

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

REGISTRATION OF OPERATIONS THAT BREED APPENDIX-I ANIMAL SPECIES
IN CAPTIVITY FOR COMMERCIAL PURPOSES

1. This document has been submitted by the United States of America.*

Background

2. Article VII, paragraph 4 of the Convention provides that specimens of Appendix-I animal species bred in captivity for commercial purposes shall be deemed to be specimens of species included in Appendix II. In Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*, the Conference of the Parties agreed that the exemption of Article VII, paragraph 4, should be implemented through the registration by the Secretariat of operations that breed specimens of Appendix-I species in captivity for commercial purposes and adopted a procedure for accomplishing such registrations. Below we provide a brief history of the discussions and decisions around this registration process.
3. At its 4th meeting (CoP4; Gaborone, 1983), the Conference of the Parties adopted Resolution Conf. 4.15 on *Control of captive breeding operations in Appendix I species*, which recommended that Parties provide the Secretariat with “any appropriate information on the operations occurring in their territories which regularly breed in captivity, for commercial purposes, specimens of species included in Appendix I to which Article VII, paragraph 4, of the Convention applies.” The Resolution also requested the Secretariat to compile and update a Register of such operations on the basis of information from the Parties and other sources, and to communicate the Register to the Parties.
4. In Resolution Conf. 6.21 on *Control procedures for commercial captive breeding operations*, adopted at its 6th meeting (CoP6; Ottawa, 1987), the Conference of the Parties agreed to additional details regarding the maintenance of the Register.
5. At its 7th meeting (CoP7; Lausanne, 1989), the Conference of the Parties adopted Resolution Conf. 7.10 on *Format and criteria for proposals to register the first commercial captive-breeding operation for an Appendix-I animal species*, which provided additional procedural and scientific standards for approval by the Parties of the first commercial captive-breeding operation for an Appendix-I species.
6. Acknowledging the growth in the demand for captive breeding for commercial and conservation purposes and that the art and science of captive breeding were becoming increasingly complex, the Conference of the Parties adopted Resolution Conf. 8.15 on *Guidelines for a procedure to register and monitor operations breeding Appendix-I animal species for commercial purposes* at its eighth meeting (CoP8; Kyoto, 1992), which outlined a comprehensive procedure for qualifying, registering, and monitoring commercial captive-

* *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.*

breeding operations for Appendix-I species. It also repealed the previous three Resolutions (Resolutions Conf. 4.15, 6.21, and 7.10).

7. At its 11th meeting (CoP11; Gigiri, 2000), the Conference of the Parties adopted Resolution Conf. 11.14 on *Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes*, which addressed the same subject as Resolution Conf. 8.15 but did not repeal it. The Conference of the Parties also adopted Decisions directing the Animals Committee to prepare a list of species that are critically endangered in the wild and/or known to be difficult to keep or breed in captivity and the Secretariat to seek nominations from Parties of species for inclusion in the list, for consideration by the Animals Committee and approval by the Standing Committee.
8. At its 12th meeting (CoP12; Santiago, 2002), the Conference of the Parties adopted Resolution Conf. 12.10 on *Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes* and repealed Resolutions Conf. 8.15 and 11.14. Recognizing that the interpretation and implementation of Article VII, paragraph 4, had proven problematic over the years, the Conference of the Parties also adopted Decision 12.78, directing the Animals Committee to study and evaluate the process for registering operations that breed Appendix-I animal species for commercial purposes and report to the 13th meeting of the Conference of the Parties (CoP13; Bangkok, 2004). In its document submitted to CoP13 (Document CoP13 Doc. 56.1), the Animals Committee noted that, based on its evaluation, most problems limiting the wider use of the registration procedure were with the captive breeding operations not submitting applications rather than with the registration process. The Animals Committee also went on to offer recommendations for resolving the perceived problems.
9. Since the adoption of Resolution Conf. 12.10, the Conference of the Parties has adopted relatively few substantive amendments to the registration and monitoring procedure for operations that breed Appendix-I animal species in captivity for commercial purposes, with the current iteration of the Resolution (Resolution Conf. 12.10 (Rev. CoP15)), having been adopted at the 15th meeting of the Conference of the Parties (CoP15; Doha, 2010).

Discussion

10. In seeking registration of an operation that breeds Appendix-I animal species in captivity for commercial purposes, a Management Authority must provide information on the type of product exported (e.g., live specimens, skins, hides, meat, or other body parts, etc.), as outlined in Annex 1 (Information to be provided to the Secretariat by the Management Authority on operations to be registered) to Resolution Conf. 12.10 (Rev. CoP15). Registration is the only available CITES process for engaging in commercial trade in Appendix-I animals. However, once an operation is registered, the Register on the CITES website includes only the date of establishment of the operation; date of CITES registration; address of the facility; species bred; origin of stock; and information on how specimens will be marked. Recognizing that operations are required in the application procedure to provide information on the type of product to be exported, we believe the approval of an operation should be specific to the products described in the registration application as different specimens of the same species may be traded for very different purposes and with different implications for conservation.
11. The Parties have agreed that a Management Authority, in collaboration with the Scientific Authority, shall monitor the management of each registered captive-breeding operation under its jurisdiction and advise the Secretariat in the event of any major change in the nature of an operation or in the type(s) of products being produced for export. Major changes in the nature of an operation include change in ownership or management; major change in parental stock or breeding stock; and major change in strategies used or activities conducted by the breeding operation to contribute to the conservation of wild population(s) of the species. In order to ensure that a registered operation continues to meet the criteria for the exemption provided by Article VII, paragraph 4, the procedure outlined in Annex 2 to Resolution Conf. 12.10 (Rev. CoP15) should be followed for both new registrations and when there is a major change in the nature of an operation or in the type(s) of products being produced for export.
12. The Parties have also agreed that an operation breeding Appendix-I animal species in captivity for commercial purposes should make a continuing meaningful contribution to the conservation of the species concerned. Such a contribution includes ensuring the trade from a registered operation will not negatively affect efforts to combat illegal trade in the species.
13. Currently, the Resolution establishes how new operations may be included in the Register and notes that the Management Authority shall provide the Secretariat with appropriate information to obtain, and maintain, the registration of each captive-breeding operation. However, the Resolution does not include a description

of how registration is maintained. To resolve this omission, we propose to add a mechanism for how the registration of the operation is maintained in the Register.

Recommendations

14. The Conference of the Parties is invited to adopt the amendments to Resolution Conf. 12.10 (Rev. CoP15) included in Annex 1 to the present document, which reflect the amendments outlined in paragraphs 10-12.
15. If the Conference of the Parties adopts the amendments included in Annex 1 to the present document, we also recommend adoption of the following draft decision to direct the Secretariat to update the Register to clearly show the type of product(s) approved for each registered operation.

Directed to the Secretariat

- 19.AA** The Secretariat shall update the Register of operations that breed Appendix-I listed animals in captivity for commercial purposes, to include for each operation in the Register the type of product(s) approved for export (e.g., live specimens, skins, hides, meat, or other body parts, etc.).

COMMENTS OF THE SECRETARIAT

- A. The Secretariat supports the intent behind the document that highlights that there could be significant changes to captive-breeding operations after they have been included in the CITES Register but proposes some alternative text and amendments to Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes* in paragraphs D and E below to introduce greater clarity.
- B. The Secretariat furthermore recommends the Conference of the Parties to not adopt the draft decision in paragraph 15 of the present document if the amendments to the Resolution including those proposed by the Secretariat are adopted.
- C. The Secretariat proposes further amendments to the Resolution based on the following considerations:
 - a) The type of products being produced for export as specified in the application and contained in the register of captive-breeding operations should be published on the CITES website.
 - b) A new annex to the Resolution (Annex 4) will clarify the process to obtain information from Parties relating to major changes in the nature of an operation or in the type(s) of products being produced for export as well as the communication to Parties relating to these changes. The Secretariat is of the view that there is no need to "re-register" operations if changes are made. Should the major changes be accepted, these will simply be reflected in the Register. If they are rejected, the registered operation will continue to be included in the Register based on its original application.
 - c) Specific reference to the special provisions contained in Article VII paragraphs 4 and 5 should be included.
 - d) The provisions in Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement* and Resolution Conf. 14.3 (Rev. CoP18) on *CITES Compliance procedures* address compliance matters with CITES requirements and therefore the inclusion of 'other CITES requirements' in paragraph 5 i) is not required.
 - e) The Secretariat recommends that Parties consider replacing the term 'product' with the term 'specimen' since the term 'specimen' has been defined and includes products.
- D. Amendments proposed by the Secretariat:

Proposed new text is **bold and underlined**, proposed deletions are indicated in **~~bold and strikethrough~~**.

2. AGREES that the exemption of Article VII, paragraph 4, should be implemented through the registration by the Secretariat of operations that breed specimens of Appendix-I species in captivity for commercial purposes and that the exemption applies only to the products specified in the

application and identified in the information set out in Annex 4 included in the register of operations that breed Appendix-I listed animal species in captivity for commercial purposes published on the CITES website;

- 5.d) the Secretariat shall notify all Parties of each application for registration, and any major change in the nature of an operation (e.g., change in ownership or management; major change in significant additions to parental stock or breeding stock; major changes in strategies used or activities conducted by the breeding operation to contribute to the conservation of wild population(s) of the species) or in the type(s) of products being produced for export, following the procedure set out in Annex 2;
- e) Parties shall implement the provisions of Article IV of the Convention with respect to specimens of species included in Appendix I originating from operations that breed such specimens in captivity for commercial purposes that are registered pursuant to this Resolution and when special provisions of Article VII, paragraphs 4 and 5 do not apply, and shall implement the provisions of Article III of the Convention with respect to specimens of species included in Appendix I that do not originate from registered operations;

[.....]

- g) the Management Authority, in collaboration with the Scientific Authority, shall monitor the management of each registered captive-breeding operation under its jurisdiction and advise the Secretariat in the event of any major change in the nature of an operation (e.g., change in ownership or management; major change in parental stock or breeding stock; major changes in strategies used or activities conducted by the breeding operation to contribute to the conservation of wild population(s) of the species) or in the type(s) of products being produced for export;

5.h) The Secretariat shall notify all Parties of advice received from a Management Authority pursuant to paragraph 5 g) following the procedure set out in Annex 4.

- h) any Party within whose jurisdiction an operation is registered may unilaterally request the removal of that operation from the Register without reference to other Parties by so notifying the Secretariat, and, in this case, the operation shall be removed immediately;
- i) any Party believing that a registered operation does not comply with the provisions of Resolution Conf. 10.16 (Rev.), and this Resolution, or other CITES requirements may, after consultation with the Secretariat and the Party concerned, propose to the Standing Committee that this operation be deleted from the Register or amended to remove or amend the type(s) of products authorized for trade. At its following meeting, the Standing Committee shall, considering the concerns raised by the objecting Party and any comments from the Registering Party and the Secretariat, determine whether the operation should be deleted from the register or amended to remove or amend the type(s) of products authorized for trade. If so deleted, such an operation may only be reinstated in the Register or amended to add type(s) of products authorized for trade by satisfying the procedure outlined in Annex 2; and
- j) the Management Authority shall satisfy itself that the captive-breeding operation will make a continuing meaningful contribution according to the conservation needs of the species concerned, including that the trade will not negatively affect efforts to combat illegal trade in the species or other CITES-listed species;
- k) the Secretariat shall maintain on the CITES website, accessible in the register of operations that breed Appendix-I animal species in captivity for commercial purposes, information on contact details; date of establishment; date of CITES registration; Appendix-I species registered; type(s) of products authorized for export; origin of stock; and marking methods.

E. Following is the proposed Annex 4 that sets out the process to inform Parties about changes to registered operations that breed Appendix-I animal species for commercial purposes.

Proposed new text is underlined:

1. After being advised of major changes by a Management Authority in terms of paragraph 5 g), the Secretariat shall:
 - a) notify all Parties of the information received relating to any major change in the nature of an operation (e.g., major change in parental stock or breeding stock; major changes in strategies used or activities conducted by the breeding operation to contribute to the conservation of wild population(s) of the species) or in the type(s) of products being produced for export; and
 - b) publish with the Notifications to the Parties details of the changes relating to the registered operation.
2. Any Party wishing to do so must object to the changes to the registered operation within a period of 90 days from the date of notification by the Secretariat. Objections may be made if they are directly related to the changes made, and if they are fully documented and include the supporting evidence that has given rise to concerns.
3. If any Party objects to the changes made, the Secretariat shall refer the documentation to the Animals Committee to review the objection. The Animals Committee shall comment on the objection within 60 days. The Secretariat shall forward the comments made by the Animals Committee to the Parties concerned and allow a further 30 days for resolution of the identified problem(s).
4. If the objection is not withdrawn or the identified problem(s) not resolved within the 30-day period, the changes to the registered operation shall be submitted to the Standing Committee at its following regular meeting.
 - a) If the Committee considers the objection trivial or ill-founded, it shall reject it and the changes to the registered operation shall be accepted.
 - b) If the Committee considers the objection justified, it shall review the response of the applying Party and decide whether or not to accept the changes to the registered operation.
5. If no objection is received or after decision by the Standing Committee, the Secretariat shall publish any changes to the registered operation.

PROPOSED AMENDMENTS TO RESOLUTION CONF. 12.10 (REV. CoP15) ON
REGISTRATION OF OPERATIONS THAT BREED APPENDIX-I ANIMAL SPECIES
IN CAPTIVITY FOR COMMERCIAL PURPOSES

Amend the final preambular paragraph as follows (new text shown in underline and deleted text shown in ~~strikethrough~~):

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;~~

Amend the following paragraphs of the operative text as follows:

2. AGREES that the exemption of Article VII, paragraph 4, should be implemented through the registration by the Secretariat of operations that breed specimens of Appendix-I species in captivity for commercial purposes and that the exemption applies only to the products identified in the information set out in Annex 1;
- 5.d) the Secretariat shall notify all Parties of each application for registration, and any major change in the nature of an operation (e.g., change in ownership or management; major change in parental stock or breeding stock; major change in strategies used or activities conducted by the breeding operation to contribute to the conservation of wild population(s) of the species) or in the type(s) of products being produced for export, following the procedure set out in Annex 2;
- 5.e) Parties shall implement the provisions of Article IV of the Convention with respect to specimens of species included in Appendix I originating from operations that breed such specimens in captivity for commercial purposes that are registered pursuant to this Resolution, and shall implement the provisions of Article III of the Convention with respect to specimens of species included in Appendix I that do not originate from registered operations;
- 5.g) the Management Authority, in collaboration with the Scientific Authority, shall monitor the management of each registered captive-breeding operation under its jurisdiction and advise the Secretariat in the event of any major change in the nature of an operation or in the type(s) of products being produced for export, and for each major change in the nature of an operation or in the type(s) of products being produced for export, the Management Authority shall follow the procedure outlined in Annex 2 to amend the registration;
- 5.h) any Party within whose jurisdiction an operation is registered may unilaterally request the removal of that operation from the Register or amendment to remove type(s) of products authorized for trade without reference to other Parties by so notifying the Secretariat, and, in this case, the operation or type(s) of products shall be removed immediately;
- 5.i) any Party believing that a registered operation does not comply with the provisions of Resolution Conf. 10.16 (Rev.), this Resolution, or other CITES requirements may, after consultation with the Secretariat and the Party concerned, propose to the Standing Committee that this operation be deleted from the Register or amended to remove type(s) of products authorized for trade. At its following meeting, the Standing Committee shall, considering the concerns raised by the objecting Party and any comments from the Registering Party and the Secretariat, determine whether the operation should be deleted from the register or amended to remove type(s) of products authorized for trade. If so deleted, such an operation may only be reinstated in the Register or amended to add type(s) of products authorized for trade by satisfying the procedure outlined in Annex 2; and
- 5.j) the Management Authority shall satisfy itself that the captive-breeding operation will make a continuing meaningful contribution according to the conservation needs of the species concerned, including that the trade will not negatively affect efforts to combat illegal trade in the species or other CITES-listed species;

5.k) the Secretariat shall maintain on the CITES website, accessible in the Register of operations that breed Appendix-I animal species in captivity for commercial purposes, information on contact details; date of establishment; date of CITES registration; Appendix-I species registered; type(s) of products authorized for export; origin of stock; and marking methods;

Amend paragraph 15 of Annex 1 as follows:

15. Description of the strategies used or activities conducted by the breeding operation to contribute to the conservation of wild population(s) of the species, including that the trade will not negatively affect efforts to combat illegal trade in the species or other CITES-listed species.

Amend the title of Annex 2 as follows: Procedure to be followed by the Secretariat ~~before~~for registering new operations or amending registrations

Amend the following paragraphs and add a new paragraph 6. to Annex 2 as follows:

1.c) publish with the Notifications to the Parties proposing new captive-breeding operations to be added to the Register, details of the type of product exported (e.g., live specimens, skins, hides, meat, or other body parts, etc.) and specific marking method (and the identifying codes or prefixes, where possible) used by the captive-breeding operation.

5. When satisfied that an application meets all requirements in Annex 1, the Secretariat shall publish the name and other particulars of the operation, including the type of product exported (e.g., live specimens, skins, hides, meat, or other body parts, etc.), in its Register.

6. Once every three years the Secretariat shall contact each Party that has registered operations, and provide a list of all their operations that appear in the Register, to check whether the registered operations should be maintained in the Register, and whether there are any changes needed in the information appearing in the Register. The Secretariat shall remind the Party that for each major change in the nature of an operation or in the type(s) of products being produced for export, the Management Authority shall follow the procedure to amend the registration, as outlined in this Annex.

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 authors anticipate that the implementation of the amendments to Resolution Conf. 12.10 (Rev. CoP15) and Decision 19.AA contained in the present document can be accommodated within the work of existing Secretariat staff.

Secretariat's comments: The proposed amendments have workload implications for the Secretariat, but these should be able to be accommodated within existing resources.