded) do you think maximum ring sizes should be specified for?

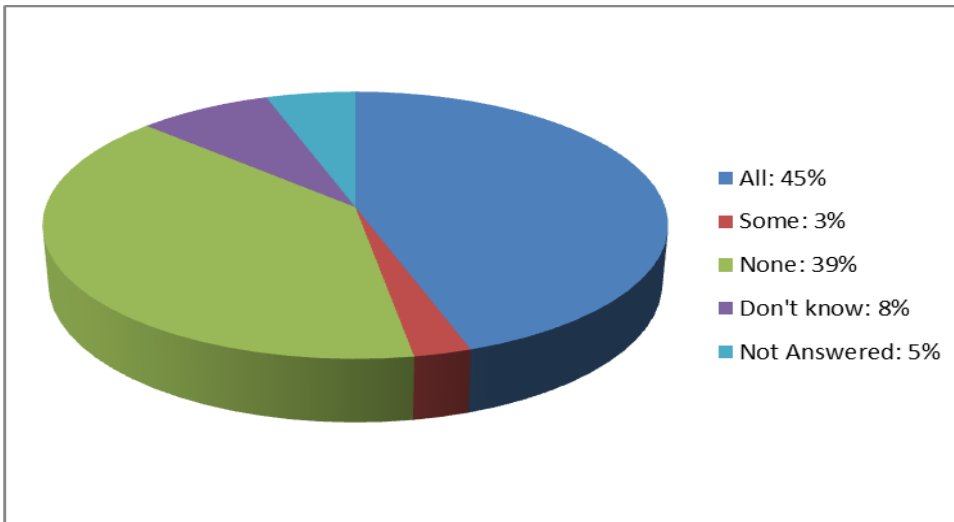


Figure 11: Maximum ring sizes: species not listed under Part 1 schedule 3

Similarly to question 16 there was no general consensus. **17 (45%)** respondents thought that **all** of those species not listed under Part 1 Schedule 3 (but which are required to be ringed when traded e.g. as a condition of a general licence) should have a specified maximum ring size. **Whereas 15 (39%)** of respondents thought **none of those species** should have maximum ring sizes specified.

Question 18: We asked respondents to share their views on which species they thought should have maximum ring sizes specified (where they answered 'some' to either question 16 or 17).

Nine respondents offered additional comments. Some respondents told us that birds from northern Europe tend to be larger than their counterparts from other parts of Europe. Whilst other respondents offered a list of species which could be reviewed as a priority.

The Greenfinch, Siberian Goldfinch, Siberian Bullfinch, Crossbill (all types), and Mealy Redpoll were all mentioned. A number of reasons were given as to why ring sizes should be reviewed; including that ringing certain species is becoming problematic as captive-bred birds have continued to increase in size due in part to selective breeding.

Six respondents would like to see recommended ring sizes, as is done for non Schedule 3 species. Reasons given were that this approach would:-

- Allow for any increase in the size of birds through selective breeding;
- Ensure that rings are small enough that they must be fitted within the first few days of a bird's life and cannot be removed once the bird has grown, but large enough that they do not cause welfare issues when the bird has fully matured and cannot be removed.

More general comments to question 16 and 17 included

- *'Ring size should be a **recommended size**, which with few exceptions would be as agreed 1993/4 and presently in use by ring issuing bodies BBC and IOA. This would allow for recommended increase in size of ring for the larger Northern Goldfinch and Northern Bullfinch **and the occasional larger than average bird**'.*

Possible use of Class Licenses to permit trade of rare and threatened species

Question 19: Do you think the use of Class Licences to permit trade in some species would be a proportionate response to the potential threat of illegal trafficking?

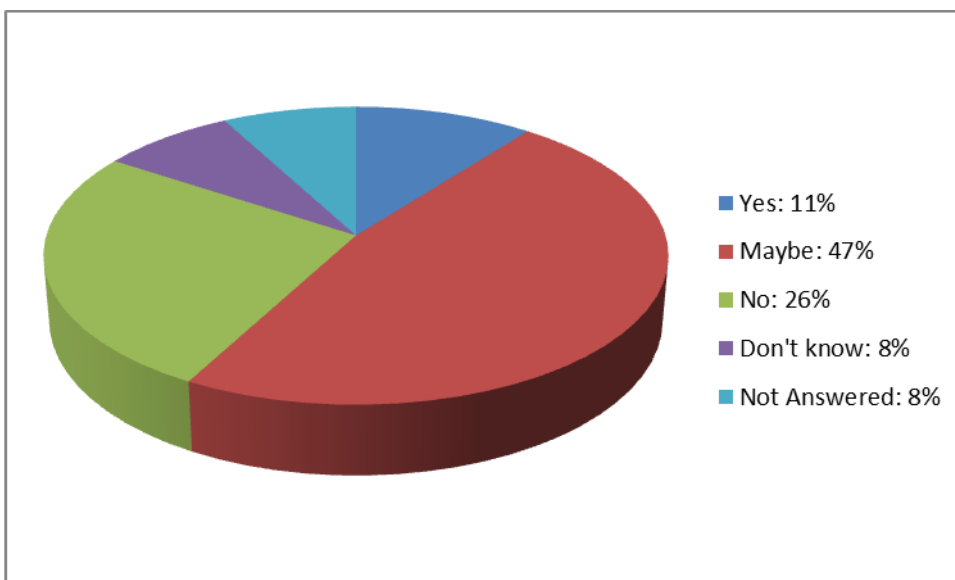


Figure 12: Class Licences to permit trade

18 (47%) respondents thought the use of Class Licences to permit trade in some species **may** be a proportionate response to the potential threat of illegal trafficking. **10 (26%)** respondents were **opposed** to the use of Class Licences, and **4 (11%)** were **in favour** of

their use. Respondents tended not to provide detailed comments to this question. One respondent stated that only CITEs listed species should require this approach and also voiced concern that *'overzealous restrictive regulations are likely to create underground trade'*.

Characteristics of close rings for British-bred birds

Question 20: Do you think that captive-bred birds of species listed under Part 1 of Schedule 3 to the 1981 Act should be required to be fitted with a ring that contains a unique identifier?

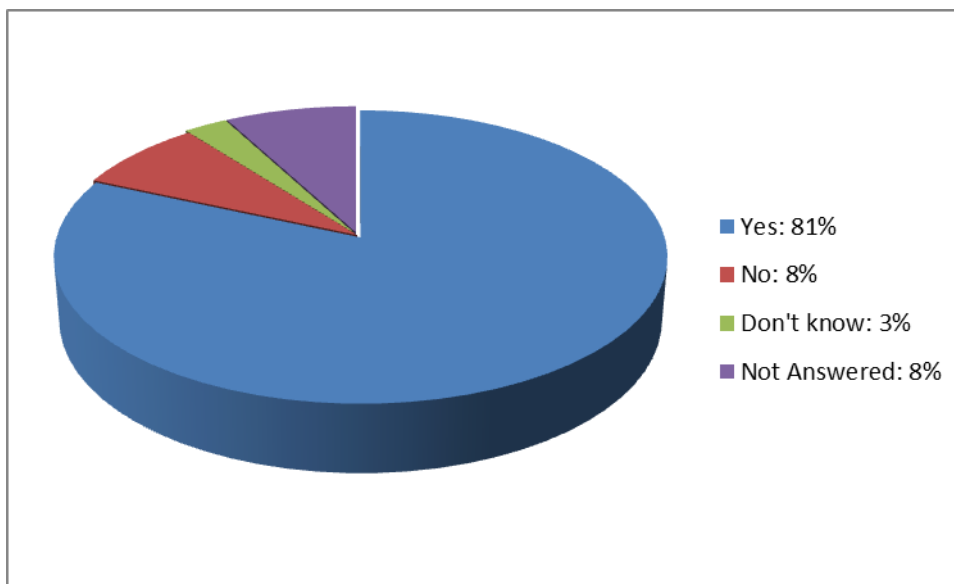


Figure 13: Unique identifier

The majority of respondents 31 (81%) thought captive-bred birds listed under Part 1 of Schedule 3 **should be** required to be fitted with a ring that contains a unique identifier. One respondent also commented that *'...yes because the unique identifier may be useful in tracing birds if that is required and there is no reason for anyone who is breeding birds legitimately to wish to avoid being traceable'*.

Question 21: Do you think that unique ring identifiers should signify specified information

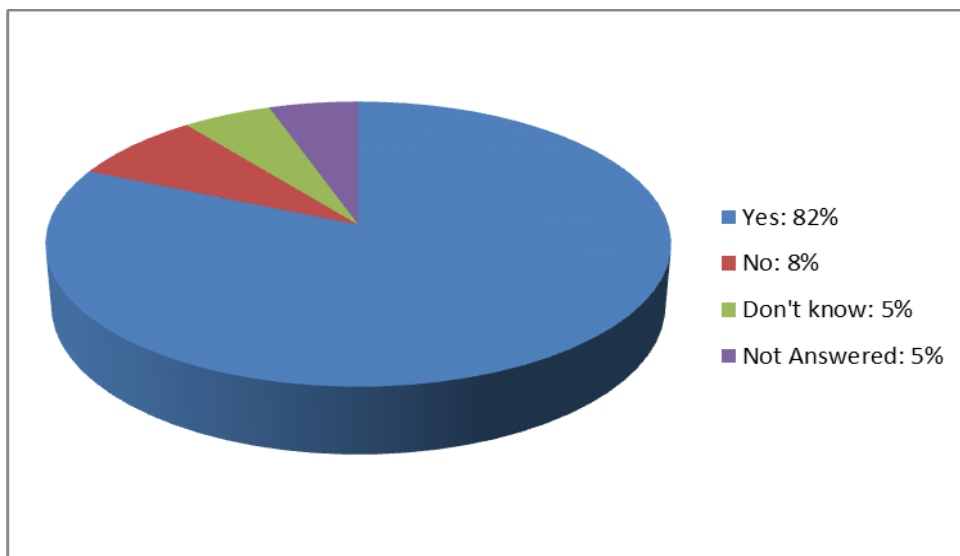


Figure 14: Unique ring identifiers – specified information

A clear majority of respondents **31 (82%)** agreed that unique ring identifiers **should signify specified information**.

An NGO said that *'For wildfowl, the closed rings available are not suitable for record keeping (they wear away, identifiers fade) and can cause injury if poorly fitted. Therefore we believe it is extremely important that the exclusion around requirements to close ring wildfowl is maintained. The negative impacts of closed rings on wildfowl outweigh the positive'*.

Question 22: Should close rings for British-bred birds include any of the following information?

Table one below details the information which respondents would like to see included on close rings:

Should close rings for British-bred birds include any of the following information?	Yes	No	Not Answered
Month and/or year of hatching (e.g. June 2014 would be 06-14)	49%	38%	13%
Country of origin code (e.g. GB)	61%	26%	13%
Size code	79%	8%	13%
Initials of the breeder, or the company	66%	21%	13%
Random number generated by the ring supplier	71%	18%	11%

Table One: Information on closed rings

Question 23: Please specify any other information or characteristics of close rings which you think should be required for some or all species of British captive-bred birds.

24 respondents provided additional comments or information. Several respondents believe that it would be impractical to include any further information on a fitted ring, contending that rings already carry considerable/sufficient information.

Six respondents state that it would be impractical or unnecessary to include the month of hatching on rings. Reasons given for this include a lack of space on rings, the month of birth being irrelevant, the difficulty in calculating when a bird would go to nest in a specific month and therefore the difficulty in ordering a ring, and an increase in cost to bird keepers/breeders.

One respondent stated they would support additional information if it is useful in combating illegal ringing.

Providing certain information when applying for rings

Question 24: In your experience, is it difficult to obtain parentage information for chicks?

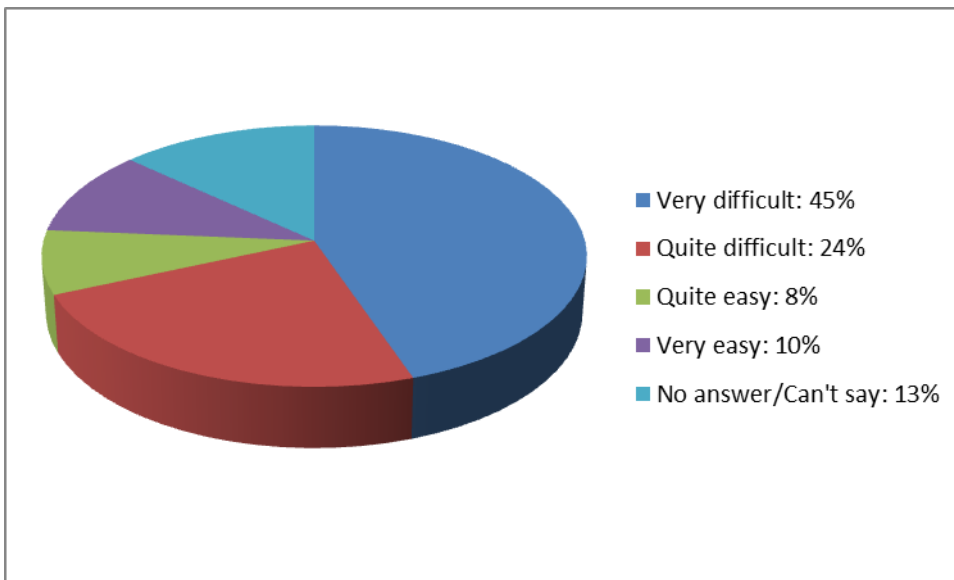


Figure 15: Ease or difficulty in obtaining parentage

69% of respondents felt it was either very difficult or quite difficult to obtain parentage information for chicks.

Question 25: If you have previously applied for rings from the BBC or IOA, do you recall if you provided parentage information?

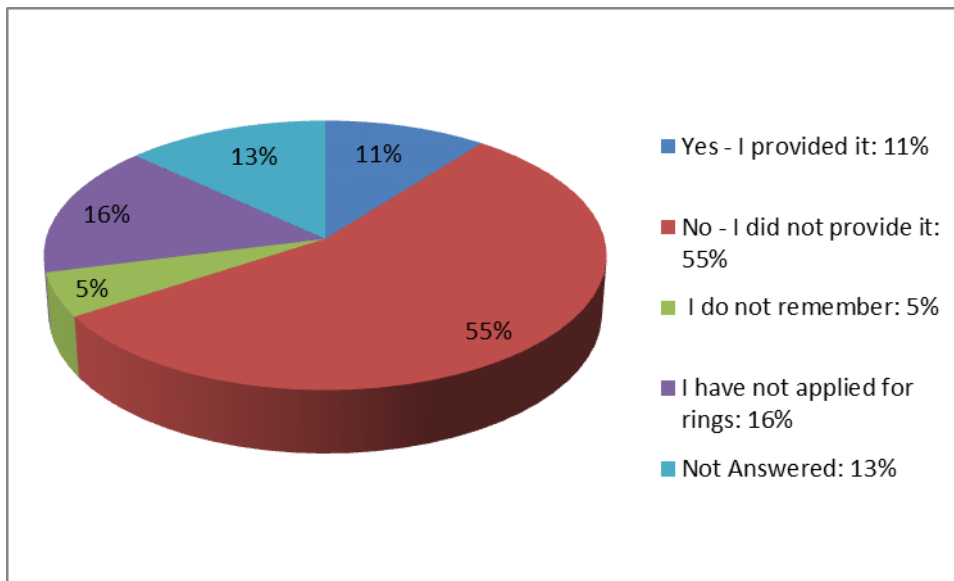


Figure 16: Providing parentage information

21 (55%) of respondents who have previously applied for rings from the BBC or IOA did not provide parentage information.

We received one additional comment in response to this question, voicing concern that the current licensing requirement is too onerous, placing unnecessary restrictions on bird keeping as a general hobby.

Requirements for birds with abnormal plumage

Question 26: Can you estimate what percentage of birds traded in Britain have abnormal plumage?

We received **32** responses to this question. There was no general consensus. Some responses estimated that the trade in birds with abnormal plumage **might be as high as 70%**, others **as low as 10%**.

10 respondents note that in their experience the trade in colour-morphs is increasing year on year. **Two** respondents specified that the trade in colour-morphs was higher/ more popular in certain species such as the Zebra Finch and Goldfinch.

Question 27: Do you consider an exception to allow colour morphs to be sold without a ring is necessary and appropriate?

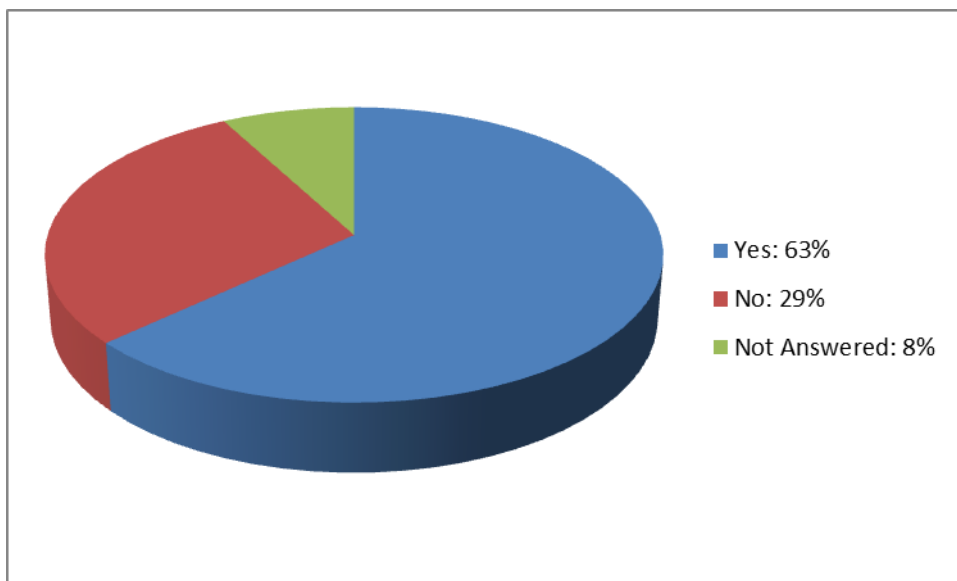


Figure 17: Colour morphs without ring

The majority of respondents, **24 (64%)**, consider an exception to allow colour morphs to be sold without a ring as necessary and appropriate.

Question 28: Are there any risks and/or benefits of introducing exceptions from any ringing requirements when selling birds with abnormal plumage?

30 respondents provided additional comments around the risks and benefits of introducing exceptions from ringing requirements.

Welfare issues were raised by **13** respondents. Respondents highlighted the risk that compulsory closed ringing can pose to young chicks in the nest. Primarily, the risk that the parent bird may reject the foreign body (ring) and therefore remove the chick from the nest. Most (of the 13) respondents agreed that an exception to allow colour morphs to be sold without a ring would remove the welfare issue for those birds with abnormal plumage.

Some respondents voiced concern that confusion may occur with wild naturally-occurring colour morphs. A small number of respondents stated that all captive-bred birds should be closed rung, reasons given included, providing adequate traceability and simplicity.

A small number of respondents noted that some breeders are moving toward focusing upon colour mutations, the suggestion for this being that some breeders/hobbyists may feel more confident in keeping them as genuine captive-bred birds, removing any risk of a perceived threat of inspection or persecution.

Some noted that colour morphs, generally, are unlikely to be wild-caught birds (contending that colour morphs are not normally found in the wild), one respondent said '*our efforts*

should be focussed on the prevention of taking birds from the wild, it is difficult to see how making it mandatory to close-ring obvious colour morphs could be proportionate or necessary’.

An individual respondent noted that the benefit in introducing an exception to colour morphs might allow bird keepers to save money in not having to ring birds with colour mutations. A respondent noted that some keepers may elect to use split rings to differentiate birds for keeping and breeding purposes.

Size and value of the market

Question 29: Can you provide an estimate of the total number and/or value of the birds you traded during the 12 month period from April 2013 to the end of March 2014?

11 respondents said that they **did not trade in birds** during this 12 month period. **Three** individuals stated that they did not wish to provide an estimate.

Four respondents noted that for the birds which they breed the majority are **usually given away, gifted or traded for other birds**. Some respondents also noted that to many bird keepers and breeders it is not considered to be a trade but rather a hobby. *‘Traded is the wrong word...swapped or sold to other fanciers’* and *“it is **not** a business to Aviculturists, it’s a hobby’.*

14 respondents provided estimates of the number and/or value of birds that they had traded. The **number of birds traded** ranged from **150 to 6**. The value ranged greatly, from **10 birds traded for a total sum of £1800** to **6 birds traded for a total sum of £100**.

Question 30: Can you provide an estimate of the proportion (e.g. 60%) of the total number and/or value provided above was comprised of birds of species listed under Part I of Schedule 3?

20 respondents **did not provide an estimate** (as either the question was not relevant to them, or they did not wish to disclose this information).

19 respondents provided estimates. **Five** estimates were provided by organisations and individuals who did not answer question 29, of these **two** estimated **95%**, and **three** estimated **80%**.

Of those respondents who supplied a value or number of birds traded (for question 29), **six** stated that **the majority of birds traded (estimates given being between 75% – 100%)** were comprised of species listed under Part 1 Schedule 3. **Four** respondents stated that **none of the birds which they traded were listed**. **Three** respondents estimated **15% or lower**, and another respondent estimated that **roughly half the value of birds** traded were of species listed. Where answers were provided for this question

which specified figures the **overall average estimate** of the proportion of species traded which are listed under Schedule 3 was **71%**.

Question 31: Can you estimate what proportion of the total number/and or value of birds you traded during that period were bred in another EU Member State?

19 respondents **did not provide an estimate** (as either the question was not relevant to them, or they did not wish to disclose this information).

Eight respondents said that none of the birds they traded during the specified period were bred in another EU Member State. **Five** estimated that the proportion was low at around 7% or less. **One Club asked its membership; of the 20 replies they received they estimated '5 birds per member were traded'**.

Two individuals said that the total number (100%) of birds they traded were bred in another EU Member State. Of the remaining **three** respondents, the figures submitted varied greatly from 20% to 60% and a total value (of eight birds) traded for 82 Euros.

5. The governments' response

Defra, the Welsh Government and Scottish Government welcome the views of respondents on 'Captive-bred birds – changing how we regulate trading in England, Scotland and Wales'. We would like to thank all respondents for taking the time to respond to this consultation.

Defra, the Welsh Government, and the Scottish Government have considered carefully the responses to this consultation. Our main objective is to create a means of regulating the trade in captive-bred birds which is easier for those trading EU imported birds to comply with, whilst continuing to protect wild birds. We consider that the best way of achieving this is by implementing measures that enable captive-bred birds to be relatively easily distinguished from wild birds of the same species.

The majority of consultation respondents supported our Key Proposal to make changes to the current regime so that captive-bred birds may be traded in Britain provided they meet the following conditions:

a) They are of a species that may currently be traded under section 6 of the Act (i.e. Part I Schedule 3 species) or under a General Licence (unless other conditions/exceptions are specified);

b) They are ringed in accordance with the requirements of the country in which they were hatched; and

c) *They are fitted with rings that meet the minimum standard for rings as described in the Convention on the International Trade in Endangered Species⁶ (in many cases this is likely to be the same ring as required by the Member State).*

The majority of respondents (66%) were in favour of Option One, amending the Ringing Regulations (SI 1982/1220) to include the proposed new definition of permitted rings, we therefore intend to pursue this option. **It should be noted that the definition of the proposed minimum standard may need to be adapted to make the new regulations suitably clear and workable, and it will continue to be the case that in instances when the requirements cannot be met, for whatever reason, traders will still be able to apply for individual licences to permit trade.**

Changes under this option would mean that captive-bred birds of species listed on Part I Schedule 3 would continue to be traded under section 6 of the WCA 1981 (together with new or amended Ringing Regulations), and most other species would continue to be permitted to be traded under General Licences.

Under this option we will:

- **Amend the Ringing Regulations (or make new regulations for the purpose of section 6 of the WCA 1981)** so that live captive-bred birds of species listed under Part I of Schedule 3 may be traded provided they are ringed in accordance with the proposed new minimum ringing standard (*see above in italics*). The regulations will specify requirements for British-bred birds, such as maximum ring sizes⁷ and authorised suppliers;
- **Ensure that the General Licences permit trade in birds of other species** if they are ringed in accordance with the proposed new minimum ringing standard; and
- **Remove the requirement to provide documentary evidence** of captive breeding from the relevant General Licences permitting trade in live captive bred birds in England and Wales.

⁶ Commission Regulation (EC) No 865/2006: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R0865:20120927:EN:PDF>

⁷ Maximum ring sizes were discussed in the 'Further Issues to Consider' section of the consultation – 'Further Issue (I) – Maximum Ring Sizes for British-bred birds'. The Regulations will include these at the same time as providing for the Primary Issue.

Changes in detail:

This option is closest to the current regime, insofar as the Part I Schedule 3 species will continue to be traded under section 6 of the Act (together with regulations setting out the detail), and most other species will continue to be permitted to be traded under the General Licences.

In both cases, changes made to the Ringing Regulations and the General Licences require that captive-bred birds being sold are ringed in accordance with a new minimum ringing standard.

The current requirements for documentary evidence to accompany sales of non-Part I Schedule 3 species will be removed from the relevant General Licences issued by Natural England and Natural Resources Wales. This requirement has already been removed from the General Licences in Scotland.

Retaining the existing framework of regulations (setting out the detail of permitted trade in Part I Schedule 3 species under section 6 of the WCA 1981) and General Licences (permitting trade in most other species) provides close consistency with the current regime that end-users (bird dealers, traders, keepers, ring suppliers etc.) are currently familiar with. We do not expect the key elements of the current ringing requirements/procedures for British-bred birds to change significantly.

Further amendments: maximum ring sizes for Part 1 of Schedule 3 birds

The maximum ring sizes set out in Schedule 2 to the Ringing Regulations for Part I of Schedule 3 species are considered by some stakeholders to be too small for some species. For some of these species, the approved ring suppliers (the IOA and BBC) have been issuing rings larger than the maximum sizes specified in the Ringing Regulations, following the agreement of 'interim' measures with government in 1993.

We have reviewed this issue. Our over-arching goal is to ensure close rings are of a size which poses the least welfare risks to captive-bred birds, while also minimising the potential for rings to be fitted on to birds taken unlawfully from the wild.

As part of the consultation process, stakeholders have told us again that birds from northern Europe (and Britain in particular) tend to be slightly larger than their counterparts from other parts of the continent. We therefore, in England, Wales and Scotland, intend to pursue Option A – to amend the maximum allowable ring sizes (set out in full in the original [consultation document](#)) to reflect the sizes as agreed in the interim measures.

This will involve amendment of Schedule 2 of the Ringing Regulations to reflect the interim ring sizes currently being used by the International Ornithological Association (IOA) and the British Bird Council (BBC) (in line with the approach agreed with government in 1993) for Part I of Schedule 3 species (or if new regulations are made for the purpose of section

6 of the WCA 1981 these sizes will be specified in appropriate schedule). (See Annex A below).

The majority of consultation respondents (69 %) did not raise any issues or concerns with the interim sizes currently in use.

Commissioning new research to provide further evidence to support this amendment would be a costly and lengthy exercise. The Government is satisfied that this would be a disproportionate use of public funds, taking into account the fact that interim sizes have been in use for around 20 years with no significant welfare or conservation issues having been brought to the attention of government. Introducing this change should have very little impact upon traders.

We do appreciate that some stakeholders have told us that the interim sizes specified for some species, for example the Greenfinch, may be too small. Once changes have been made to update the interim ring sizes we will consider what other changes may need to be addressed around ring sizes.

Further issues to consider:

Once changes identified in this response have been made we will consider what other changes may be needed to address the '*Further Issues to Consider*' discussed in section 4 of the consultation summary.

Annex A: Maximum ring sizes

The Table below shows the maximum ring sizes specified by species in the Wildlife and Countryside (Ringing of Certain Birds) Regulations 1982 compared to those currently issued/recommended by the IOA and BBC (in Britain).

Species (English vernacular name)	Maximum ring sizes used by keepers/recommended by associations (inner diameter in mm)	
	United Kingdom	
	Sizes specified in Schedule 1 of the Ringing Regulations (SI 1982/1220)	Ring sizes used by the IOA & BBC
Blackbird	4.4	4.45
Brambling	2.7	2.85
Bullfinch	2.5	2.85
Bunting, Reed	2.7	2.67
Chaffinch	2.7	2.67
Dunnock	2.9	3.10
Goldfinch	2.5	2.67
Greenfinch	2.9	3.10
Jackdaw	7.1	7.15
Jay	6.0	6.32
Linnet	2.5	2.67
Magpie	7.1	7.15
Owl, Barn	9.5	9.50
Common redpoll	2.4	2.55
Mealy redpoll		2.67
Lesser Redpoll	-	2.55
Siskin	2.4	2.55
Starling	4.4	4.45
Thrush, Song	3.9	4.26
Twite	2.4	2.55
Yellowhammer	2.9	2.90

Annex B: List of respondents

Individual respondents – 23

Organisations:

Argyll & Bute Council

British Bird Council

British Softbill Society

Eastern Federation of British Bird Fanciers

Foreign Bird Federation

International Ornithological Association

International Wildlife Consultants (UK) Ltd

Lancashire British Bird and Hybrid Club

London & Home Counties British Bird Mule and Hybrid Club

National Council for Aviculture

Natural England

North East British Bird Mule and Hybrid Club

Royal Society for the Protection of Birds

Scottish Association for Country Sports

Scottish Hawk Board – Scottish Hawking Club

Wildfowl and Wetlands Trust