

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 THE PROVISIONS OF RESOLUTION CONF. 17.7  
ON REVIEW OF TRADE IN ANIMAL SPECIMENS REPORTED AS PRODUCED IN CAPTIVITY

1. This document has been prepared by the Secretariat on behalf of the Standing Committee and in consultation with the Chair of the Animals Committee.
2. At its 18th meeting (CoP18, Geneva, August 2019), the Conference of the Parties adopted Decisions 18.176 and 18.177 on *Review of trade in animal specimens reported as produced in captivity* as follows:

***Directed to the Animals Committee***

**18.176** *With the assistance of the Secretariat and in the light of its experiences with its implementation, the Animals Committee shall review the provisions of Resolution Conf. 17.7 (Rev. CoP18) on Review of trade in animal specimens reported as produced in captivity and make any recommendations for improvements to the Standing Committee.*

***Directed to the Standing Committee***

**18.177** *With the assistance of the Secretariat, taking account of any report from the Animals Committee and in the light of its experiences with its implementation, the Standing Committee shall review the provisions of Resolution Conf. 17.7 (Rev. CoP18) and make any recommendations for improvements to the 19th meeting of the Conference of the Parties.*

Background

3. Regarding the review of Resolution Conf. 17.7 (Rev. CoP18) on *Review of trade in animal specimens reported as produced in captivity*, the Animals Committee and the Secretariat presented their preliminary observations and recommendations to the Standing Committee in document [SC70 Doc. 31.4](#). Both Committees agreed that it would be premature to make significant changes to the provisions of the Resolution, or too soon to assess whether harmonization with the process in Resolution Conf. 12.8 (Rev. CoP18) on *Review of Significant Trade in specimens of Appendix-II species* would be advisable until a complete review cycle had been completed.
4. Concerning Decision 18.176, at its 31st meeting (AC31, online, June 2021), the Animals Committee considered document [AC31 Doc. 19.1](#) and its [addendum](#), in which the Secretariat provided updates on the implementation of Resolution Conf. 17.7 (Rev. CoP18) and Decision 18.176. These documents included a proposal for a workshop to review the provisions of Resolution Conf. 17.7 (Rev. CoP18) to be held at a later date. The Committee encouraged Parties and observers to actively participate in the workshop on the review of Resolution Conf. 17.7 (Rev. CoP18) to support the implementation of Decision 18.176
5. At its 74th meeting (SC74, Lyon, March 2022), the Standing Committee recommended that the Secretariat convene a workshop for the Standing Committee to update the review of the provisions of Resolution Conf. 17.7 (Rev. CoP18) in the first half of 2022, either in person or online, and invite Members of the

Standing Committee, Animals Committee and other interested Parties, including those that have been involved in the process. The Committee requested that the Secretariat submit the results of the workshop to the 19th meeting of the Conference of the Parties (CoP19).

6. Thanks to generous external funding from Switzerland, the Secretariat convened a workshop for the Standing Committee to update the review of the provisions of Resolution Conf. 17.7 (Rev. CoP18) and develop draft recommendations for improvements of the process that are presented in this document for consideration by CoP19.
7. The logistical arrangements for the workshop were circulated by the Secretariat through Notification to the Parties [No. 2022/027](#) of 27 April 2022. Members of the Standing Committee, Animals Committee, other interested Parties and observers that have been involved in the process were invited to participate in the workshop and to consider the preliminary observations and recommendations of the Animals Committee and the Secretariat (see document SC70 Doc. 31.4) and provide any additional comments to the Secretariat, so that an updated background documentation could be circulated in advance of the workshop. Before the meeting, comments were received from the United States of America and the United Nations Environment Programme – World Conservation Monitoring Centre (UNEP-WCMC).

#### Workshop details

8. The workshop was held online on Tuesday 7 June 2022 (12:00 to 15:00 CET) and reconvened on Friday 10 June 2022 (12:00 to 14:00 CET) to agree the final outputs. The Chair of the Animals Committee chaired the workshop at the request of the Chair of the Standing Committee. Interpretation was made available on both days in English, French and Spanish.
9. The following Committee Members, Parties and observer organizations participated in the workshop: Mr. Lörtscher (AC Chair and representative for Europe), Mr. Benyr (AC alternate representative for Europe), Mr. van Dijk (AC nomenclature specialist); China, Côte d'Ivoire, Equatorial Guinea, Mexico, Panama, Republic of Korea, Suriname, Thailand, the United States of America; Animal Welfare Institute, Born Free, Defenders of Wildlife, Environmental Investigation Agency, Eurogroup for Animals, German Society of Herpetology, Parrot Breeders Association of Southern Africa, Pro Wildlife, Shanghai Wildlife Conservation Society, Species Survival Network and UNEP-WCMC. Written comments were also submitted by the United Kingdom of Great Britain and Northern Ireland.
10. Based on the discussions, the workshop agreed to a series of amendments to Resolution Conf. 17.7 (Rev. CoP18) that aim to address the concerns raised. The amendments are presented in Annex 1 to the present document, with proposed new text underlined, proposed deletions indicated in strikethrough.

#### Results of the workshop – summary of concerns raised

##### *a) Availability of resources*

11. The Secretariat noted that paragraph 1 of the Resolution directs the Secretariat to implement the Resolution subject to available resources. During the intersessional period from CoP17 and CoP18, its implementation has been made possible through generous external funding (USD 172,157 in total) from the European Union and the United States of America. Thanks to these funds, methodologies for the screening criteria mentioned in paragraph 2 a) sub-paragraphs i) to vi) of the Resolution were developed and tested and a summary from the CITES Trade Database referred to in that paragraph was produced. The species datasheets referred to in paragraph 2 f) of the Resolution were also prepared. However, such external funding cannot be guaranteed in the future. Further, during the first round of reviews, the Animals Committee selected 23 cases involving 15 Parties and 16 species and handling of the matter was not complicated by ongoing cases from previous intersessional periods or the need to review any resulting recommendations to suspend trade that have been in place for longer than two years [paragraph 2 s) of the Resolution]. Without adequate resources, the proper implementation of this Resolution is likely to be compromised in the longer term. Given the concerns and importance placed by Parties around implementation of the Convention in relation to non-wild specimens (see document CoP18 Doc. 57), the working group sees future implementation of Resolution Conf. 17.7 (Rev. CoP18) as an important process to continue and may require a budget line from core funds, at least for producing the summary output from the CITES database using the methodology and screening procedures referred to in paragraph 2 of Resolution. Should these funds be allocated from the core budget, paragraph 1 in the Resolution can be deleted. A tentative breakdown of the proposed budget is provided in Annex 4 to this document.

b) Selection criteria

12. Fourteen cases were selected at AC29 from the analysis of data outlined in the Annex to document [AC29 Doc. 14.1](#). The number of cases that were selected by the AC under each criterion is provided in Table 1. In addition, nine cases were included in the process based on referral from the Review of Significant Trade working group at AC29, previously identified cases of concern that had been referred to the Secretariat, or they were based on suggestions from the Parties/observers present at the meeting (Table 1). In some cases, a strong justification for such a referral backed up by evidence was not provided. It is suggested that any Party wishing to suggest a species/country combination for review should provide a justification to support such a proposal.

**Table 1. Basis of selection for 23 cases selected under Resolution Conf. 17.7, and the number selected within each criterion of Stage 1 paragraph a).** [Definitions of each criterion provided in Table A.1 of the Annex 3]

Species/countries included and IUCN Red List	Basis of selection	Criteria met					
		i)	ii)	iii)	iv)	v)	vi)
<i>Vulpes zerda</i> (Sudan) LC	AC29 Doc. 14.1 Annex			x			
<i>Cacatua alba</i> (Indonesia) EN		x					
<i>Varanus exanthematicus</i> (Ghana) LC				x			
<i>Varanus exanthematicus</i> (Togo) LC			x				
<i>Varanus timorensis</i> (Indonesia) LC			x				
<i>Ptyas mucosus</i> (Indonesia) N/A				x			
<i>Testudo hermanni</i> (North Macedonia) NT			x				
<i>Oophaga pumilio</i> (Nicaragua) LC			x				
<i>Oophaga pumilio</i> (Panama) LC				x			
<i>Agalychnis callidryas</i> (Nicaragua) LC				x			
<i>Hippocampus comes</i> (Viet Nam) VU					x		
<i>Tridacna crocea</i> (Federated States of Micronesia) LC			x				x
<i>Lorius lory</i> (South Africa) LC							x
<i>Ornithoptera croesus</i> (Indonesia) NT	Referral from RST		x	x			
<b>Sub-total</b>	[14 cases total]	<b>3</b>	<b>6</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>2</b>
<i>Centrochelys sulcata</i> (Benin, Ghana, Guinea, Mali, Sudan, Togo) VU	Referral from RST	N/A – 9 additional species/country combinations added that did not meet the selection criteria.					
<i>Geochelone elegans</i> (Jordan) VU	Cases compiled by Sec. based on concerns about captive production						
<i>Macaca fascicularis</i> (Cambodia) LC							

<i>Trachyphyllia geoffroyi</i> (Indonesia) NT	AC29 Party/ Observer suggestions	
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13. It is notable that of the 23 cases that were selected for review under Resolution Conf. 17.7 (Rev. CoP18), more than half were reptiles (12), with three amphibians and invertebrates selected each, as well as two mammal taxa, two birds and one fish. Whilst nine cases were for species that are globally threatened (1 EN and 8 VU), 14 cases were selected for species that are not globally threatened (3 NT, 10 LC and 1 not assessed). Concerns were raised by participants that many of these assessments were not carried out recently, a factor that should be taken into consideration in future selections.
14. Based on the first iteration of Resolution Conf. 17.7, the Animals Committee prioritised selection of species/country combinations where captive-produced trade was either in high volumes (criterion ii), where there had been shifts in source codes (criterion iii, e.g. from wild to captive-produced) or where trade in captive-produced specimens appeared to be emerging (criterion i – sharp increase). These criteria directly link to the biological feasibility of captive breeding, for example whether it is possible to breed a species (or breed it to second generation), or whether it is feasible to produce the species in captivity at the scale or speed indicated by the trade data.
15. Additionally, AC29 selected one case (*Lorius lory*) due to a concern relating to the legal acquisition of founder stock for (criterion vi), and *Tridacna crocea* from Micronesia, which also met this criterion as well as criterion i) on significant increase in trade. Whilst legal acquisition in itself is a compliance issue, this criterion does link to aspects of the conservation status of species, since illegal acquisition of the founder stock could be unsustainable.
16. No species were selected under either criteria iv) (*reporting inconsistencies*) or v) [*incorrect application of source code*, such as: 'A' for animal species or 'D' for Appendix-I species that have not been registered in compliance with the provisions of Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*] at AC29. As noted by the Secretariat in document [AC30 Doc. 13.2](#), this could simply be a function of the nature of the trade that was reported during the years in question, or as noted by the AC Chair and nomenclature specialist, as this was the first iteration, there was a conscious decision to cover a broad range of cases. Should a similar situation arise in future reviews, it may be worth reconsidering the inclusion of these selection criteria. Alternatively, since these two criteria concern compliance/implementation issues, there may be merit in considering ways to include the Standing Committee in determining which species/countries warrant further evaluation. The 2017 workshop hosted by the Secretariat and UNEP-WCMC discussed that these criteria, which address reporting inconsistencies and incorrect application of source codes, do not directly link to biological concerns about captive breeding. However, based on paragraph 2 j) of the current Resolution, any concerns of code mismatch considered to be of compliance nature identified could still be referred to the Standing Committee. The United States supported retention of these criteria, and also suggested it would be important to add another example to criterion v) of apparent incorrect application of captive production codes, where commercial trade in Appendix-I species is carried out under any captive production source code other than D (i.e., where 'C', 'F', or 'R' is used for commercial trade in Appendix-I species).
17. The United States noted that the current process does not address deliberate misuse of source codes. It further reiterated a point previously made by the Animals Committee that the focus on species that are traded in significant numbers, or where there are significant increases in trade, might overlook species that are difficult to breed in captivity where the trade occurs at relatively low levels. Consequently, the working group agreed with the Animals Committee that breeding biology of species is a key consideration that should be factored into the selection process in identifying species of concern and proposed a new criterion to address this.
18. Specific concerns that led to the adoption of Resolution Conf. 17.7 (Rev. CoP18) were the laundering of wild-taken specimens as captive-produced (including through CITES registered facilities); unrealistic captive breeding claims; sudden increases in trade declared as captive bred; sudden shifts from wild to captive sources; or concerns in relation to the legal acquisition of founder stock.
19. To identify high risk cases, it seems necessary to understand whether species are difficult to breed in captivity, or are difficult to breed to second generation, or have low reproductive outputs, noting that these kind of challenges to captive-breeding may make such species more likely to be laundered. None of the existing criteria currently take account of the breeding biology of a species, which appears to be a gap in the current methodology.

20. There is no definitive or comprehensive list of “hard to breed” taxa, and new breeding techniques and technologies under development may mean that the ease of captive breeding of a particular taxon can change, so such lists could become out of date over time. Nevertheless, there is scope to explore further how aspects of breeding biology or prevalence in captivity could be incorporated within the selection criteria, or at least as supporting contextual information in the outputs produced from the CITES Trade Database. Whilst there are a number of potential data sources that could be used for breeding biology, taxonomy used may differ to CITES taxonomy and would need to be reconciled.
21. The following data sources/approaches could be consulted to incorporate breeding biology into the criteria for selection in Resolution Conf. 17.7 (Rev. CoP18), but the data sources used should be clearly indicated in the analysis:
- a) the use of existing digitized life history traits and demographic data, e.g. the Demographic Species Knowledge Index<sup>1</sup>. Whilst no dataset is comprehensive, this dataset includes information on litter/clutch sizes, maximum lifespan and age at maturity, and covers some 32,000 taxa (mammals, birds, reptiles and amphibians).
  - b) the use of Species360 data on number of individuals held in zoological institutions globally (includes information on 10 million individuals of 22,000 species). These data could be used to identify species that are very easy to breed in captivity (using prevalence as a proxy).
  - c) the use of other online datasets such as [AnAge](#): The Animal Ageing and Longevity Database (includes information on longevity, age at sexual maturity, adult weight).
  - d) workshops to focus on specific CITES taxonomic groups for which multiple species are bred in captivity with key taxonomic experts (e.g. IUCN Specialist Groups), as well as the Secretariat, the AC Chair, etc., to assist with incorporation of biological aspects within a revised methodology where key data gaps have been identified.
- c) *Response time by Parties*
22. In paragraph 2 f) of the Resolution, once notified by the Secretariat that species produced in captivity in their country have been selected for review, the countries concerned are required to respond to the questions of the Committee within 60 days. However, the Committee will not consider these responses of the countries until its next meeting which is many months after these 60 days have expired. It is therefore proposed to amend the final sentence of paragraph 2 e) to read “specified deadlines to be agreed in consultation with the Chair of the Animals Committee (at least 60 days for the initial consultation)”. This will improve the consultation process with the Parties concerned by providing sufficient time for Parties to compile and submit information, and for any subsequent correspondence between the Secretariat and Parties, enabling the relevant information to be provided to the Animals Committee in a timely manner for its consideration.
- d) *Harmonisation of this process with the Review of Significant Trade process*
23. The Animals Committee recommended “to harmonise this process and the Review of Significant Trade (RST), especially the multiplication factors used for the IUCN Red List categories”. The selection criteria for the RST process and captive-breeding process have not been comprehensively mapped against each other, but there are parallels with the two processes, at least for some criteria (see Tables A.1 and A.2 of Annex 3). Both processes include cases where trade is considered to be “high volume” or where there has been a “sharp increase” in trade.
24. UNEP-WCMC pointed out that to ensure that globally threatened (GT) species are weighted to account for the higher level of risk within the RST process, the current methodology, multiplies trade volumes for GT species by a factor of 10. If the resulting trade level falls within the top third of species within an order, they meet the “high volume” criterion. Based on a recommendation by AC29, an alternative method of weighting species by their Red List category was trialled for the RST selection process for AC31 ([see document AC31 Doc. 13.4 Annex 2](#)). The adjusted methodology used a weighting factor depending on threat status (x10 for CR, 8x for EN, 6x for VU, 4x for NT and 2x for DD). UNEP-WCMC pointed out that when the results of the two methods were compared, the proposed method of stratifying the weighting for GT species selected more species at the extremes (i.e., LC or Not Evaluated, or CR and EN). Since CR and EN are automatically

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<sup>1</sup> See Conde et al. (2019) *Data gaps and opportunities for comparative and conservation biology. Proceedings of the National Academy of Sciences* 116(19) 9658-9664.

selected under the “Endangered” criterion of the RST selection process anyway, weighting them more heavily compared to other GT species did not impact their inclusion. Overall, the alternative method selected more Least Concern species and fewer threatened species. Accordingly, and in consultation with the Secretariat, it was decided to retain the 10x weighting method for the RST analysis following CoP18.

25. The IUCN threat status is relevant to both Resolution Conf. 12.8 (Rev. CoP18) and Resolution Conf. 17.7 (Rev. CoP18). Captive production can have impacts on wild populations, for example, acquisition of wild-sourced individuals for ranching or for the acquisition of founder breeding stock and any subsequent augmentation of wild-sourced individuals to prevent deleterious inbreeding or laundering of wild caught specimens as captive bred. On the other hand, some species are very easy to breed in captivity despite their conservation status in the wild being unfavourable. Weighting the species by IUCN threat status for this process may exaggerate a risk in some cases where the trade has little or no impact on the wild population. As noted above, more species were selected that were not globally threatened than were globally threatened in the first iteration of Resolution Conf. 17.7 (Rev. CoP18), which might imply that the Red List has less relevance than for the trade in wild specimens as scrutinised by the RST. UNEP-WCMC suggested that it would therefore be useful to consider whether the same approaches for RST (e.g. using a multiplier, or selecting any CR or EN species in an “Endangered”) are appropriate for Resolution Conf. 17.7 (Rev. CoP18). It is proposed to examine this further at a later stage.

e) *Consultation process with members of the Committees*

26. The process of consultation between the Secretariat, the Animals Committee and the Standing Committee throughout the process may benefit from following a process similar to the one outlined in Resolution Conf. 12.8 (Rev. CoP18) on *Review of Significant Trade in specimens of Appendix-II species*, whereby the Animals Committee is consulted first, followed by the Standing Committee, such that the Standing Committee members can see the views of the Animals Committee first before making their determination.

f) *Other concerns identified*

27. Participants at the workshop also raised concerns around the current lack of clarity concerning the process of referring cases between the review under Resolution Conf. 17.7 (Rev. CoP18) and Resolution Conf. 12.8 (Rev. CoP18). It was also agreed that an important consideration when using the IUCN Red List was knowing the date when the assessment was carried out and it was suggested that this aspect should be included in the output table when the next analysis of the trade data for the selection of potential cases for review is carried out.

Summary of conclusions of workshop

28. The workshop participants agreed that implementation of Resolution Conf. 17.7 (Rev. CoP18) should be viewed as core work and should not be subject to availability to external resources, at least for producing the summary output from the CITES database using the methodology and screening procedures referred to in paragraph 2 of the Resolution.

29. Proposed textual amendments to Resolution Conf. 17.7 (Rev. CoP18) were agreed, which seek to address some of the concerns raised above, for consideration at CoP19. These proposed amendments are presented in Annex 1 of the present document. In addition, draft decisions to improve the alignment between Resolution Conf. 17.7 (Rev. CoP18) on *Review of trade in animal specimens reported as produced in captivity* and Resolution Conf. 12.8 (Rev. CoP18) on *Review of Significant Trade in specimens of Appendix-II species* are proposed in Annex 2. A tentative budget for future work on the implementation of this Resolution is presented in Annex 4.

Recommendations

30. The Conference of the Parties is invited to:

- a) adopt the proposed amendments to Resolution Conf. 17.7 (Rev. CoP18) on *Review of trade in animal specimens reported as produced in captivity* as contained in Annex 1 to the present document;
- b) adopt the draft decisions presented in Annex 2; and
- c) delete Decisions 18.176 and 18.177.

## COMMENTS OF THE SECRETARIAT

- A. The Secretariat recommends that the Conference of the Parties adopt the proposed amendments to the Resolution presented in Annex 1 to the present document, with one minor exception. The Secretariat proposes the deletion of the text “(including its own recommendations)” in new sub-paragraph 1), as it is of the view that it is implicit that the Standing Committee will include its own recommendations when preparing “any required recommendations for the country or countries concerned”.
- B. The Secretariat recommends the adoption of the draft decisions presented in Annex 2 and the deletion of Decisions 18.176 and 18.177.
- C. The Secretariat thanks Switzerland for providing the funds for the workshop to review the provisions of Resolution Conf. 17.7 on *Review of trade in animal specimens reported as produced in captivity*, which assisted the Standing Committee in finalizing its recommendations.
- D. The Secretariat notes that paragraph 1 of Resolution Conf. 17.7 (Rev. CoP18) specifically states that its implementation is “subject to available resources”, and the Standing Committee has proposed the deletion of this text. However, the Secretariat does not have the resources to undertake the analyses referred to in paragraphs 2 a) and b) of the Resolution and will require external funds. It is envisaged that these analyses should take place in each intersessional period, similar to the process outlined in Resolution Conf. 12.8 (Rev. Cop18) on *Review of Significant Trade in specimens of Appendix-II species*.
- E. The Secretariat has previously expressed the view that without adequate resources, the effective implementation of Resolution Conf. 17.7 is likely to be compromised in the long term (see document SC70 Doc. 31.4). Based on the tentative budget presented in Annex 4, a minimum of USD 50,000 would be required for Year 1 (for the trade analysis) and USD 30,000 for Year 2 (for the review of species). A request for these funds should be considered under the Budget and Finance discussions. If the funds to cover these two activities are not incorporated into the Trust Fund (as is the case for RST), the Secretariat recommends that the text of paragraph 1 of Resolution Conf. 17.7 (Rev. CoP18) should not be deleted.



PROPOSED AMENDMENTS TO RESOLUTION CONF. 17.7 (REV. COP18)  
ON REVIEW OF TRADE IN ANIMAL SPECIMENS REPORTED AS PRODUCED IN CAPTIVITY

Proposed new text is underlined, proposed deletions are indicated in ~~strike through~~

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CONSIDERING that the Convention provides, in Article VII, paragraphs 4 and 5, for special treatment of animal specimens that are bred in captivity as defined in Resolution Conf. 10.16 (Rev.) on *Specimens of animal species bred in captivity*;

NOTING that, in accordance with Article VII, paragraph 4, animal 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 ALSO that, in accordance with Article VII, paragraph 5, the certification from the Management Authority of the State of export that it is satisfied that the specimen of an animal species was bred in captivity or is part of such an animal or was derived therefrom shall be accepted in lieu of any of the permits or certificates required under the provisions of Article III, IV or V;

RECOGNIZING that specimens in trade are derived from a variety of captive production systems, which are attributed to different source codes as defined by Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates*;

RECOGNIZING that captive breeding, and other captive production systems, can have a number of benefits compared with direct harvests from the wild;

CONCERNED that the incorrect application of source codes and/or misuse or false declaration of source codes can reduce or negate such benefits where they exist, have negative implications for conservation and undermine the purpose and effective implementation of the Convention;

FURTHER CONCERNED that in addition to inadvertent misuse of source codes, there is growing evidence of cases of illegal trade in wild-caught specimens of CITES-listed species, through fraudulent claims that wild-caught specimens are captive bred;

FURTHER CONCERNED that in some cases there are doubts as to the legal origin of the parental stocks of captive bred specimens including specimens that are bred outside their natural range;

ACKNOWLEDGING that the intent of the Review of trade in animal specimens reported as produced in captivity is to ensure that such trade is conducted in accordance with provisions of the Convention and to identify remedial actions where needed to ensure trade is not detrimental to the survival of wild species and to advance the purpose and effective implementation of the Convention;

EXPECTING that the implementation of recommendations and actions resulting from the Review of trade in animal specimens reported as produced in captivity will improve the capacity of the Parties to properly assess that specimens are genuinely produced by the captive production system claimed;

AFFIRMING that the Review of trade in animal specimens reported as produced in captivity should be transparent, timely and simple;

NOTING the Guide to CITES compliance procedures found in Resolution Conf. 14.3 (Rev. CoP18) on *CITES compliance procedures*; and

NOTING FURTHER that there are existing mechanisms to address urgent issues of non-compliance with the Convention, including Article XIII and Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*, and that this Resolution complements these existing mechanisms;



## THE CONFERENCE OF THE PARTIES TO THE CONVENTION

~~1. DIRECTS the Secretariat to implement the present Resolution subject to available resources;~~

2.1. DIRECTS the Animals and Standing Committees, in cooperation with the Secretariat, relevant experts and in consultation with Parties, to review biological, trade and other relevant information regarding animal species subject to significant levels of trade using source codes C, D, F or R, to identify problems associated with the implementation of the Convention and to develop solutions in accordance with the following procedure.

### Stage 1 – Identification of species-country combinations for review

- a) The Secretariat shall produce a summary from the CITES Trade Database of annual report statistics of species traded, derived from the five most recent years, under source codes C, D, F or R and will undertake, or appoint consultants to undertake, an analysis of such data to identify species-country combinations for review, taking into account any recent nomenclatural changes and the breeding biology of the species, where feasible, using the following criteria:
  - i) significant increases in trade in specimens declared as captive-produced (source codes C, D, F and R);
  - ii) trade in significant numbers of specimens declared as produced in captivity;
  - iii) shifts and fluctuations between different captive-production source codes or from wild to captive produced source codes;
  - iv) inconsistencies between source codes reported by exporting and importing Parties for specimens declared as produced in captivity;
  - v) apparent incorrect application of captive production codes such as: ~~'A' for animal species or 'D' for Appendix-I species that have not been registered in compliance with the provisions of Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes* [or use of 'C', 'F', or 'R' for commercial trade in Appendix-I species]; and~~
  - vi) trade from non-range States of specimens declared as produced in captivity with no evidence of lawful acquisition of parental breeding stock (i.e. no recorded imports); and
  - vii) specimens produced as captive produced (source codes C, D and F), where the species are known to be difficult to breed in captivity;
- b) The Secretariat shall also compile any other relevant information made available to it with respect to concerns about captive production, including any cases referred to it by Parties or identified from the Review of Significant Trade under Resolution Conf. 12.8 (Rev. CoP18) on *Review of Significant Trade in specimens of Appendix-II species*, referred to it by Parties or available in relevant reports, including the global conservation status by species published in the IUCN Red List of threatened species or noted as not evaluated;
- c) The Secretariat shall provide the outcome of the analyses in subparagraph ~~21~~ a), including the data sources used, and a compilation of information from subparagraph ~~21~~ b) to the first regular meeting of the Animals Committee following a meeting of the Conference of the Parties. The Animals Committee may select a limited number of species-country combinations for review, taking into account the biology of the species, for which it should draft general or specific questions and a brief explanation of the selection, to be addressed by the Secretariat to the Parties concerned in accordance with Stage 2, subparagraph ~~2-f)1 g)~~ 1 g) The Animals Committee will determine for which species the short reviews provided for in Stage 2, subparagraph ~~2-g) 1 h)~~ 1 h) are required; urgent enforcement matters identified at this stage should be referred to the Secretariat and the country concerned and subsequently reported to the Standing Committee;
- d) Where the Animals Committee finds that a species/country combination raises concerns better dealt within the process of the Review of Significant Trade, it can introduce that combination into stage 2 of

the process in accordance with Resolution Conf. 12.8 (Rev. CoP17), paragraph 1 d) as an exceptional case;

- e) In exceptional cases, outside steps in subparagraphs 2-1 a)-c) above, and where new information provided to the Secretariat indicates that urgent action may be needed concerning problems relating to the implementation of provisions under the Convention for captive production of specimens, the Secretariat:
  - i) shall verify that the proponent has provided a justification for the exceptional case, including supporting information;
  - ii) shall produce a summary and analysis of trade from the CITES Trade Database in relation to the species-country combination; ~~and~~
  - iii) provide the information from i) and ii) above, as soon as possible to the Animals Committee or Standing Committee, as appropriate, for their intersessional review and decision on whether to include the species-country combination in the next stage of the review process; and
- f) When selecting species-country combinations for review under paragraph 2-1 c) of the present Resolution, the Animals Committee should not select species-country combinations where the Standing Committee has already entered a dialogue with the country concerned over the use of source codes C, D, F or R under another compliance process.

## **Stage 2 – Consultation with countries and compilation of information**

- ~~f)g)~~ The Secretariat shall, within 30 days after the relevant meeting of the Animals Committee, notify the country or countries concerned that species produced in captivity in their country have been selected for review, and provide them with an overview of the review process and an explanation for the selection provided by the Animals Committee. The Secretariat shall ask the country or countries to provide information, within 60 days specified deadlines to be agreed in consultation with the Chair of the Animals Committee (at least 60 days for the initial consultation) in response to general or specific questions, developed by the Animals Committee, to determine if the correct source codes have been used, under the applicable Resolutions, for specimens claimed to be produced in captivity; and
- ~~g)h)~~ The Secretariat shall also commission, if requested by the Animals Committee, a short review of the species concerned, in consultation with relevant countries and specialists, to compile and summarise known information relating to the breeding biology and captive husbandry and any impacts, if relevant, of removal of founder stock from the wild.

## **Stage 3 – Review and recommendation by the Animals and Standing Committee**

- ~~h)i)~~ The Animals Committee shall, at their second meeting following a regular meeting of the Conference of the Parties, review the responses from countries, any review commissioned by the Secretariat and any additional relevant information, and determine if trade is in compliance with Article III and Article IV of the Convention, as well as Article VII, paragraphs 4 and 5. If trade is in compliance, the species-country combination will be excluded from the review and the Secretariat will inform the country or countries of this outcome within 60 days;
- ~~i)j)~~ Where a species-country combination is retained within the review and the Animals Committee identifies concerns appropriately within its remit, the Animals Committee shall, in consultation with the Secretariat, formulate draft recommendations directed to the relevant country which are time-bound, feasible, measurable, proportionate, transparent and aimed at ensuring long-term compliance which, where appropriate, aim to promote capacity building and enhance the ability of the country to implement relevant provisions of the Convention. The Secretariat shall transmit these draft recommendations and supporting information, from the Animals Committee to the next meeting of the Standing Committee for their review, revision if necessary, and endorsement;
- ~~j)k)~~ Where a species-country combination is retained within the review and the Animals Committee identifies concerns that are more appropriately considered by the Standing Committee, the Secretariat shall refer the issue to the next meeting of the Standing Committee, including any observations from the Animals Committee;

- k)l) The Standing Committee shall review the draft recommendations and supporting information from the Animals Committee and prepare (including its own recommendations) any required recommendations for the country or the countries concerned;
- l)m) Recommends that the Standing Committee, when making recommendations to the country or countries under paragraph ~~2-k)~~ 1 l) of the present Resolution in relation to the use of source codes C, D, F or R, avoid duplication with other compliance processes; and
- m)n) The Secretariat shall, within 30 days of the meeting of the Standing Committee in subparagraphs ~~2-h) and j) 1 i) and k)~~, transmit the combined recommendations of the Standing and Animals Committees to the country or countries concerned and also provide the country or countries with relevant guidance, such as on the correct application of source codes, and means by which their capacity to deal with captive production issues might be enhanced.

#### **Stage 4: Measures to be taken regarding the implementation of recommendations**

- n)o) The Secretariat shall monitor progress against the recommendations, taking account of the different deadlines, and, following timely intersessional consultation with the members of the ~~Standing and Animals Committees through their Chairs~~ its Chair, followed by the members of the Standing Committee through its Chair, determine whether the recommendations referred to above have been implemented:
  - i) where the recommendations have been met, the Secretariat shall, following consultation with the Chair of the Standing Committee, notify the Parties that the species-country combination was removed from the review process; or
  - ii) when the recommendations are not deemed to have been met, the Secretariat shall, ~~in following consultation with the members of the Standing and Animals Committees,~~ following consultation with the members of the Standing Committee through their Chairs, recommend to the Standing Committee appropriate action, which may include, as a last resort, a recommendation to suspend trade in the affected species with that State;
- o)p) The Secretariat shall report to the Standing Committee on its evaluation of the implementation of the recommendations, including the rationale for its evaluation, and a summary of the views expressed by the Animals Committee;
- p)q) For countries where recommendations are not deemed to have been met, the Standing Committee shall decide on appropriate actions and make recommendations to the country or countries concerned, keeping in mind that these recommendations should be time-bound, feasible, measurable, proportionate, transparent, and should, if appropriate, promote capacity building. In exceptional circumstances, where the country under consideration provides new information on the implementation of the recommendations to the Standing Committee, the Standing Committee, through the Secretariat, shall consult intersessionally with the Animals Committee through the Chair prior to making a decision on appropriate action;
- q)r) The Secretariat shall notify the Parties of any recommendations or actions taken by the Standing Committee;
- r)s) Any recommendation by the Standing Committee to suspend trade in the affected species with the country concerned should be withdrawn only when that country demonstrates to the satisfaction of the Standing Committee, through the Secretariat, in consultation, where appropriate, with the members of the Animals Committee through their Chair, compliance with the provisions of the Convention with respect to the captive production of specimens; and
- s)t) The Standing Committee, in consultation with the Secretariat and the Chair of the Animals Committee, shall, where appropriate, review recommendations to suspend trade that have been in place for longer than two years, consult with the relevant country, evaluate the reasons why this is the case, and, if appropriate, take measures to address the situation.

#### ***Regarding capacity building, monitoring, reporting, and evaluating the review process***

- 3.2. DIRECTS the Secretariat, for the purpose of monitoring and facilitating the implementation of this Resolution and the relevant provisions of the Convention:

- a) To report to the Standing Committee on the implementation, by the countries concerned, of the recommendations made by the Standing and Animals Committees; and
- b) To maintain a record of species-country combinations that are included in the review process set out in this Resolution, including a record of progress with the implementation of recommendations;

~~4.3.~~ DIRECTS the Secretariat to include training on this review process of specimens produced through captive production as part of its capacity-building activities related to the implementation of the Convention; and

~~5.4.~~ DIRECTS the Standing and Animals Committees, in consultation with the Secretariat, to periodically evaluate the outcomes of this Review by, for example, examining a sample of past species-country combinations to assess whether the desired result was achieved. Based on these evaluations, the Standing and Animals Committees should propose revisions to the review process as necessary. In these periodic evaluations, feedback should be sought from countries that have been through the review process.

DRAFT DECISIONS ON THE REVIEW OF RESOLUTION CONF. 17.7 (REV. COP18)

***Directed to the Secretariat***

**19.AA** The Secretariat shall, in consultation with the United Nations Environment Programme – World Conservation Monitoring Centre (UNEP-WCMC), produce a comparative analysis of the objectives and processes outlined in Resolution Conf. 17.7 (Rev. CoP18) on *Review of trade in specimens reported as produced in captivity* and Resolution Conf 12.8 (Rev. CoP18) on *Review of Significant Trade in specimens of Appendix-II species*, and draft recommendations on how these two Resolutions could become more streamlined and better aligned with each other, including possible amendments to one or both Resolutions, for consideration by the Animals and Standing Committees.

***Directed to the Animals Committee***

**19.BB** The Animals Committee shall review the report and draft recommendations from the Secretariat under Decision 19.AA; and make its own recommendations for consideration by the Standing Committee.

***Directed to the Standing Committee***

**19.CC** The Standing Committee shall consider the report and draft recommendations of the Secretariat, the recommendations from the Animals Committee, and make its own recommendations, for consideration at the 20th meeting of the Conference of the Parties.

**Table A.1. Criteria for the identification of species-country combinations for review**

Criterion	
i)	<b>Significant Increase:</b> significant increases in trade in specimens declared as captive-produced (source codes C, D, F and R)
ii)	<b>Significant Numbers:</b> trade in significant numbers of specimens declared as produced in captivity
iii)	<b>Shifts in source codes:</b> shifts and fluctuations between different captive-production source codes
iv)	<b>Reporting inconsistencies:</b> inconsistencies between source codes reported by exporting and importing Parties for specimens declared as produced in captivity
v)	<b>incorrect application of source codes:</b> apparent incorrect application of captive production codes such as: 'A' for animal species or 'D' for Appendix-I species that have not been registered in compliance with the provisions of Resolution Conf. 12.10 (Rev. CoP15) on Registration of operations that breed Appendix-I animal species in captivity for commercial purposes
vi)	<b>legal acquisition:</b> trade from non-range States of specimens declared as produced in captivity with no evidence of lawful acquisition of parental breeding stock (i.e. no recorded imports)

**Table A.2. Criteria for the selection of taxa within the Review of Significant Trade Process (Extended Analysis)**

Criterion	
i)	<b>Endangered Species:</b> Species categorized as Critically Endangered (CR) or Endangered (EN) according to The IUCN Red List of Threatened Species (any species-country combinations with trade meet the criteria)
ii)	<b>Sharp Increase (Global):</b> Taxa showing a sharp increase in global trade in a focal year, in comparison to the average over the preceding five-year period
iii)	<b>Sharp Increase (Country):</b> Taxa showing a sharp increase in trade in a focal year at the country level (for countries of export) in comparison to the average over the preceding five-year period
iv)	<b>High Volume:</b> Taxa traded at levels considered to be high compared to other taxa in their order over the most recent five year period
v)	<b>High Volume (Globally Threatened):</b> Globally threatened, Near-Threatened (NT) and Data Deficient (DD) taxa traded at relatively high volumes for their Order over the most recent five year period

**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 to implement Resolution Conf. 17.7 (Rev. CoP18) in future years (note that the numbering is based on the new numbering system in the draft amended Resolution in Annex 1 to this document).

<b>Activity</b>	<b>Estimate USD</b>	<b>Notes</b>
Production of AC document (with analysis of trade data)	50,000	Required for first AC meeting after each CoP
Exceptional cases selected under paragraph 1 e)	10,000	May not be necessary
Review of species selected for review under Stage 2 paragraph h)	Up to 30,000	Dependent on number of species requested for review
Periodic evaluation of the Resolution under Stage 4	80,000	Could perhaps be reviewed on a three CoP cycle.

The Secretariat also suggests that it would be useful to develop a tracking and management database similar to the one currently being developed for the Review of Significant Trade. It is estimated that the initial cost would be approximately USD 50,000, with annual maintenance/upkeep charges of USD 10,000 in subsequent years. This work would require external funds.

In addition, the Secretariat estimates that USD 20,000 would be required to undertake the activities outlined in draft decision 19.AA