

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

PROPOSAL TO AMEND DOCUMENT 55 (COP19 DOC 55)

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

SUBMITTED BY THE EUROPEAN UNION AND ITS MEMBER STATES

1. This document has been submitted by the European Union and its Member States (in the following “European Union”) * in relation to document 55.

Supported: Additional Information for the public and for the Parties

2. The European Union support the proposal by the US in Document 55 (Annex 1, operative text, 5.k)) to extend the scope of information on registered captive breeding operations published by the Secretariat on the CITES website. Information on the “type of product exported (e.g. live specimens, skins, hides, other body parts, etc.)” provided in the application can be helpful.
 - This requirement should be phrased as follows “type(s) of product exported” (not as proposed “authorized for export”)

Reasons: Currently the registration applies to captive breeding of particular species by the registered operation. Types of products exported are indicated in the application for registration. The indication does not limit operations to extend their product portfolio to other products. This approach is valid and should not be changed (see below paragraph 6). If a change in the products raises concerns regarding compliance with Resolution Conf. 10.16 (Rev.), the host country of the breeding operation, the Secretariat and every Party already have other tools at their disposal to remedy such a situation (see below paragraph 6.).

In order to limit the administrative burden for the Secretariat it may be appropriate to apply the change to all applications submitted after COP19. Therefore, the decision addressed to the Secretariat to update the register retroactively should also be deleted.

Reasons: Implementing the change for new registrations only, limits the administrative burden for the Secretariat.

3. The European Union supports the proposal by the US in Document 55 (Annex 1, 5.k)) to “codify” the Secretariat’s practice to publish the following information on registered captive breeding operations (accessible in the register of operations that breed Appendix-I animal species in captivity for commercial purposes):

* *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.*

- information on contact details,
- date of establishment,
- date of CITES registration,
- Appendix-I species registered,
- origin of stock, and
- marking methods.

In the case of “origin of stock” generic information, e.g. W, F, C, D (registered captive breeding operation) should be sufficient. This qualification should be added in brackets after origin of stock

Reasons: The information currently provided by the Secretariat in the register is helpful for Parties, applicants and the public. The information burden is not excessive, and the disclosure of the information does not impose unnecessary burdens neither on the breeding operations nor on the Secretariat.

4. The European Union supports the proposal by the US in Document 55 (Annex 1, Amendment to Annex 2, 1.c)) to publish with the Notifications to the Parties proposing new captive-breeding operations to be added to the Register, in addition to the specific marking method of the captive-breeding operation also details of the

- type of product exported (e.g. live specimens, skins, hides, meat, or other body parts, etc.).

Reasons: this additional piece of information to be notified to the Parties is in line with the change in Annex 1, operative text, 5.k) (see above paragraph 2). The information could be helpful to the Parties in their assessment of the breeding operation.

5. The European Union supports the proposal by the US in Document 55 (Annex 1, Amendment to Annex 2, 5.) to include in the description of the procedure to publish, once the Registration is completed, in addition to the name “and other particulars of the operation” also

- the type of product exported (e.g. live specimens, skins, hides, meat, or other body parts, etc.).

Reasons: This additional piece of information to be published in the public register of breeding operations is in line with the change in Annex 1, operative text, 5.k) (see above paragraph 2). The information could be helpful to Parties, Applicants, and the public.

Opposed: requirement of new registration procedure for changes not related to extension of the registration to additional species as well as other proposals

6. The European Union opposes the proposed change of Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes* that would result in an additional registration procedure in case of the following changes at an already registered breeding operation (Document 55, Annex 1, 2., 5.g):

- type of products being produced for exports that are not identified in the application for a registration,
- change in ownership,
- change in management,
- major change in parental stock or breeding stock,
- major change in strategies used by breeding operation to contribute to the conservation of wild population(s) of the species,
- major change in activities conducted by breeding operation to contribute to the conservation of wild population(s) of the species, and
- any major change in the nature of an operation.

Reasons: The administrative burden created by the proposed change would be significant for applicants, Parties, Animals Committee, Standing Committee and the Secretariat. Requiring de novo registrations in the circumstances listed above is not necessary and does not provide added-value for the conservation of species. Existing procedures provide sufficient tools to intervene if such a change poses problems. In particular, paragraph 5.h) Resolution Conf. 12.10 (Rev. CoP15) already provides for procedures that allow the host Party of a breeding operation to intervene directly and to have a facility removed from the register that does not meet the requirements of Resolution Conf. 10.16 (Rev.). In addition, any Party can propose deletion from of a particular breeding operation from the Register in the context of the procedure set out in point 5.i) of Resolution Conf. 12.10 (Rev. CoP15).

The European Union would not oppose to extend the obligation of the Secretariat to inform Parties beyond applications for new registrations to information received from Parties concerning major changes in the nature of an operation, provided the Secretariat also regards the changes as major changes and if in its judgment the changes could call into question that the facility continues to meet the requirements of Resolution Conf. 10.16 (Rev.).

7. The European Union opposes the proposed change of the title of Annex 2, Resolution Conf. 12.10 (Rev. CoP15) that would extend the procedure for registrations to the amendment of registrations.

Reasons: The European Union opposes the proposed changes in the requirements for registration procedures (see above paragraph 6). Therefore, a change in the title is not necessary either, if the position of the European Union on this point is adopted.

8. The European Union opposes the proposed change of Resolution Conf. 12.10 (Rev. CoP15) that would allow every Party to propose deletion from the register of a breeding operation if the facility does not comply with Resolution Conf. 12.10 (Rev. CoP15) or other CITES requirements.

Reasons: Deleting operations from the register should be limited to situations where there is a problem with the requirements for captive breeding set out in Resolution Conf. 10.16 (Rev.). Deletion of registration should not be used as a sanction for non-compliance with other provisions. The instruments of the different compliance mechanisms are sufficient to address other issues.

9. The European Union opposes the proposed change of Resolution Conf. 12.10 (Rev. CoP15) that would extend the requirement in point 5.j) that “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” to include:

- that the trade will not negatively affect efforts to combat illegal trade in the species or other CITES-listed species.

Reasons: While a very important aim of CITES is to prevent illegal trade and to support its prosecution, the registration of captive-breeding operations is not the appropriate place to promote more effective enforcement. The criteria for registering captive-breeding operations should remain focused on the requirements for captive breeding set out in Resolution Conf. 10.16 (Rev.). The requirement in point 5.i) of Resolution Conf. 12.10 (Rev. CoP15) that the captive-breeding operation will make a continuing meaningful contribution according to the conservation needs of the species concerned already goes beyond this concept. It is important that this requirement is not broadened. In addition, that trade does not affect negatively efforts to tackle illegal trade is a standard base for CITES trade and therefore should not be considered as the fulfillment of the requirement of contribution to the conservation of the species.

In addition, when impact of legal trade on illegal trade is assessed, CITES parties often come to very different results. Therefore, this element is also not workable in practice as an additional requirement for registrations.

10. The European Union opposes the proposed change of paragraph 15, Annex 1, Resolution Conf. 12.10 (Rev. CoP15) that would extend the information to be provided to the Secretariat on operations to be registered to

- Information that the trade will not negatively affect efforts to combat illegal trade in the species or other CITES-listed species.

Reasons: The European Union opposes the proposed changes to the requirement contained in paragraph 15, Annex 1, Resolution Conf. 12.10 (Rev. CoP15) for registration procedures (see above paragraph 6). Therefore, a change in information to be provided to the Secretariat on this aspect is not necessary either, if the position of the European Union on this point is adopted.

11. The European Union opposes the proposed addition of a new paragraph 6 to Annex 2 of Resolution Conf. 12.10 (Rev. CoP15), that would

- oblige the Secretariat to contact each Party that has registered operations once every three years, provide it with a list of operations it has registered, and ask it to check whether to maintain the operations in the Register, and whether there are any changes needed in the information appearing in the Register.

Reasons: Management Authorities have an interest to regularly update information on registered facilities in case they become aware of relevant changes. Reminders can help, but on balance the administrative burden of the routine reminders probably exceeds the added value. Therefore, the proposed change is not supported by the European Union.

The proposal also includes

- an obligation of the Secretariat to 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.

Reasons: As explained above, the proposal to introduce a requirement to make a new registration in these circumstances is opposed by the European Union. Consequently, the information by the Secretariat regarding such a requirement does not have any basis, if the position of the European Union is adopted.

12. The European Union opposes the proposed change in final preambular paragraph of Resolution Conf. 12.10 (Rev. CoP15). Document 55 proposes to delete the explanation that captive breeding certificates for Appendix-I species bred in captivity can be used to authorize imports “whether or not the purpose is commercial”.

Reasons: The scope of Article VII paragraph 4 and 5 should be subject to a more thorough debate and should be discussed in the Standing Committee, ideally after sufficient discussion in an intersessional working group.

13. The European Union opposes the proposed change of paragraph 5.e) of Resolution Conf. 12.10 (Rev. CoP15). Document 55 proposes to add language on the scope of Article VII paragraph 4 and its relationship to Article III.

Reasons: The scope of Art. VII paragraph 4 and its relationship to Article III should be subject to a more thorough debate and should be discussed in the Standing Committee, ideally after a sufficient discussion in an intersessional working group.

Proposed changes to Recommendations proposed in Doc 55

14. The European Union proposes the following changes to the Recommendations and proposed amendments contained in working document 55:

New text is shown IN SMALL CAPS UNDERLINED;

Original text proposed to be deleted in working document 55, but proposed by European Union to keep is IN SMALL CAPS NOT UNDERLINED

Amendments proposed by working document 55 that are proposed by the European Union not to be accepted are shown as ~~strikethrough underlined text~~

The changes that were proposed by the US in Doc 55 are shown as underlined and ~~strikethrough~~

Recommendations

15. 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.
16. ~~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.).~~

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~~ 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. THE SECRETARIAT SHALL ALSO NOTIFY ALL PARTIES EACH TIME A MANAGEMENT AUTHORITY ADVISES THE SECRETARIAT OF A MAJOR CHANGE IN THE NATURE OF AN OPERATION, PROVIDED THE SECRETARIAT ALSO REGARDS THE CHANGES AS MAJOR CHANGES AND IF IN ITS JUDGMENT THE CHANGES COULD CALL INTO QUESTION THAT THE FACILITY CONTINUES TO MEET THE REQUIREMENTS OF RESOLUTION CONF. 10.16 (REV.).
- 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 (E.G. D, C, F, W); and marking methods; FOR OPERATIONS REGISTERED AFTER COP19 THE PUBLISHED INFORMATION SHALL ALSO INCLUDE type(s) of products authorized for exported;

Amend paragraph 15 of Annex 1:

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~~ 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.~~

