

Title: Implementation of the Agreement on International Humane Trapping Standards (AIHTS) in the UK IA No: DEFRA1543 RPC Reference No: RPC17-Defra –4058(1) Lead department or agency: Defra Other departments or agencies:	Impact Assessment (IA)
	Date: 02/10/18
	Stage: Final
	Source of intervention: International
	Type of measure: Secondary legislation
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Summary: Intervention and Options	RPC Opinion: GREEN

Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present	Net cost to business per year (EANDCB in 2014	One-In, Three-Out	Business Impact Target Status
£-1.12m	£-1.12m	£0.1m	Not in scope	Non qualifying provision

What is the problem under consideration? Why is government intervention necessary?

The welfare of trapped animals is a public good, and government intervention can help to resolve the associated market failure. The EU has entered into agreements with Canada, the United States of America and the Russian Federation to improve the welfare standard of traps used to catch or kill some wild animals. These agreements require EU Member States, including the UK, to have a system in place for certifying traps which meet specified humaneness standards and to prohibit the use of uncertified traps for trapping a list of specified species by 22 July 2016.

What are the policy objectives and the intended effects?

The purpose of the agreements is to improve the welfare standards of traps and trapping methods used for a list of certain species. Of the 19 species covered, only badger, otter, beaver, pine marten and stoat are present in parts of the UK. Only the stoat is regularly and widely trapped in the UK and it is the only species for which kill (lethal) traps are commonly used. The other four species are less frequently trapped, using live-capture (non-lethal) traps. This measure will improve welfare of the 5 UK species by removing less humane traps from use. By establishing international standards, these agreements also allow Canada, the Russian Federation and the United States of America to continue to import pelts and manufactured goods of certain wild animal species into the EU.

What policy options have been considered, including any alternatives to regulation?

International obligations under the agreements require us to prohibit non-certified traps, and a ‘do nothing option’ would result in a continued failure to meet these obligations. In addition, there would be no improvement in animal welfare as there would be no incentive for trap operators to improve their traps. Our **preferred option** is to amend existing legislation to prohibit the use of non-certified traps against the five UK species and ensure the trapping of these species can be regulated through the existing licensing system. We intend to implement from 28th March 2019 with the provisions relating to stoat having effect from 1st April 2020 to facilitate transition from non-compliant to compliant traps. **Alternatives to regulation** would breach our EU obligations.

Will the policy be reviewed? It will not be reviewed. **If applicable, set review date:** /

Does implementation go beyond minimum EU requirements?		No		
Are any of these organisations in scope?		Micro Yes	Small Yes	Medium Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)		Traded:		Non-traded:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister

Thérèse Coffey

Date:

14/11/2018

Summary: Analysis & Evidence Policy Option 1

Description: Implementation of the Agreement on International Humane Trapping Standards (AIHTS) in the UK

FULL ECONOMIC ASSESSMENT

Price Base Year 2016	PV Base Year 2017	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -5.18	High: -0.12	Best Estimate: -1.12

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	0.5	-0.1	0.1
High	6.0	-0.1	5.2
Best Estimate	1.8	-0.1	1.1

Description and scale of key monetised costs by 'main affected groups' -

The main affected group are gamekeepers. They will be required to replace nearly all of their existing stoat traps before 1st April 2020 or else stop trapping stoats until they do and this comes to a total cost of £1.7m in the first year or so of the appraisal. This initial cost is offset by a reduced need to replace old traps in the following years, giving a total net present cost of this activity of around £1.0m. Gamekeepers also face a familiarisation cost of around £0.1m in the first year.

Under the High scenario there is also a large one-off cost associated with constructing new tunnels of around £2.6m and replacing traps around £2.3m. Together these factors make the estimated cost of the High scenario nearly five times larger than that of the Central scenario (best estimate), although the High scenario would only represent an accurate view of the world if all of the independent "high" assumptions were true at the same time. This is extremely unlikely.

Other key non-monetised costs by 'main affected groups'

N/A

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate			

Description and scale of key monetised benefits by 'main affected groups'

None

Other key non-monetised benefits by 'main affected groups'

By removing less humane traps from use, implementation will result in improvements to the welfare of the 5 species covered by the Agreement. Furthermore, because stoat trappers catch multiple species in their traps, other small ground pest species will also benefit from more humane stoat traps. Evidence shows that the UK public places a value on higher welfare standards for animals, which suggests non-market benefits associated with implementation of the preferred option.

Key assumptions/sensitivities/risks	Discount rate (%)	3.5%
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There are two key assumptions which influence the results: (1) The cost of new, compliant, traps; (2) Whether new tunnels will need to be constructed when replacing traps. Variation in (1) is reflected in the Low and High scenarios presented here. We assume that new tunnels need not be constructed in both the Low and Central scenarios, but allowing for this accounts for the large increase in cost shown in the High scenario.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs: 0.1	Benefits: 0.0	Net: -0.1	

Evidence Base (for summary sheets)

Background

The European Union (EU) has concluded two international agreements¹, for the purpose of establishing humane trapping standards. By establishing international standards, these agreements allow Canada, the Russian Federation and the USA to export pelts and manufactured goods of certain wild animal species into the EU.

The two agreements are substantially similar. For ease, this document will only refer to implementation of the Agreement on International Humane Trapping Standards (AIHTS) , although in doing so, we will also be meeting our requirements under the separate agreement between the EU and the USA.

Parties to the AIHTS (Canada, Russian Federation and the EU) are required to meet on an ongoing basis. Delegates to these meetings make up the Joint Management Committee (JMC), established under the terms of the AIHTS to administer the Agreement. The USA is a permanent observer on the JMC.

The aim of the AIHTS is to ensure a sufficient level of welfare of trapped animals. It covers trapping of animals for a variety of different reasons and applies to 19 species in total, most of which are not native to the UK. All traps are covered by AIHTS.

Of the 19 AIHTS species, only five occur in the wild in parts of the UK:

- European Badger, *Meles meles*
- European Beaver , *Castor fiber*
- European Otter, *Lutra lutra*
- Pine Marten, *Martes martes*
- Stoat, *Mustela erminea*

Of these only the stoat is regularly and widely trapped in the UK and it is the only species for which lethal (kill) traps are used. The other four species are less frequently trapped for conservation, disease control or damage prevention purposes using live capture (non-lethal) traps.

Implementation of the AIHTS will improve the welfare of these 5 species by removing from use those traps which are of lower welfare standard. Furthermore, because game managers and others will often operate stoat traps to target a range of small predator species, including weasels and rats, there will be consequentially positive impacts for those as well. It is assumed that trapping using certified traps will be as effective as with non-compliant traps.

¹ The first agreement, the Agreement on International Humane Trapping Standards (AIHTS), between the EU, Canada and the Russian Federation, was approved by Council Decision 98/142/EC. The second (approved by Council Decision 98/487/EC) is in the form of an agreed minute between the United States of America and the EU and takes a similar form to AIHTS. See Art 216(2) of the Treaty on the Functioning of the EU, which states that 'Agreements concluded by the Union are binding upon the institutions of the Union and on its Member States'

Policy Options

Rational for intervention --Legal obligation

EU Member States are obliged to implement the requirements of the AIHTS and the deadline for implementation was 22 July 2016. Until EU exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in the future, once the UK has left the EU.

The European Commission has already written to Member States reminding them of their obligation to implement the AIHTS and requesting details of implementation.

While it is not a viable option to ‘*do nothing*’, we intend to take the least burdensome approach to implementation, within the constraints of our obligations.

Policy Objective

Legislative mechanism

In England, Scotland and Wales, we propose to deliver the key commitments of AIHTS by amending sections 11 (prohibition of certain methods of killing or taking wild animals) and 16 (power to grant licences) of the Wildlife and Countryside Act 1981 (“WCA”)², and adding a new Schedule to the Act (animals which may not be killed or taken by traps or snares).

This includes beavers in England and Wales which are not formally in the wild, but are under trial for consideration of formal reintroduction and are contained in designated areas and enclosures. This recognises that occasionally they may need to be trapped and so their welfare must be considered.

Northern Ireland will be making similar amendments to corresponding provisions in the Wildlife (Northern Ireland) Order 1985, although beavers have never been historically present in Ireland and Northern Ireland will therefore not be implementing AIHTS for beaver.

For stoat and European beaver, we propose only to apply those prohibitions in section 11(2) of the WCA that are required by the AIHTS. If we regulated any of these other methods of control in relation to stoat and European beaver, we would be going beyond what is required by our EU obligations. In relation to stoat and European beaver, it is only the use of traps and snares which will be regulated, not the other methods of control currently covered by section 11(2)³.

The effect of our proposed approach will be the prohibition of the use of all traps for AIHTS species, with the result that trapping may only occur under licence using AIHTS-compliant traps.

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

³ As well as traps and snares, section 11(2) regulates the use of any net, electrical device for killing or stunning, poisonous, poisoned or stupefying substance, automatic or semi-automatic weapon, device for illuminating a target or sighting device for night shooting, form of artificial light or any mirror or other dazzling device; decoy or mechanically propelled vehicle in immediate pursuit of any such wild animal for the purpose of driving, killing or taking that animal.

Under Article 12 of AIHTS, we would also authorise the use of traps certified by other Parties, including other Member States, as compliant with the Standards or else provide justification in writing to the JMC for not doing so.

Defra will make the list of traps which have been certified as meeting the Standards publicly available on gov.uk. In certifying traps we propose to identify the trap by make, model and manufacturer. If the manufacturer of a certified trap were to change we would need to certify the 'new' trap. Provided they are built using the same design and to the same standards, the certification process will be simple and straightforward (i.e. the submission of a trap to confirm it is to the same design and quality, then adding to certified list).

Article 7 of the AIHTS (which obliges Parties to prohibit the use of uncertified traps) does not prevent individuals from constructing and using their own traps, provided that such traps comply with designs approved by the relevant competent authority. These traps, constructed by individuals, are meant to be simple home-made traps for the constructor's personal use.

Licensing

We propose that traps for stoats which are certified as AIHTS compliant should be permitted under a general licence(see www.gov.uk/guidance/wildlife-licences#types-of-licence) to minimise the licensing impact on both trappers and licensing authorities.

For other AIHTS species, we propose that licences would continue to be granted on a case-by-case basis or, in certain circumstances, under class licences.

In licensing trap use, we would require the licensing authority to only licence a trap or snare which is:

- of a certified type and make;
- identified by its manufacturer by means of a permanent marking as being of a certified type and make⁴; and
- supplied with instructions for its appropriate setting, safe operation and maintenance; or
- if constructed by the person using it, which complies with a design approved by or on behalf of the Secretary of State for this purpose

In exceptional circumstances, the use of non-AIHTS compliant traps would be possible under licence on a case by case basis in accordance with Article 10 of the Agreement.

Training requirements

The AIHTS requires that trappers are trained in the humane, safe and effective use of trapping methods, including new methods as these are developed. The European Commission has indicated that it is satisfied that instructions and guidance provided with traps when they are sold would meet this requirement. We are satisfied, therefore, that licence conditions of use which require a trapper to follow the manufacturer's instructions, such other instructions prescribed in the licence and (if an approved spring trap) the Spring

⁴ If manufactured by the manufacturer after the SI comes into force

Trap Approval Order, would be sufficient to meet this AIHTS requirement with no additional training costs being incurred by gamekeepers as a result of implementation.

For home-made traps and snares, users should be required to follow the manufacturer's instructions for the certified design, or if there are no such instructions, in accordance with conditions of use set out in the licence under which the trapping is being permitted.

Requirements for manufacturers/retailers

To be compliant with the AIHTS, manufacturers will need to ensure their traps are identified as meeting the Standards and provide instructions for their appropriate setting, safe operation and maintenance.

Marking of traps

The identification of certified traps, the permanency and the purpose of such a marking is not prescribed in the Agreement. However we have concluded that the best route to ensure that manufacturers fulfil their trap marking obligations would be for traps to carry permanent marking which clearly identifies the make and model of trap, and to build the requirement for trap marking into the certification process. Ideally, the marking should be stamped or embossed onto an ID plate permanently attached (e.g. riveted) to the trap itself.

Discussions with UK manufacturers and importers have indicated that these obligations could be fulfilled with minimal additional expense; many manufacturers already permanently mark their traps with data (e.g. their name). We do not have precise information on the proportion of manufacturers who do this and we sought to gather this information during the consultation process. However, no further reliable data was provided.

We need to consider the approval of traps which have been certified by other signatory countries, which means that the marking requirement would need to be suitably flexible to accommodate different approaches (e.g. Canada have implemented using serial numbers for traps). However, failure to have suitable markings on a trap would provide us with justification for not approving their use in the UK.

This requirement is placed on manufacturers and will therefore only apply to traps that are manufactured after the AIHTS is implemented in the UK. Traps which are already with distributors or trappers and compliant with the AIHTS, will not need to be marked (although trappers may choose to identify the trap as meeting the Standards when tagging their traps). It is proposed that a condition of certification will be that the trap must be suitably identified as meeting the Standards if manufactured after the implementation date. While this will create some initial enforcement issues, over time the numbers of unmarked traps in circulation will diminish as they are replaced.

Provision of user instructions

There is some flexibility in how manufacturers provide instructions. For example, the instructions could be provided with the trap when purchased or separately on the internet, but we consider that they should continue to be obtainable via the manufacturer for the life of the trap, since traps may be in service for several years and instructions can be damaged or lost over time. All manufacturers/retailers we spoke to already provide this information and we

don't expect any significant alteration of instructions will be required to ensure compliance, therefore we would anticipate no additional costs as a result of this requirement

Live capture traps

In evaluating whether a trap meets the AIHTS Standards, the humaneness assessment considers whether certain behavioural and injury indicators are shown. To be approved, the trap must meet the required standards for 80% of 20 humaneness assessments.

The UK AIHTS species other than stoat and European beaver are expressly protected under the Wildlife and Countryside Act 1981. These species are not frequently trapped, but when they are, it is usually for conservation, disease control or damage prevention purposes, under licence and using a live capture trap. European beaver has very recently begun to re-establish itself in the wild and will be subject to the same kind of trapping activity. Following implementation of AIHTS, where there is a suitable certified AIHTS-compliant trap available, only a certified trap will be licensed.

We have adequate data on the cage traps most commonly used in the UK for the live capture of the European badger to certify their use under the AIHTS. We also have sufficient data to certify a cage trap model for stoat, pine marten and beaver (see costs section below). We are currently looking to acquire sufficient data to certify a cage trap model for otter.

Initially, our approach would be to rely on the above models and certifications by other AIHTS Parties (including EU Member States) who more commonly trap these species. It is likely that the traps used by UK trappers will be certified under AIHTS elsewhere. This means we can approve the same traps in the UK without cost to Government, manufacturers or end users.

If there is no certified live capture trap design available, or someone wants a trap design to be considered for certification for a particular AIHTS species, we would propose to use individual licences using the derogation purposes under Article 10 AIHTS to permit the use of unapproved live capture traps (e.g. cage traps) to trap the species concerned, until we have gathered enough welfare data on the trapped animal to be able to determine whether the trap can be certified as AIHTS compliant.

Lethal traps

AIHTS Standards are met if the time to irrecoverable unconsciousness⁵ does not exceed a specified time.

Efforts to make available in the UK, suitable run-through kill traps for stoats

The only country covered by the AIHTS other than the UK that has, to our knowledge, tested kill traps for stoats is Canada. The Fur Institute of Canada has certified over 20 traps as compliant with the AIHTS for stoat. However the stoat is much smaller in Canada than in the UK (about the size of our weasel) and scientific evidence from New Zealand⁶ and subsequent

⁵ Pain is not felt when unconscious

⁶ www.envirolink.govt.nz/PageFiles/194/140-Nlrc15-SnapbackNorthlandFinal.pdf

trap testing in the UK demonstrates that the difference in the size of the two sub-species requires different trapping standards to ensure a humane kill.

Currently, Spring Trap Approval Orders made in England and Wales under the Pests Act 1954, Scotland under the Agriculture (Scotland) Act 1948 and Northern Ireland under the Wildlife (Northern Ireland) Order 1985 permit, by listing, the use of a number of traps for killing stoats. While there are limited data on trap use in the UK we know that the majority of these traps are either no longer manufactured or in use, or have already been assessed against the AIHTS criteria (see table 1).

Lethal traps set in the UK for stoats are primarily general purpose run-through spring-traps designed to catch animals as they travel through their usual pathways across the landscape. Evidence from the testing of currently approved run-through stoat traps has shown that there are currently no trap models available in the UK that have been shown to be compliant with the Standards for European stoats using a run-through configuration.

A technical working group was established by Defra to identify AIHTS compliant traps that are suitable for stoats in the UK. The working group includes user representatives from BASC, Countryside Alliance, GWCT, the Moorland Association, the National Gamekeepers Organisation and Scottish Land and Estates, as well as government organisations (Animal and Plant Health Agency and Science and Advice for Scottish Agriculture).

Besides traps already approved for stoat under the Spring Trap Approval Orders, we have also considered and tested several new potentially suitable trap designs, developed as commercial ventures.

As a result, four AIHTS-compliant trap models are due, subject to required clearances, to be approved for use as run-through traps to trap stoat, by the time implementation starts. Other new potentially suitable traps are currently undergoing development and, if successful, will be approved in due course.

Table 1: Traps already approved for stoat in one or more⁷ of the national Spring Traps Approval Orders - status in relation to the Standards.

Part 1: Approved spring traps which are compliant with AIHTS	
Trap	AIHTS Status
DOC 150	AIHTS compliant. Already approved for use for stoats. Due to be approved for run-through as well as baited set up
DOC 200	AIHTS compliant. Already approved for use for stoats. Due to be approved for run-through as well as baited set up
DOC 250	AIHTS compliant. Already approved for use for stoats. Due to be approved for run-through as well as baited set up
Goodnature A24 rat and stoat trap	AIHTS compliant. Already approved for use for stoats.
Part 2: Spring Traps which will not be approved for stoats after 1 st April 2020	
Trap	AIHTS Status
BMI Magnum 110	Not compliant with AIHTS.

⁷ Each Devolved Administration makes their own Spring Trap Approval Orders and the traps approved under them can vary between them at any given time.

BMI Magnum 116	Not compliant with AIHTS.
Kania Trap 2000	Compliance with AIHTS unknown. It has been agreed with the manufacturer that this will not be tested as it is rarely if ever used for stoats. Will not be approved for stoats unless industry funds testing .
Kania Trap 2500	Compliance with AIHTS unknown. It has been agreed with the manufacturer that this will not be tested as it is rarely if ever used for stoats. Will not be approved for stoats unless industry funds testing .
Fenn Mark IV	Not compliant with AIHTS.
Fenn Mark VI	Not compliant with AIHTS.
Solway Mark 4	Compliance with AIHTS unknown. Similar design to Fenn traps.
Solway Mark 6	Compliance with AIHTS unknown. Similar design to Fenn traps.
Springer No. 4	Replica of the Fenn Mark IV therefore not compliant with AIHTS.
Springer No. 6	Replica of the Fenn Mark VI therefore not compliant with AIHTS.
WCS tube trap	Compliance with AIHTS unknown. Rarely if ever used for stoats. Has been certified in Canada but it needs to be tested using European stoats. Will not be approved for stoats unless industry funds testing .
Part 3: Spring Traps which will have their approval withdrawn as soon as possible	
Trap	AIHTS Status
Fenn Mark I	Uncommonly used and almost certainly not compliant with AIHTS.
Fenn Mark II	Uncommonly used and almost certainly not compliant with AIHTS.
Fenn Mark III	Uncommonly used and almost certainly not compliant with AIHTS.
Imbra Mark I	Uncommonly used.
Imbra Mark II	Uncommonly used.
Juby Trap	Uncommonly used.
Lloyd Trap	Uncommonly used.
Sawyer Trap	Uncommonly used.

Currently approved spring traps which are compliant

Some of the assessed traps have been shown to be compliant with the AIHTS for European stoat and use of these will continue to be permitted after implementation (see Part 1 of Table 1). The *DOC* and *GoodNature* traps have been shown to be compliant with the AIHTS and use of these will continue to be permitted after implementation. However, in their current approved configuration (as baited traps) they are not suitable for most stoat trapping in the UK. Stoats will avoid entering baited traps when alternative preferred food is readily available which, in the UK, coincides with the main trapping period when prey is abundant.

Unlike the *GoodNature* trap, the *DOC* traps are capable of being used in a run-through configuration and we have successfully determined that they can be a compliant trap in this configuration without the need for any alteration of the trap design itself. In addition to the *DOC* traps a new, currently unapproved run-through trap, the Tully Trap, has been shown to be compliant with AIHTS requirements for stoat.

Currently approved spring traps which are commonly used but are not compliant

Other assessed traps have been shown to be non-compliant. Published trap testing data from New Zealand⁸ indicates that *Fenn IV* and *VI* traps (the most commonly used type of stoat

⁸ Warburton, B., et al. (2008). "Traps for killing stoats (*Mustela erminea*): improving welfare performance." . [Animal Welfare, Vol. 17, No. 2. \(May 2008\), pp. 111-116](#)

trap) fail to meet the AIHTS standards for European stoats. Given the similarity in design, expert opinion is that it is highly likely that other *Fenn*-type traps (e.g. *Springer's* and *Solway's*) will also not be compliant with AIHTS. In the light of this evidence, we will not test these traps against the AIHTS Standards in the UK.

We have tested the *BMI Magnum 55, 110 and 116* and also the *Koro rodent snap trap* and found that they do not meet the AIHTS standards for stoats.

These commonly available but non-compliant traps (see Part 2 of Table 1) will no longer be approved for use in targeting stoats after implementation.

Currently approved spring traps which are rarely used and are not compliant

We should be restricting the continued use of non-compliant traps to the minimum necessary to enable the continued trapping of stoats prior to implementation. The remaining traps approved for stoat have been out of production for some time and are not used in meaningful numbers to trap any permitted target species. These traps are identified in Part 3 of Table 1.

Even if a sufficient number of traps were available for humaneness assessment (a minimum of 10 is required), we do not propose to test them against the Standards. Doing so would pose serious welfare issues and would be contrary to our approach to trap testing. Moreover, it would not be a responsible use of public money to test traps that we have every reasonable expectation will fail. We propose to withdraw their approval for all current target species as soon as possible.

We propose that the trapping of stoats using AIHTS compliant traps should be permitted under a general licence⁹ to minimise the licencing impact on both trappers and licensing authorities.

In exceptional circumstances, the use of non-AIHTS compliant stoat traps would be possible under licence on a case by case basis in accordance with Article 10 of the Agreement.

COSTS

Live capture traps

As a licence is already required to trap pine marten, otter and badger there are no new administrative costs as a result of AIHTS. The badger traps commonly used in England and Wales have already been shown to be compliant with AIHTS so there are no new costs associated with their continued use. We also have sufficient data to certify a UK cage trap model for stoat, pine marten and beaver. We are currently looking to acquire sufficient data to certify a cage trap model for otter.

Initially, our approach would be to rely on the above models and certifications by other AIHTS Parties (including EU Member States) who more commonly trap these species. It is likely that other traps used by UK trappers will be certified under AIHTS elsewhere. This means we can approve the same traps in the UK without cost to Government, manufacturers or end users.

⁹ You don't need to apply for these licences but you must come within the terms of the licence and comply with its conditions

If users have to replace non-compliant traps that they currently use for these species, there may be an additional cost. However, this is unlikely to be significant for a number of reasons:

- 1) Otters, beavers, stoats and pine marten are so rarely live caught that UK trappers will not have a significant stock of traps that need replacing.
- 2) There are several live capture traps certified by the Fur Institute of Canada for beaver. Whilst this is likely to mean the Canadian beaver (*Castor canadensis*) rather than the European beaver (*Castor fiber*), there are no significant morphological differences between the two species such that there are no welfare implications of approving traps for both species simultaneously. Agreement for simultaneous certification for both species would have to be sought from the JMC for AIHTS, but if this is secured, then these beaver traps will be available for use by UK trappers.
- 3) Because live caught animals are often released after capture, suitable medical assessments (to ensure they are fit for release), may already have been recorded such that certification of some UK trap models will be possible without a need for further humaneness assessment. We have already used such data to determine compliance of several cage traps as mentioned above.
- 4) Cage trap models are generally similar to each other, which means that small differences may not have an impact on the humaneness of the trap. Therefore the certification of one trap model may mean a similar design can be certified without the need for separate humaneness assessment.

If there is insufficient welfare data available to consider certification of a design, we would propose to use individual licences using the derogation purposes under Article 10 AIHTS to permit the use of unapproved live capture traps (e.g. cage traps) to trap the species concerned, until we have gathered enough welfare data on the trapped animal to be able to determine whether the trap can be certified as AIHTS compliant.

A condition of such a licence will be that a suitable humaneness assessment should be carried out on any animals trapped under the licence and the suitability of the person undertaking the assessment would be captured in the returnable assessment form.

The expectation would be that the licence applicant would be liable to any cost incurred in providing the data. However, part or even most of the humaneness assessment cost will already be incurred as part of current live capture trap user practice.

In summary, because humaneness assessments already take place, the number of trapping events (and therefore assessments undertaken) and the number of traps needing replacement, will be so small, it is assumed that the cost of implementing AIHTS with respect to live capture traps is likely to be negligible. We sought more information on frequency and cost in the consultation. However, the consultation didn't provide any further reliable data on this issue and for the purposes of this IA, we will assume the cost here is £0.

Lethal traps

As a result of implementation, a number of traps will no longer be permitted for killing stoats. Most stoats caught in the UK are trapped by game keepers to protect game birds; therefore the biggest impact of this will be on the game keeping sector as well as trap suppliers and manufacturers.

Lethal traps set in the UK for stoats are primarily general purpose run-through spring-traps designed to catch animals as they travel through their usual pathways across the landscape. The aim of the trapper may not be to catch one particular species when setting the trap but to catch a number of pest species for which the trap is approved. The traps listed in Part 2 of Table 1, which are not compliant with AIHTS for stoats, will still be permitted for use against other species, such as rats, weasels and squirrels.

Once the agreement is implemented for stoat, trap users who set traps for those species in locations where a stoat may also be caught may, depending on the risk of catching a stoat, have to use AIHTS-compliant traps. This consideration will be part of the risk assessment that trap users already undertake when assessing the risk of capturing non-target species. Most pest control activity doesn't target stoat and occurs where stoats are unlikely to occur, therefore the pest control industry will be largely unaffected by these changes.

In most cases, the loss of the non-compliant traps will have a negligible economic impact as they are rarely, if ever, used. However, gamekeepers commonly use *Fenn* and *Fenn*-type traps such as the *Springers* and *Solways*. Gamekeepers will need to replace these traps with those that are compliant with the AIHTS which will result in transitional costs to ensure compliance with the AIHTS by the 1 April 2020 deadline.

There is no available information on the numbers of traps currently in circulation; however, an estimate of the number of traps that may need replacing can be made using annual sales figures. From discussions with manufacturers we can estimate the number of *Fenn*, *Solway* and *Springer* traps sold in the UK as well as their value. Manufacturers were unable to differentiate between the two types of *Springer* traps or the two types of *Fenn* traps and could only give overall sales figures. It was assumed that they were sold in the same proportion as the *Solway* traps for the purposes of these calculations. Manufacturers have estimated that only 20% of their trade in traps is with game keeping sector, so we have reduced the reported annual sales figures by 80%.

These figures only represent the number of traps which have to be replaced each year, and not the total number/value of traps in circulation. Traps generally last a long time and are only replaced if damaged, stolen, or lost or if they have reached the end of their useable life. From discussion with trap users, we assume an average lifespan of 10 years for a trap, allowing us to calculate the number and value of traps in the game keeping sector that may need to be replaced with AIHTS-compliant traps. If a trap lasts 10 years, then in 10 years the entire stock of traps would have been replaced. We have therefore assumed a 10% per year replacement rate.

Table 2. Trap sales, use and population estimates for the UK

Trap	Annual Sales for Gamekeeping	Cost per unit	Value	Estimated stock of traps in use
Springer 4	2,570	£7.20	£18,500	25,700
Springer 6	430	£8.70	£3,700	4,300

Fenn Mk4	5,140	£9.00	£46,300	51,400
Fenn Mk 6	860	£9.00	£7,700	8,600
Solway 4	1,200	£7.96	£9,600	12,000
Solway 6	200	£8.50	£1,700	2,000
Total / Weighted Average	10,400	£8.41	£87,500	104,000

Source: Personal communications from manufacturers

Trap Replacement

Under option 1, we assume that the stock of existing non-compliant traps will be replaced immediately (subject to availability of compliant traps). One of the replacement trap suitability criteria set out in the implementation plan is the retail cost. From initial consideration of candidate traps and discussion with their designers, we anticipate there will be a suitable replacement trap available which will cost approximately £17.00 per unit or about double the price of the average cost of existing, non-compliant, traps.

Replacing the stock of existing traps in the first year or so, with relatively expensive new traps, leads to a large one-off cost of around £1.7 million. However, there is an offsetting saving to gamekeepers over the following ten years, as they no longer have to undertake regular replacement of the older traps. Overall the change in pattern and unit cost of trap replacement leads to a net present cost of around £1.0 million.

The rate at which new AIHTS-compliant traps can be manufactured is limited. With an industry estimated best production rate¹⁰ of 50,000 new traps a year it could take several years to replace all the traps in the UK set to catch stoats. It may not, therefore, be possible for sufficient AIHTS-compliant stoat kill-traps to be available before the proposed implementation date. We sought comments and further evidence on this issue in the consultation paper. However, the consultation did not provide any further reliable data on this issue.

If a trapper is not able to replace their *Fenn*-type traps by the implementation deadline, their options would be to:

- 1) seek licensed use of their illegal traps. These would only be granted in exceptional circumstances.
- 2) choose not to target stoats whilst trapping other pest species
- 3) purchase and use compliant but less effective traps (e.g. baited traps)

Familiarisation

Trappers will need to be aware which traps are compliant with the legislation and review their existing stocks. We estimate that this will take 1 hour to familiarise themselves with the guidance and ½ an hour to check the make and model of their stocks of traps. Estimated hourly rates for gamekeepers range between £6.73 and £9.62 an hour depending on age and level of responsibility, according to the National Careers Service.¹¹ The Annual Survey of Hours and Earnings gives a wage of £8.30 for “Elementary Agricultural Occupations” and £9.49 for “Skilled Trades Occupations: Agricultural and Related Trades”. Given this range

¹⁰ Production rate will be initially lower as investment in production capacity will be driven by demand and market share with competitors, which will not be immediately apparent.

¹¹ <https://nationalcareersservice.direct.gov.uk/job-profiles/gamekeeper#salary>

of estimates, we take a mid-point between the two ASHE estimates to represent the relevant average labour costs, and increase it by 30% to reflect non-wage labour costs. This gives an estimate of £11.56 per hour.

The National Game Keepers Organisation estimates that there are 7,000 game keepers in the UK. Therefore the total familiarisation cost for the sector is around £0.1 million.

As required by the Spring Trap Approval Orders, *Fenn*-type traps are set in tunnels. The trapper may need to modify or even build new trap tunnels depending on replacement trap design. However one of the replacement trap suitability criteria set out in the implementation plan is that the replacement trap should be comparable in size to those traps currently used to allow setting in existing tunnels/locations.

We do not have data on the proportion of tunnels which may or may not need modifying or the scale of the work involved, but at least one of the replacement traps which will be certified first will fit in the majority of existing tunnels. We assume that new tunnels need not be constructed in both the “low” and “best estimate” scenarios, but allowing for this accounts for the large increase in cost shown in the “high” scenario, based on an hour’s work and £8.00 of required material.

Total

The overall net present cost faced by gamekeepers in complying with AIHTS is around £1.1 million.

We sought comments and further evidence on the issue of lethal trap use in the consultation paper. However, the consultation did not provide any further reliable data on the number of tunnels that may need modifying to accommodate replacement traps.

Public Cost of enforcement and implementation

We already have legal mechanisms in place for stipulating which traps can be used to capture certain species. The AIHTS simply improves the standards with which traps must comply before they can be used and extends the scope of existing trap offences to two additional species (stoat and beaver). It does not require the introduction of new offences or penalties therefore we would not anticipate additional enforcement costs as a consequence of implementing the Agreement.

The currently existing licensing mechanism would be used to allow AIHTS compliant traps to be used. Licences are already required to trap all UK AIHTS species except for stoat and beaver and we propose that trapping of stoats using AIHTS compliant traps should be permitted under a general licence(see www.gov.uk/guidance/wildlife-licences#types-of-licence). This will result in negligible costs to the licensing authority and provides the least burdensome approach for trappers.

BENEFITS

The purpose of the AIHTS is to set minimal welfare standards for traps used to capture species commonly trapped for fur, food, pest control purposes or conservation.

Implementation in the UK will result in improvements in the welfare of trapped animals by removing traps from use which have a lower standard of welfare.

There is significant evidence that the public value animal welfare. Research by the University of Reading (Bennet, 2012)¹² conducted a small survey on animal welfare.

They found that 96% of respondents thought we had a moral obligation to safeguard the welfare of animals. They were also willing to pay approximately £5 more per month for meat from farm animals with improved welfare. These values relate to the welfare of farm animals and therefore cannot be applied directly to this case. However, it illustrates a clear preference for products which take animal welfare into account.

Improving the welfare of certain species, by complying with the AIHTS, is therefore likely to generate non-market benefits to the public. Implementation will also mean that we are meeting our EU obligations to comply with the AIHTS.

Small business impacts

Due to the nature of game keeping, the cost of implementation will primarily fall to small businesses. The policy objectives and benefits cannot be achieved without the impact to small business. Moreover, the AIHTS has no derogation options which would allow us to reduce its financial impact on this sector. To minimise these costs we aim to take the least burdensome approach to implementation where possible, for example, by proposing that the use of AIHTS-certified traps for stoat should be permitted via a general licence.

We have agreed with stakeholders a delay to the implementation of the AIHTS for stoat (as permitted under the Agreement) to give the sector sufficient time to identify and obtain new compliant traps.

Trap manufacturers will be unlikely to commit to the cost of producing and marketing new traps which have passed AIHTS standards until the SI approving the traps for sale and use¹³ has been made. This is currently anticipated to be November 2018.

We will maintain constant contact with industry bodies and provide information on the traps we know to be compliant with the AIHTS as soon as testing of the traps has been completed.

This will maximise the length of time manufacturers have to invest in production and gamekeepers have to transition to the use of new traps, where it is necessary for them to do so.

Sensitivity Analysis

The analysis above is based on our Central estimates for the various assumptions underlying the calculations. In order to test the sensitivity of the result to errors in our assumptions, we have analysed a range of plausible alternative values for the assumptions. The complete set of assumptions is given in table 3.

¹² Kehlbacher, A., Bennett, R. and Balcombe, K. (2012) [Measuring the consumer benefits of improving farm animal welfare to inform welfare labelling](#). Food Policy, 37 (6). pp. 627-633. ISSN 0306-9192 doi

¹³ A Spring Traps Approval Order made under the Pests Act 1954.

Table 3: Range of assumptions used

Assumption	Low	Central	High
1. Gamekeeper wage (including 30% non-wage costs)	£10.79	£11.56	£12.34
2. Number of gamekeepers	7,000	7,000	8,000
3. Familiarisation time (hours)	1	1.5	2
4. Proportion of traps sold for gamekeeping	15%	20%	25%
5. Trap lifespan (years)	7	10	10
6. Modify trap tunnels (hours per trap)	0	0	1
7. Modify trap tunnels (£materials)	0	0	£8.00
8. Average existing trap cost	£8.41	£8.41	£8.41
9. Average new trap cost	£8.41	£16.83	£25.24
10. Stock of existing traps	54,600	104,000	130,000

Notes:

1. The range for gamekeeper wages comes from using values for “elementary” and “skilled” agricultural trades from ASHE for Low and High, respectively.
2. The central estimate for the number of gamekeepers comes from membership of a trade body, so we assume that, even in the Low scenario, there are no fewer gamekeepers than members of that body. We allow for the possibility that there are some non-member gamekeepers in the High scenario.
3. Our central estimate of the familiarisation time is made up of one hour to read the relevant literature and half an hour to check records relating to the types of existing traps in use. We allow for this estimate, which is derived from expert trap user opinion, to be adjusted either up and down over a plausible range.
4. Based on discussion with expert trap users, our best estimate of the trap life is ten years, though we allow for the possibility that traps have shorter lives, which reduces the corresponding estimate of the total stock of traps in use.
5. One of the replacement trap suitability criteria set out in the implementation plan is that the replacement trap should be comparable in size to those traps currently used to allow setting in existing tunnels/locations. From consideration of candidate traps and discussion with their designers, our opinion is that there will be little need to adjust the size or shape of the structures in which traps are placed, as there will be a strong incentive for manufacturers to design traps which are of similar dimensions to existing traps. However, the use of internal baffles to control entry through the trap may in some cases require some tunnel modification, so we allow for some time spent fitting new traps into modified old structures.
6. As for the previous point, if modifications are required to fit new traps, there may be the need to purchase materials for use in that process, so we allow for this in the High scenario.
7. The existing trap cost is derived from commercial information on individual trap costs available on trap retailer websites. This is combined with the sales figures in table 2 to generate a weighted average cost.
8. It is possible that new, compliant, traps will be more expensive than existing traps and we treat this as the Central scenario, where the trap cost doubles. We allow for the cost to either remain constant or increase to three times the existing trap cost in the other scenarios.
9. The stock of existing traps is determined entirely by assumptions on the number of traps sold, the percentage bought for gamekeeping and the lifespan of the traps.

Table 4 presents the estimated net present costs for lethal traps, based on the different scenarios. The cost of implementing AIHTS with respect to live capture traps is likely to be negligible and for the purposes of this IA, we will assume the cost here is £0 in all the different scenarios.

Table 4: Scenario net present cost estimates

	Low	Central	High
Trap Replacement	£44,000	£997,000	£2,340,000
Familiarisation	£76,000	£121,000	£197,000
Tunnel modification	£0	£0	£2,644,000
Total	£120,000	£1,118,000	£5,181,000

The Central scenario (best estimate) is dominated by the trap replacement cost which reflects the increase in price of the traps used by gamekeepers.

Trap replacement in the Low scenario has a relative small cost because there is no difference in price between the existing and replacement traps. The residual cost is a result of gamekeepers having to bring forward the regular replacement of traps into one year.

In the High scenario, the trap replacement cost is significantly higher due to both an increase in the estimated number of traps needing replacement and a higher price for new traps. In addition, the costs associated with modifying existing trap placements add a substantial further cost. Together these factors make the estimated cost of the High scenario nearly five times larger than that of the Central scenario.

These scenarios are defined in such a way that they describe the widest possible range of outcomes. For example, the High scenario would only represent an accurate view of the world if all of the independent “high” assumptions were true at the same time. This is extremely unlikely, so the High and Low scenario estimates define the bounds of the possible cost outcomes.

ANALYSIS OF CONSULTATION RESULTS

The UK-wide consultation on AIHTS implementation ended on 30 April 2018. While stakeholders were broadly supportive of welfare improvements they opposed the implementation of AIHTS for two reasons:

- 74% of respondents (mostly gamekeepers and trappers) were opposed to the implementation date of January 2019. They believe there will not be sufficient numbers of compliant stoat traps available in time. The Game & Wildlife Conservation Trust, the British Association of Shooting and Conservation and the National Farmers’ Union support calls for a delay in implementation, but did not propose an alternative date. The National Gamekeepers’ Organisation proposed a delay of three years, whilst individual gamekeepers called for delays of up to 5 years.
- Respondents did not substantiate their assertions with hard evidence and claimed figures varied widely with little or no consistency throughout the responses. As a result, no changes have been made to the impact assessment.

For many welfare groups, there was a general disagreement with implementation on the grounds of the perception that it would facilitate the wider use of traps and international trade in fur. However the obligations in the AIHTS bind the UK already (via the EU), and we're obliged to implement the Standards under EU law. After EU withdrawal, the UK can decide whether to accede to the agreement in its own right.

Implementation period

Such was the strength of feeling expressed by respondents that the government has concluded that implementing in January 2019 would not provide sufficient time for manufactures to produce compliant traps in sufficient quantities or for trap users to replace their existing traps for stoats.

Ministers have decided to implement AIHTS in March 2019 but include a transitional provision for stoat which delays implementation for stoat for a further year. This will provide a clear signal to manufacturers and traps users that they must transition to compliant traps, whilst recognising they will need time to do so.