

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



Nineteenth meeting of the Conference of the Parties
Panama City (Panama), 14 – 25 November 2022

Interpretation and implementation matters

Exemptions and special trade provisions

REVIEW OF CITES PROVISIONS RELATED TO TRADE IN
SPECIMENS OF ANIMALS AND PLANTS NOT OF WILD SOURCE

1. This document has been submitted by the Standing Committee.*
2. At the 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decision 18.172 and 18.173 on *Review of CITES provisions related to trade in specimens of animals and plants not of wild source*, as follows:

Directed to the Animals and Plants Committee

18.172 *The Animals Committee, at its 31st meeting (AC31), and the Plants Committee, at its 25th meeting (PC25), shall consider the Secretariat's update of the review of CITES provisions related to trade in specimens of animals and plants not of wild source in Annex 7 of document SC70 Doc. 31.1 and Parties' comments and recommendations in document SC70 Doc. 31.1 Annex 8, identify the key scientific issues and challenges in the application of the Convention to non-wild specimens, and provide their recommendations to address these issues and challenges to the Standing Committee in time for its 73rd meeting (SC73).*

Directed to the Standing Committee

18.173 *The Standing Committee shall:*

- a) *consider at SC73 the Secretariat's update of the review of CITES provisions related to trade in specimens of animals and plants not of wild source in Annex 7 of document SC70 Doc. 31.1 and Parties' comments and recommendations in document SC70 Doc. 31.1 Annex 8; the underlying CITES policy assumptions that may have contributed to the uneven application of Article VII, paragraphs 4 and 5; the Secretariat's recommendations in the Annexes to SC70 Doc. 31.1; and the recommendations of the Animals and Plants Committees under Decision 18.172; and*
- b) *review the key issues and challenges in the application of the Convention to non-wild specimens and make appropriate recommendations, including amendments to existing Resolutions or development of a new Resolution or Decisions, to address these issues and challenges for consideration at the 19th meeting of the Conference of the Parties.*

* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

3. At the 72nd meeting (SC72, Geneva, August 2019), the Standing Committee established an intersessional working group on captive-bred and ranched specimens, chaired by Spain, with a mandate to:
 - a) consider at SC73 the Secretariat's update of the review of CITES provisions related to trade in specimens of animals and plants not of wild source in Annex 7 of document SC70 Doc. 31.1 and Parties' comments and recommendations in document SC70 Doc. 31.1 Annex 8; the underlying CITES policy assumptions that may have contributed to the uneven application of Article VII, paragraphs 4 and 5; the Secretariat's recommendations in the Annexes to SC70 Doc. 31.1; and the recommendations of the Animals and Plants Committees under Decision 18.172; and
 - b) review the key issues and challenges in the application of the Convention to non-wild specimens and draft appropriate recommendations, including amendments to existing Resolutions or development of a new Resolution or Decisions, to address these issues and challenges, for consideration at the 19th meeting of the Conference of the Parties.
4. In April 2020, the chair of the working group circulated two documents to initiate the discussions. Regarding element a) of the mandate, the supporting document consisted of a tabled compilation of all the comments contained in document SC70 Doc. 31.1, Annex 8. Regarding element b) of the mandate, the supporting document consisted of a list of six areas and issues for discussion, with for each an indication of the tasks the working group would have to consider [i.e. (i) Application of Article VII paragraphs 4 and 5; (ii) Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates*; (iii) Resolution Conf. 5.10 (Rev. CoP15) on *Definition of 'primarily commercial purposes'*; (iv) Resolution Conf. 10.16 (Rev.) on *Specimens of animal species bred in captivity*; (v) Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*; and (vi) Resolution Conf. 9.19 (Rev. CoP15) on *Registration of nurseries that artificially propagated specimens of Appendix-I plant species for export purposes*].
5. The working group presented its conclusions to the 74th meeting of the Standing Committee (Lyon, March 2022), noting there were important contributions to the analysis of CITES policy assumptions during their discussions. However, in view of time limits and the complexity of the mandate, the working group focused its discussions on amendments to Resolution Conf. 10.16 (Rev.) and Resolution Conf. 12.3 (Rev. CoP18) and did not consider plants. The working group reported on the progress of its deliberations in document SC74 Doc. 56, including agreed amendments to Resolution Conf. 10.16 (Rev.) but also noting further discussion is needed on aspects of this Resolution. Additionally, while the working group did not have sufficient time to discuss all the elements of Resolution Conf. 12.3 (Rev. CoP18), it agreed to some considerations regarding source code definitions in section I., paragraph 3, j) of the Resolution and these are recorded in document SC74 Doc. 56.
6. With regard to Resolution Conf. 10.16 (Rev.), the Standing Committee agreed to present the amendments to the Resolution proposed by the working group for consideration by the 19th meeting of the Conference of the Parties. These are contained in Annex 1 to the present document.
7. In order to continue the revisions of Resolutions Conf. 10.16 (Rev) and Conf. 12.3 (Rev. CoP18), and further consider issues related to applying the Convention for trade in non-wild specimens of CITES-listed species, the Standing Committee agreed to propose to the Conference of the Parties at its 19th meeting, the draft decisions contained in Annex 2 to the present document.

Recommendations

8. The Conference of the Parties is invited to:
 - a) adopt the amendments to Resolution Conf. 10.16 (Rev.) on *Specimens of animal species bred in captivity* contained in Annex 1 to the present document;
 - b) adopt the draft decisions contained in Annex 2 to the present document; and
 - c) delete Decisions 18.172 and 18.173.

COMMENTS OF THE SECRETARIAT

- A. The Secretariat recommends that the Conference of the Parties adopt the draft decisions in Annex 2 to the present document and delete Decisions 18.172 and 18.173 as proposed by the Standing Committee.
- B. The Secretariat further recommends that the Conference of the Parties do not adopt the proposed amendments to Resolution Conf. 10.16 (Rev.) on *Specimens of animal species bred in captivity*. The Secretariat considers that the issues addressed in the present document are complex and merit further discussion before they can be adopted by the Conference of the Parties and notes that this was also the advice of the Standing Committee's working group on this matter. Amongst the concerns of the Secretariat are the following:
- The word "produced" in paragraph 1 of the Resolution has been used in Resolution Conf. 10.16 (Rev.) since it was adopted and also in its previous iteration, Resolution Conf. 2.12 and subsequent revisions of that Resolution. Replacing the word "produced" with "conceived" would appear to make the Resolution inapplicable to species which reproduce asexually, such as corals.
 - It is proposed to insert the word "specimen" to describe individual animals which form part of a breeding stock in paragraph 2 b), subparagraph ii). The term 'specimen' is explicitly defined in Article I (b) of the Convention to include any readily recognizable part or derivative of listed species and consequently it would be preferable to use a different word when describing individual animals which form part of a breeding stock.
 - Furthermore, in paragraph 2 b), it is proposed to place a joint responsibility on the Management and Scientific Authorities in determining when a given specimen has been 'bred in captivity'. However, as explained in paragraph 2 m) of Resolution Conf. 10.3 on *Designation and role of the Scientific Authorities*, the appropriate Scientific Authority has an advisory role in reviewing applications submitted for consideration under Article VII, paragraph 4 or 5. The competent Management Authority has the decision-making role, as indicated in the text of the Convention itself. A situation where both Authorities are charged with this task seems inconsistent with the Convention and may lead to increased confusion rather than to increased clarity.
- C. The Standing Committee has not described the problems the proposed interim changes Resolution Conf. 10.16 (Rev.) are intended to solve and the Secretariat is therefore of the view that further reflection may be needed on these and other aspects of Resolution Conf. 10.16 (Rev.) as well as on the implications of any suggested changes.

PROPOSED AMENDMENTS TO RESOLUTION CONF. 10.16 (REV)

Proposed new text is underline; proposed deletions of text are shown in ~~strike through~~.

Conf. 10.16 (Rev.)*

Specimens of animal species bred in captivity

RECALLING Resolution Conf. 2.12 (Rev.), adopted by the Conference of the Parties at its second meeting (San José, 1979) and amended at its ninth meeting (Fort Lauderdale, 1994);

CONSIDERING that the Convention provides, in Article VII, paragraphs 4 and 5, for special treatment of animal specimens that are bred in captivity;

NOTING that, in accordance with Article VII, paragraph 4, specimens of Appendix-I species bred in captivity for commercial purposes shall be deemed to be specimens of species included in Appendix II and that therefore they shall be traded in accordance with the provisions of Article IV;

NOTING that, in accordance with Article VII, paragraph 5, the import of specimens of Appendix-I species bred in captivity not for commercial purposes that are covered by a certificate of captive breeding does not require the issuance of an import permit and may therefore be authorized whether or not the purpose is commercial;

RECOGNIZING the need for the Parties to agree on a standard interpretation of the provisions of Article VII, paragraphs 4 and 5;

~~CONCERNED~~ CONSIDERING however that, ~~in spite of the adoption of several Resolutions at various meetings of the Conference of the Parties, much trade in specimens declared as bred in captivity~~ has increased over the years and concerned that this trade may in some instances be ~~remains~~ contrary to the Convention and to Resolutions of the Conference of the Parties, and in those cases may be detrimental to the survival of wild populations of the species concerned;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

Regarding terminology

1. ADOPTS the following definitions of terms used in this Resolution:
 - a) “first-generation offspring (F1)” are specimens conceived ~~produced~~ in a controlled environment from parents at least one of which was conceived in or taken from the wild;
 - b) “offspring of second generation (F2) or subsequent generation (F3, F4, etc.)” are specimens conceived ~~produced~~ in a controlled environment from parents that were also conceived ~~produced~~ in a controlled environment;
 - c) the “breeding stock” of an operation means the ensemble of the animals in the operation that were or are used for reproduction; and
 - d) “a controlled environment” is an environment that is manipulated for the purpose of producing animals of a particular species, that has boundaries designed to prevent animals, eggs or gametes of the species from entering or leaving the controlled environment, and the general characteristics of which may

* Amended at the 11th meeting of the Conference of the Parties and corrected by the Secretariat following the 15th meeting..

include but are not limited to: artificial housing; waste removal; health care; protection from predators; and artificially supplied food;

Regarding the term 'bred in captivity'

2. DECIDES that:

- a) the definition provided below shall apply to the specimens bred in captivity of species included in Appendix I, II or III, whether or not they were bred for commercial purposes; and
- b) the term 'bred in captivity' shall be interpreted to refer only to specimens, as defined in Article I, paragraph (b), of the Convention, born or otherwise produced in a controlled environment, and shall apply only if:
 - i) the parents mated or gametes were otherwise transferred in a controlled environment, if reproduction is sexual, or the parents were in a controlled environment when development of the offspring began, if reproduction is asexual; and
 - ii) the specimens of the breeding stock from any source (D, C, F, R, I, O or W), to the satisfaction of the competent ~~government~~ Management and Scientific Authorities of the exporting country:
 - A. ~~were was acquired established~~ in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild;
 - B. ~~is are~~ maintained without the introduction of specimens from the wild, except for the occasional addition of animals, eggs or gametes, in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild as advised by the Scientific Authority:
 1. to prevent or alleviate deleterious inbreeding, with the magnitude of such addition determined by the need for new genetic material; or
 2. to dispose of confiscated animals in accordance with Resolution Conf. 17.8¹; or
 3. exceptionally, for use as breeding stock when appropriate specimens for other sources are not available; and
 - iii) the breeding operation, to the satisfaction of the competent Management and Scientific Authorities of the exporting country:
 - A. has produced offspring of second generation (F2) or subsequent generation (F3, F4, etc.) in a controlled environment; or
 - B. is managed in a manner that has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment; and

Regarding the trade in specimens of Appendix-I species bred in captivity

3. RECOMMENDS that the trade in a specimen bred in captivity be permitted only if it is marked in accordance with the provisions on marking in the Resolutions adopted by the Conference of the Parties and if the type and number of the mark are indicated on the document authorizing the trade; and
4. REPEALS Resolution Conf. 2.12 (Rev.) (San José, 1979, as amended at Fort Lauderdale, 1994) – *Specimens Bred in Captivity or Artificially Propagated*.

¹ Corrected by the Secretariat following the 15th and 17th meetings of the Conference of the Parties: originally referred to Resolution Conf. 10.7, replaced by Resolution Conf. 17.8.

DRAFT DECISIONS ON A REVIEW OF CITES PROVISIONS RELATED TO TRADE
IN SPECIMENS OF ANIMALS AND PLANTS NOT OF WILD SOURCE

Directed to the Standing Committee

19.AA The Standing Committee shall:

- a) continue to consider amendments to Resolution Conf. 10.16 (Rev.) and Resolution Conf. 12.3 (Rev. CoP18), as well as any amendment to other Resolutions concerning provisions on trade in specimens of CITES-listed animals and plants not of wild source, taking into account findings and suggestions in document SC74 Doc. 56 and any related comments and recommendations from the Standing Committee, Parties, the Secretariat or other stakeholders;
- b) review issues and challenges in the application of the Convention for trade in non-wild specimens of CITES-listed animal and plant species, in particular key elements that may contribute to the uneven application of Article VII, paragraphs 4 and 5, and consider the scientific advice and guidance from the Animals and Plants Committees on the need for implementing these Articles differently for either animal specimens from species bred in captivity or plant specimens that are artificially propagated; and
- c) make recommendations for addressing these issues and challenges, including amendments to existing Resolutions or development of a new Resolution or Decisions to address these issues and challenges, for consideration at the 20th meeting of the Conference of the Parties.

Directed to the Animals and Plants Committees

19.BB In support of the Standing Committee's implementation of Decision 19.AA, the Animals and Plants Committees shall:

- a) consider the key elements in the current implementation of Article VII paragraphs 4 and 5 for animals and plants, respectively, in the current applicable Resolutions;
- b) determine if there is a need to implement Article VII paragraphs 4 and 5 differently for either animal specimens from species bred in captivity or plant specimens that are artificially propagated than what is outlined in existing Resolutions, and provide their recommendations to the Standing Committee in time for its 78th meeting; and
- c) provide any other scientific advice and guidance on CITES provisions concerning trade in non-wild specimens of CITES-listed animal and plant species to the Standing Committee upon request and as appropriate.

TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS

According to Resolution Conf. 4.6 (Rev. CoP18) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding. The Secretariat proposes the following tentative budget and source of funding.

In the view of the Secretariat, implementation of the draft decisions in Annex 2 to the present document can be accomplished within the regular workloads of the Standing Committee and Animals Committee.