

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



Seventy-seventh meeting of the Standing Committee
Geneva (Switzerland), 6–10 November 2023

Compliance

Compliance matters

IMPLEMENTATION OF ARTICLE XIII AND RESOLUTION CONF. 14.3 (REV. COP19)
ON *CITES COMPLIANCE PROCEDURES*

1. This document has been prepared by the Secretariat pursuant to paragraphs 32 c) of Resolution Conf. 11.3 (Rev. CoP19) and 36 of the Annex to Resolution Conf. 14.3 (Rev. CoP19) on *CITES compliance procedures*.

Background

2. The approach of CITES towards compliance matters is “supportive and non-adversarial” with the aim of ensuring long-term compliance. Compliance matters are handled as quickly as possible. Such matters are considered by the Standing Committee and ensuing compliance measures are applied in a fair, consistent and transparent manner. Resolution Conf. 14.3 (Rev. CoP19) contains, in its Annex, a *Guide to CITES compliance procedures* to assist CITES bodies in dealing with compliance matters. There are four steps for handling compliance matters in a diligent manner:
 - a) identification of potential compliance matters;
 - b) consideration of compliance matters;
 - c) measures to achieve compliance; and
 - d) monitoring and implementation of such measures and reporting.
3. Article XIII of the Convention stipulates that:
 1. *When the Secretariat, in the light of information received, is satisfied that any species included in Appendix I or II is being affected adversely by trade in specimens of that species or that the provisions of the present Convention are not being effectively implemented, it shall communicate such information to the authorized Management Authority of the Party or Parties concerned.*
 2. *When any Party receives a communication as indicated in paragraph 1 of this Article, it shall, as soon as possible, inform the Secretariat of any relevant facts insofar as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.*
 3. *The information provided by the Party or resulting from any inquiry as specified in paragraph 2 of this Article shall be reviewed by the next Conference of the Parties which may make whatever recommendations it deems appropriate.*
4. Compliance matters handled under Article XIII cover a number of obligations under the Convention, particularly the designation of authorities (Article IX), permitting procedures and trade conditions (Articles III, IV, V, VI, VII and XV), domestic measures taken to enforce the Convention (Article VIII, paragraph 1), and

maintaining and submitting records of trade (Article VIII, paragraphs 7-8). In addition, paragraphs 29 and 30 of the Annex to Resolution Conf. 14.3 (Rev. CoP19) on *CITES compliance procedures* also specifies other Resolutions under which the Standing Committee may recommend measures. These measures can include the suspension of commercial or all trade in specimens of one or more CITES-listed species and other compliance measures.

5. The present document provides an update on two of the potential compliance matters identified at the 74th meeting of the Standing Committee (SC74; Lyon, March 2022) for which separate documents were not produced for the present meeting. It brings to the attention of the Committee information on matters related to trade in specimens of CITES-listed species that have not yet been identified as compliance matters under Article XIII but that are emerging as potential compliance matters. The document contains some preliminary considerations on the need to develop guidelines on a harmonized interpretation of the scope and application of the recommendations to suspend trade. The Secretariat is reporting on the progress made by individual countries subject to Standing Committee recommendations under Article XIII in separate documents.

Update on potential compliance matters identified in document SC74 Doc. 28.1

United Kingdom of Great Britain and Northern Ireland – potential compliance matters regarding the registration of operations that breed Appendix-I animal species in captivity for commercial purposes

6. At SC74, the Standing Committee reviewed the case of the United Kingdom of Great Britain and Northern Ireland under Article XIII concerning the registration of operations that breed Appendix-I animal species in captivity for commercial purposes. The Standing Committee agreed that the Secretariat should continue to keep close communication and strengthen the cooperation with the United Kingdom regarding this case and seek an invitation from the United Kingdom to provide in-country assistance, conduct a technical assessment and a verification mission to several selected operations to know the type of trade controls that are put in place to verify the legal origin of the parental stock and the commercial or non-commercial nature of those operations. The aim of the visit would be to have a clearer understanding of the purpose of the breeding and the specific characteristics and objectives of the operations breeding bird and reptile species included in Appendix I.
7. The Secretariat undertook a mission to the United Kingdom from 25 to 27 October 2022 and met with the United Kingdom's CITES Management Authority, Scientific Authority and representatives of other agencies involved in the implementation and enforcement of CITES in the United Kingdom. The mission included visits to facilities breeding birds of prey which were registered in accordance with the provisions of Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I specimens in captivity for commercial purposes*, and facilities which had not been registered.
8. The Secretariat appreciates the collaboration of the United Kingdom in providing information in response to the Secretariat's queries and in inviting the Secretariat to undertake a verification mission to the United Kingdom. An extensive roundtable discussion was held between the Secretariat and agencies responsible for the implementation of CITES in the United Kingdom, including representatives from the Department for Environment, Food & Rural Affairs (DEFRA) and the Animal and Plant Health Agency (APHA). Also joining the meeting were representatives from the Joint Nature Conservation Committee (JNCC) and the Scientific Authority for fauna of the United Kingdom of Great Britain and Northern Ireland. The meeting took place in hybrid format with presentations from each agency.
9. One of the presentations explained the United Kingdom's legislative framework for the implementation of the CITES regime on captive-breeding, and the manner in which certain relevant European Union regulations were retained in the domestic law of the United Kingdom further to the its withdrawal from the European Union. The United Kingdom's representatives presented the information contained in the Annex to the present document. Whilst only four facilities in the United Kingdom have been registered through the process set out in Resolution Conf. 12.10 (Rev. CoP15), the United Kingdom indicated that the requirements for registration and continuous inspection at the domestic level ensure that all breeding operations exporting Appendix-I captive bred birds of prey are subject to rigorous controls. The United Kingdom's view was that this domestic regime, combined with certain stricter domestic measures as described in the Annex to the present document, is sufficient to ensure confidence in the legality of birds of prey exported from the United Kingdom. The United Kingdom indicated that, whilst there are a variety of types of facilities breeding these birds in the United Kingdom, private keepers or hobby breeders are not a significant part of the picture and rather commercial facilities breeding for export make up the majority. The United Kingdom indicated it maintains open channels of communication with the Management Authorities of importing states (generally Gulf/Middle East states) to share information to verify origin of specimens as needed.

10. When questioned on the rationale for the lack of registrations in accordance with the relevant CITES Resolutions, the United Kingdom indicated that it believes its domestic regime fulfils the functions and makes adequate provision for scrutiny of facilities. Additionally, the United Kingdom commented that the Secretariat would face a huge administrative workload should all facilities breeding specimens of Appendix I species for commercial purposes in the United Kingdom (and indeed globally) make applications for registration. It was suggested there may be a need to open a discussion on the practicality and fitness for purpose of the current regime on registration of captive-breeding facilities under CITES Resolutions. At present, the Secretariat understands that the prevalent practice in the United Kingdom is of non-registration under the CITES regime.
11. After the meeting, the Secretariat visited two facilities currently breeding birds of prey for export, accompanied by representatives of the United Kingdom's CITES Management and Scientific Authorities and a Wildlife inspector for biosecurity controls from the APHA. One is registered in accordance with CITES procedures, and one is not registered (though in compliance with the domestic registration regime). The Secretariat observed that general conditions of keeping specimens in terms of space and hygiene, as well as the office-based systems for storage of records, were markedly better organized at the registered facility. It was not possible to attribute this directly to the registration status.
12. When the Secretariat inquired about whether any cases of non-compliant taking or trade in bird of prey specimens were under investigation in the United Kingdom in connection with captive-breeding facilities, the Wildlife inspector from APHA indicated that a very recent case had been discovered of a captive-breeding facility breeding from birds not of legal origin. The operation was reportedly run by individuals connected with importing operations in a Middle Eastern State. More information was not available at this stage, so the Secretariat wishes to follow up with United Kingdom after the present meeting in order to respect the sensitivity of the issue and the pace of the investigation.
13. The United Kingdom has indicated that its domestic measures implementing CITES are stricter than required by the Convention in many respects¹. The United Kingdom's Wildlife Trade Regulations implement Resolution Conf. 10.16 (Rev. CoP19) on *Specimens of animal species bred in captivity*. Trade in captive-bred Appendix-I or Appendix-II specimens relies on CITES export and import permits, with a certificate for domestic commercial use also required per specimen. Captive-breeding certificates are not used in the United Kingdom's system. To ensure confidence in the provenance of specimens being exported on a case-by-case basis, the United Kingdom couples documentary controls with risk-based and intelligence-led inspections, both at the border for exports or imports, but also at captive-breeding facilities. This includes facilities which are not registered under CITES. Forensic methods are used where appropriate.
14. The Secretariat recalls that this case was brought to the attention of the Committee in conjunction with the case of the European Union. Document [SC77 Doc. 33.8](#) on *Application of Article XIII in the European Union* contains a legal analysis of the requirements for operations that breed Appendix-I animals in captivity for commercial purpose. The same analysis and recommendations made in the European Union case applies *mutatis mutandis* to the case of the United Kingdom.

Viet Nam – Trade in timber and other species that have been illegally harvested or trade

15. At its 74th meeting, the Standing Committee adopted the following decision with regard to timber trade from or to Viet Nam:
 - f) *The Secretariat shall continue to keep close communication and strengthen the cooperation with Viet Nam to understand how the CITES authorities ensure that timber and other species are imported and re-exported in full compliance with CITES. The Secretariat shall seek an invitation from Viet Nam to provide in-country assistance, conduct a technical assessment and a verification mission to further investigate allegations related to Viet Nam's possible engagement in trade in timber and other species that have been illegally harvested or traded, including timber that has been traded contrary to CITES provisions. The Secretariat shall present its findings and recommendations to SC75.*
16. The Secretariat wrote to Viet Nam and requested an invitation to undertake a verification mission. The Secretariat is grateful for the collaboration of Viet Nam in providing written responses and inviting the Secretariat to undertake the verification mission in Viet Nam from 4 to 6 October 2022.

¹ As of 31 December 2020, the United Kingdom retained the EU regulations implementing CITES, and these retained regulations form the basis of its current domestic regime.

17. During the mission, the Secretariat met with the CITES Management Authority (MA), as well as agencies with responsibility for implementing and enforcing the requirements of CITES such as the customs administration, environmental police and forest rangers. Viet Nam indicated that a significant number of measures and activities have been undertaken and implemented with the aim of addressing the illegal timber trade, including the introduction of new legislation on forests and a timber legality assurance. Viet Nam has also introduced a voluntary zero export quota for domestically harvested specimens of *Dalbergia cochinchinensis* and *Dalbergia oliveri*. These are important steps in tackling the allegedly ongoing non-compliant timber trade through or connected with Viet Nam.
18. The Secretariat discussed with the Vice-Minister for Agriculture and Rural Development about the capacity needs of Viet Nam. In this context, the Vice-Minister committed to strengthened leadership by the CITES MA, as well as interagency cooperation to implement CITES. The Vice-Minister provided updates on a new non-detriment finding and a zero-export quota for rosewood; memoranda of understanding with neighbouring country enforcement agencies; and demand reduction campaigns. Technical discussions with the CITES MA, customs administration and forest police provided intelligence on recent seizures of illegally traded timber and highlighted areas for future collaboration and capacity-building. The range of bilateral meetings that were held during the visit facilitated information sharing about ongoing CITES processes and available support, as well as enabling connections to be made between the CITES Secretariat and local non-governmental organizations, for instance on training forest rangers.
19. The Secretariat visited retailers of furniture made from CITES-listed timber species in Bac Ninh Province, and warehouse facilities storing imported specimens of CITES-listed timber species in Quang Tri province. The visits were organized and supported by colleagues from the Viet Nam CITES MA and provided interpretation. In all cases where the Secretariat asked to view associated CITES documentation for specimens, this was produced in good order. On the way between two such warehouses in Quang Tri, the MA colleagues received a call and there was a two-hour break between visits. They explained that the warehouse owner was not available and waited for his call to proceed to the facility.
20. When questioned on whether they were familiar with CITES trade suspensions and restrictions on *Dalbergia cochinchinensis* from the Lao People's Democratic Republic and Cambodia and on *Pterocarpus erinaceus* from West Africa, the traders responded affirmatively and confirmed that information had been disseminated by the Viet Nam CITES MA. In most cases, they had first become aware of restrictions by word of mouth from exporting counterparts in the Lao People's Democratic Republic and Cambodia, or via fellow importers. Traders explained that they retained large quantities of rosewood from the Lao People's Democratic Republic imported prior to the CITES trade suspension taking effect. They had not been able to re-export this as planned to China due to measures in effect in China to respond to the COVID-19 pandemic.
21. Viet Nam indicated that communication between relevant agencies effectively supports detection and investigation in cases of non-compliant timber imports and that interagency committees meet regularly. Viet Nam identified species identification and document verification, as well as building capacity on detecting cross-border smuggling methodologies as areas for further development. Viet Nam provided additional information in relation to its management of trade in CITES-listed timber species.
22. The Secretariat recalls that, according to the data provided by Viet Nam in its annual reports covering the period from 2015 to 2019, the Lao People's Democratic Republic appears as a major trade partner of Viet Nam for the species *D. cochinchinensis* during the period that a recommendation to suspend trade was in effect. In relation to this item, Viet Nam has provided the following explanation:

In practice, the last import permit by Laos that was submitted to Viet Nam CITES MA was on 26/8/2016 (permit no. 16VN1122N), before the trade suspension of Dalbergia cochinchinensis as of 01/11/2018. All of the re-export permits of D. cochinchinensis from Laos since 23/09/2016 to date have been presented with the origin before trade suspension, according to provisions by CITES and laws of Viet Nam at each import time. Therefore, [the re-export permits also provide in details the origin as pre-convention or import by laws. (sic)]

Viet Nam hereby affirm that, 100% of D. cochinchinensis from Laos which were permitted for import to Viet Nam, is granted before the trade suspension.

23. The Secretariat reported in document SC74 Doc. 28 on the evidence submitted as part of the Review of Significant Trade of *D. cochinchinensis* and published in document PC24 Doc. 13.2, Annex 1 that Viet Nam repeatedly accepted fake CITES permits when authorizing imports of Siamese rosewood between 2013 and 2015. Viet Nam provided the following comment in response to this item:

*The above statement is unfortunately not correct. Viet Nam affirm that all CITES import permits of Siamese rosewood during 2013-2015 were granted with a confirmation on validity of the export permits by Cambodia. (...) At the meeting among Viet Nam, Cambodia, CITES Secretariat, INTERPOL on the issues raised by Cambodia about their laws to prohibit export of timber logs, sawn timber at a side meeting to CoP17, South Africa, similar discussion matters were solved as Viet Nam provided proofs on the mutual email exchange for permit verification. By that, Viet Nam also noted information on the laws of Cambodia, and suggested them to send Letter of request to the Secretariat for a formal notification to all member states. So that, other member states might be well informed and provide support to implement their laws effectively. On 21/3/2017, Cambodia sent their request to the Secretariat to notify that Cambodia no longer grant export permits of *D. cochinchinensis*. The last CITES imported permit with the origin from Cambodia granted by Viet Nam is permit no. 15VB1556N, dated 05/11/2015.*

For the above reasons, Viet Nam affirm that we have fully complied with provisions by Articles II, IV, VI of the Convention, Resolution 12.3 on permits, certifications and related provisions.

24. Concerning the reports in document SC74 Doc. 28 that there are indications Viet Nam may have granted several permits for the same shipment, Viet Nam provided the following explanation:

During the past period, Viet Nam MA was informed about 02 cases on lost permit occurred during shipping from Viet Nam to the United States (with confirmation by the respective airline). Viet Nam MA later received request by the United States MA to re-grant the permit for the lost permit shipment, and the proposal of a Vietnamese company to use another CITES export permit, which was granted for another shipment but not yet used, to replace the lost one, with the purpose for US customs clearance which was pending by that time due to the mentioned situation.

In response to the above two requests, considering CITES provisions and national laws, Viet Nam MA reject the re-granting of a replacement permit as requested by the United States MA, and did not allow the Vietnamese company to use another permit to replace the lost one.

For that, Viet Nam regards the statement that we granted several permits for the same shipment is not correct. Viet Nam affirm that this was not the fact. However, Viet Nam acknowledge the issuance of multiple permits for different shipments in the same time, due to the fact that the export permit validity is up to 6-month as promulgated by CITES and national laws. Consequently, Vietnamese companies may apply for several permits for different shipments by one single origin dossier and one single application form. For example: requesting for 20 export permits for 20 shipments, with the quantity 20 specimens/ shipment/ export permit by one set of origin papers of 400 specimens. Each permit is requested with the same quantity, importer, exporter, but different in CITES stamp or code. After then, the company is responsible for their export schedule for the duration of permits' validity.

25. While the Secretariat has collected relevant information and held several important meetings during the technical mission in 2022, further work is needed to make a final determination on the allegations related to Viet Nam's possible engagement in trade in timber and other species that have been illegally harvested or traded, including timber that has been traded contrary to CITES provisions. For this reason, the Secretariat recommends to the Standing Committee the renewal of the mandate to conduct a second technical mission to Viet Nam and gather further information.

Other potential matters – trade in live animals to India

26. The Secretariat has received information related to live animal imports into India, including specimens of critically endangered species included in CITES Appendix I. On 28 July 2023, the Greens Zoological, Rescue & Rehabilitation Centre Society (GZRRC) of India visited the CITES Secretariat. Their representatives explained that, in recent years, GZRRC has rescued animals in difficult conditions outside India and imported them to India from various countries.
27. In September/October 2021, the Secretariat received several consultations from the Management and Scientific Authorities of Mexico regarding the trade from Mexico to India of confiscated specimens of species included in Appendix I, namely: 10 *Leopardus pardalis*, 10 *Leopardus wiedii*, 10 *Herpailurus yagouaroundi*. The transaction also included 10 *Lynx rufus*, 19 *Puma concolor*, 8 *Phoenicopterus ruber*, 30 *Ramphastos sulfuratus* and 10 *Ursus americanus* (Appendix II). The total number of live specimens amounts to 98, which represents a considerable amount.

28. At the time of the consultations, the Secretariat invited the attention of the authorities to the making of adequate legal acquisition findings for those transactions and the implementation of the recommendations contained in Resolution Conf. 17.8 (Rev. CoP19) on *Disposal of illegally traded and confiscated specimens of CITES-listed species*, in particular paragraphs 3 and 8.
29. More recently, the Secretariat was contacted by the Asociación de Zoológicos, Criaderos y Acuarios de México A.C. (AZCARM) which, in association with Ostok Sanctuary I.A.P. and GZRRC, is planning to export a significant number of hippopotamuses (*Hippopotamus amphibius*) from Colombia to Mexico and India. AZCARM expressed concern about the resistance of CITES authorities in Mexico to grant the required permits.
30. Three specific questions were raised by GZRRC in connection with these transactions:
 - a) the question of the application of the purpose codes for transactions concerning CITES-listed species;
 - b) the feasibility under CITES to import specimens of the feral population of hippopotamus from Colombia to the GZRRC facilities in India; and
 - c) the feasibility under CITES to import specimens of African elephants from Germany to the GZRRC facilities in India.
31. With regards to the transactions mentioned above, the Secretariat has received information from sources in Mexico and the Central, South America and Caribbean region expressing concerns about the legality of those transactions and the methods used to obtain CITES documents.
32. Pursuant to Article II, paragraph 1, Articles III, IV and VI and Resolution Conf. 14.3 (Rev. CoP19) on *CITES compliance procedures*, the Secretariat would like to provide in-country assistance to manage identified vulnerabilities, conduct a technical assessment and a verification mission to India to understand how the CITES authorities ensure that live animals of CITES-listed species are traded in full compliance with CITES requirements. The Secretariat wishes to keep close communication and strengthen the cooperation with India and Mexico on this potential case.

Other potential matters – trade in live birds from Suriname

33. The Secretariat received information that, during the second half of July 2023, Surinamese authorities seized 29 specimens of *Anodorhynchus leari* (Lear's macaw) included in Appendix I. The birds were allegedly found in a clandestine deposit located in the country's capital, Paramaribo. This is the greatest documented seizure of the species since it was first encountered in the wild.
34. The Lear's macaw is a Brazilian wild species endemic to the Raso da Catarina region, which is located to the centre-east of the Bahia state, in the Caatinga biome. One of the rarest birds in the world, this species is classified as critically endangered by the Brazilian legislation.
35. As reported in the document SC77 Doc. 33.3 on Bangladesh, in late May 2023, authorities from the International Airport of Dhaka, confiscated three more specimens of Lear's macaw that were being smuggled into the country. In March 2023, the non-governmental organization RENCTAS also tracked an internet video showing six more trafficked macaws locked in a small cage. The Secretariat is concerned about the upsurge of illegal trade in parrots, illustrated by the alleged trafficking of several dozens of specimens of Lear macaws, in such a small time period.
36. Pursuant to Article II, paragraph 1, Articles III, IV and VI and Resolution Conf. 14.3 (Rev. CoP19) on *CITES compliance procedures*, the Secretariat would like to provide in-country assistance to manage identified vulnerabilities, conduct a technical assessment and a verification mission to Suriname to understand how the CITES authorities ensure that confiscated live animals of CITES-listed species are not re-entering international markets in violation of the provisions of the Convention. The Secretariat wishes to keep close communication and strengthen the cooperation with Suriname on this potential case.

Guidance on the scope and application of recommendations to suspend trade

37. Following the recommendation to suspend trade on the issue of non-receipt of an adequate compliance action plan of Mexico on totoaba (*Totoaba macdonaldi*), communicated via Notification to the Parties No. 2023/037 of 27 March 2023, the Secretariat received multiple inquiries regarding the scope and application

of the recommendation to suspend commercial trade in specimens of CITES-listed species with Mexico. These questions have not been raised before in relation to other recommendations to suspend commercial trade agreed by the Standing Committee in the past years and decades. The questions received from the Mexican authorities, Management Authorities from other Parties that have trade with Mexico, representatives of the private sector, non-governmental organizations and the media are viewed by the Secretariat as relevant and legitimate.

38. Following the established practice, the Secretariat understood that the recommendations to suspend commercial trade applies to commercial transactions from or to the State subject to the compliance procedure, in this case Mexico. In other words, the recommendation to suspend all commercial trade in specimens of CITES-listed species with a Party is addressed to all the other 183 Parties. In accordance with Article I of the Convention, "trade" means export, re-export, import and introduction from the sea. The definition of commercial purposes is contained in Resolution Conf. 5.10 (Rev. CoP19) on *Definition of 'primarily commercial purposes'*.
39. The rationale behind this interpretation can be found in the *Guide to CITES compliance procedures* to assist CITES bodies in dealing with compliance matters, contained in the Annex to Resolution Conf. 14.3 (Rev. CoP19), which defines the approach of CITES towards compliance matters as "supportive and non-adversarial" with the aim of ensuring long-term compliance. In this sense, the recommendation to suspend trade is not a "sanction" of the Party concerned but a supportive measure adopted by all the Parties that form the CITES community to mobilize the political engagement necessary to solve an emergency situation that requires high political attention. In other words, all Parties support in solidarity the adoption of the compliance measure by ceasing their commercial trade flows in CITES-listed species with the concerned Party until the recommendations of the Standing Committee have been implemented.
40. One Party brought to the attention of the Secretariat the implications of a broad interpretation of a recommendation to suspend trade on every other Party, without a prior discussion by the Standing Committee at SC75. Furthermore, that Party believed that the Standing Committee would have clearly discussed the implications of a suspension on all exports and re-exports from every other Party to Mexico if that had been the intention. The twofold primary concern identified by that Party relates to due process on the one hand and to the fact that the broad interpretation of the recommendation does not appear to fit this case, at least at this time, as a suspension on all exports and re-exports from every other Party to Mexico was not expressly discussed and agreed.
41. The same Party further informed the Secretariat that it discussed the matter internally, after consulting their domestic CITES implementing regulations as well as the video recording of SC75 and Resolution Conf. 14.3 (Rev. CoP19) on *CITES compliance procedures*. In their view, Mexico is the Party subject to the compliance measure, e.g., the recommended trade suspension. While all commercial trade is implicated, the Party believed that it was imports (or in-transit shipments) of commercial exports and re-exports from Mexico that would be subject to enforcement action by the other Parties. In other words, other Parties are not subject to compliance measures resulting from Mexico's failure to produce an adequate totoaba compliance action plan, and therefore, exports and re-exports from other Parties are not subject to compliance measures. In practical terms, the Secretariat understands that this interpretation means that other Parties could continue to export and re-export specimens of CITES-listed species to Mexico during the period of the validity of the recommendation to suspend trade.
42. The Secretariat also received inquiries from Parties that had issued permits before the recommendation to suspend trade authorizing trade to or from Mexico. It was brought to the attention of the Secretariat that transactions may have been cleared in exit ports during the suspension period; that CITES permits had been issued by Parties; and that Mexico had authorized imports during the same period. All these are indications that some guidance on the harmonized implementation of the recommendations to suspend trade by this Committee may be overdue after several decades of adoption of recommendations to suspend trade without guidance on their scope and application.
43. The Secretariat understands that the recommendations to suspend commercial trade in all CITES-listed species with a Party subject to a compliance procedure have a significant impact not only on the concerned Party, but also on other Parties. In order to ensure that Parties are appropriately implementing the recommendations to suspend trade, in compliance with the Convention and taking into consideration the guidance and processes adopted in Resolution Conf. 14.3 (Rev. CoP19), the Committee may wish to instruct the Secretariat to develop such a guidance as described in paragraph 42 above.

Development and adoption of a compliance action plan template

44. Another important lesson arising from the Standing Committee's recommendations on totoaba (*Totoaba macdonaldi*) addressed to Mexico is the need to develop and adopt standard templates to assist the Parties in the preparation of compliance action plans requested in accordance with paragraph 29 h) of the Annex to Resolution Conf. 14.3 (Rev. CoP19) on *CITES compliance procedures*. The Secretariat is of the view that the template developed by Mexico with the assistance of the Secretariat offers an excellent model. The Standing Committee may wish to instruct the Secretariat to refine such a template and submit it for consideration at its 78th meeting for possible adoption by the Conference of the Parties as Annex 2 to Resolution Conf. 14.3 (Rev. CoP19) on *CITES compliance procedures*.

Recommendations

45. In accordance with Resolution Conf. 14.3 (Rev. CoP19) on *CITES compliance procedures*, the Standing Committee is invited to:

Registration of operations that breed Appendix-I animal species in captivity for commercial purposes –United Kingdom of Great Britain and Northern Ireland

- a) determine that Article III and Article VII, paragraph 4, of the Convention are not being effectively implemented by the United Kingdom of Great Britain and Northern Ireland with regard to the registration of operations that breed Appendix-I animal species in captivity for commercial purposes, in particular concerning two main elements:
- i) the evidence that the parental stock has been obtained in accordance with relevant national laws and the provisions of the Convention (e.g. dated capture permits or receipts, CITES documents, markings, etc.); and
 - ii) the primarily commercial nature of the operations breeding Appendix-I animal species in captivity.
- b) urge the CITES Management Authority of the United Kingdom to ensure that facilities that are breeding specimens of Appendix-I listed species for commercial purposes be registered with the CITES Secretariat in accordance with the procedures established in Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*. Further, in accordance with Article VII, paragraph 4, and Resolution Conf. 12.10 (Rev. CoP15), the Standing Committee may wish to recommend that the CITES Management Authority of the United Kingdom do not issue CITES export permits or re-export certificates authorizing export for primarily commercial purposes of specimens of Appendix-I listed species that have been bred in unregistered facilities.
- c) recall paragraph 8 a) of Resolution 12.10 (Rev. CoP15) and invite Parties to restrict imports for primarily commercial purposes, as defined in Resolution Conf. 5.10 (Rev. CoP19) on *Definition of 'primarily commercial purposes'*, of captive-bred specimens of Appendix-I species to those produced by operations included in the CITES Register and to reject any permit or certificate granted under Article VII, paragraph 4, if the specimens concerned do not originate from a registered facility and if the permit or certificate does not describe the specific identifying mark applied to each specimen.

Regarding timber trade from or to Viet Nam

- d) renew the mandate of the Secretariat to continue to keep close communication and strengthen the cooperation with Viet Nam to understand how the CITES authorities ensure that timber species are imported and re-exported in full compliance with CITES. The Secretariat shall seek an invitation from Viet Nam to provide in-country assistance, conduct a second technical assessment and a verification mission to further investigate allegations related to Viet Nam's possible engagement in trade in timber that has been illegally harvested or traded, including timber that has been traded contrary to CITES provisions. Subject to the availability of external funds and human resources to conduct that work, the Secretariat shall present its findings and recommendations to the forthcoming Standing Committee meetings.

Regarding trade in live animals to India

- e) request the Secretariat to investigate this case further and make recommendations to the Standing Committee. The Secretariat shall continue to keep close communication and strengthen the cooperation with Mexico and India on this potential case and seek an invitation from India to provide in-country assistance, conduct a technical assessment and a verification mission to understand how the CITES authorities ensure that live animal specimens are legally acquired and imported in full compliance with CITES. Subject to the availability of external funds and human resources to conduct that work, the Secretariat shall present its findings and recommendations to the forthcoming Standing Committee meetings.

Regarding trade in live birds from Suriname

- f) request the Secretariat to investigate this case further and make recommendations to the Standing Committee. The Secretariat shall continue to keep close communication and strengthen the cooperation with Suriname on this potential case and seek an invitation from Suriname to provide in-country assistance, conduct a technical assessment and a verification mission to understand how the CITES authorities ensure that live bird specimens are legally acquired and traded in full compliance with CITES. Subject to the availability of external funds and human resources to conduct that work, the Secretariat shall present its findings and recommendations to the forthcoming Standing Committee meetings.

Regarding guidance on the scope and application of recommendations to suspend trade

- g) instruct the Secretariat to prepare guidance on the scope and application of recommendations to suspend trade agreed by the Standing Committee to help Parties in their implementation of the Standing Committee's recommendations, in compliance with the Convention and taking into consideration the guidance and processes adopted in Resolution Conf. 14.3 (Rev. CoP19) on *CITES compliance procedures*. Subject to the availability of external funds and human resources to conduct that work, the Secretariat shall present its findings and recommendations to the forthcoming Standing Committee meetings.

Regarding the development and adoption of a compliance action plan template

- h) instruct the Secretariat to develop a standard template to assist the Parties in the preparation of compliance action plans requested in accordance with paragraph 29 h) of Resolution Conf. 14.3 (Rev. CoP19) on *CITES compliance procedures*, building upon the plan developed by Mexico with the assistance of the Secretariat. The Secretariat shall submit a draft template for consideration at SC78 for possible adoption by the Conference of the Parties as Annex 2 to Resolution Conf. 14.3 (Rev. CoP19).

UNITED KINGDOM'S CITES REGULATORY REGIME –
CAPTIVE-BRED SPECIMENS OF APP. I BIRDS OF PREY SPECIES

This document has been prepared to build on the comments provided by the UK at Standing Committee 74 (March, 2020) and in response to the Secretariat letter of the 14th June 2022. It gives an overview of the domestic measures in place in relation to export from the UK of captive bred specimens of Appendix I species of birds of prey and has been structured as below to run through the regulatory landscape that implements the Convention provisions as well as details of the UK-based activities.

Contents:

1. General overview
2. UK authorities and engagement
3. UK CITES implementation
4. Other domestic birds of prey regulation
5. Enforcement
6. Forensic capabilities
7. UK CITES registered breeders (registered through the process set out in Res. Conf. 12.10)

Annex 1: UK data summary and map

Annex 2: Case studies

Annex 3: Specific responses to the questions in the Secretariat letter of 14 June 2022

1. General overview

As an overarching point, the UK's domestic measures implementing CITES are stricter than the requirements set out in the Convention, in many respects.

Convention Articles III and IV provide for regulation of trade in specimens of species listed in Appendix I and Appendix II respectively. Article VII (Exemptions and other special provisions relating to trade), has exemption provisions on specimens bred in captivity, with paragraphs 4 and 5 providing as follows:

“4. Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in Appendix I artificially propagated for commercial purposes, shall be deemed to be specimens of species included in Appendix II.

5. Where a Management Authority of the State of export is satisfied that any specimen of an animal species was bred in captivity or any specimen of a plant species was artificially propagated, or is a part of such an animal or plant or was derived therefrom, a certificate by that Management Authority to that effect shall be accepted in lieu of any of the permits or certificates required under the provisions of Article III, IV or V.”.

The UK implements the Article VII.4 exemption for App. I captive-bred specimens for UK-based Appendix I captive breeding operations. The UK does not use captive breeding certificates provided for in CITES Article VII.5. Rather, the UK requires CITES (re-)export and import permits in accordance with the Convention. In addition, the legislation in place implements Res. Conf. 10 16 (Rev.) *Specimens of animal species bred in captivity* and the decision on interpretation of “bred in captivity” as well as implementing domestic controls on commercial use to have robust oversight of the use and movement of captive-bred specimens of Appendix I species. As a result of these stricter controls, the UK requires the following for these captive-bred App. I specimens:

- Full CITES export permits, requiring a Non-Detrimental Finding (NDF) from a competent Scientific Authority and a Legal Acquisition Finding (LAF) on all exports

- Full CITES import permits, requiring a Non-Detrimental Finding (NDF) from a competent Scientific Authority and a Legal Acquisition Finding (LAF) on all imports²
- Commercial use certificates for domestic commercial use (discussed further below)

These requirements are backed up by inspections, reporting arrangements (e.g. for registered breeders) and forensic capacities to ensure that we can have a high confidence in the provenance of the specimens being exported on a case-by-case basis.

There are 4 facilities in the UK that have been registered through the process set out in Res. Conf. 12.10 for a variety of reasons. All breeding operations exporting Appendix I captive bred birds of prey are subject to the same rigorous controls described above. This is a robust and successful practice by which even registered breeders are continually assessed and allows high levels of confidence in the provenance of each and every bird exported out of the UK. These measures ensure the separation of the wild and captive populations and support the ongoing recovery of wild UK populations.

2. UK authorities and engagement

Implementation of CITES is overseen within the UK through a number of government bodies and agencies, the key authorities involved in the UK CITES regime are outlined below:

- The **Department of Environment, Food and Rural Affairs (Defra)** which has oversight over the implementation of the UK domestic CITES regime and CITES-related policy.
- The **Animal and Plant Health Agency (APHA)**, a Defra Agency which is the arm of the Management Authority responsible for operational aspects of UK CITES implementation including considering applications for CITES documents, reporting, registrations and some enforcement activities.
- **UK Border Force**, part of the UK Home Office, who are responsible for carrying out border controls, including CITES document checks and inspections.
- The **National Wildlife Crime Unit (NWCU)** which is a police intelligence unit providing operational support to law enforcement and the various domestic police forces. It is a focal point for wildlife crime intelligence and investigation in the UK.
- The **Joint Nature Conservation Committee (JNCC)** is the UK Scientific Authority for fauna and also facilitates the Wildlife Crime Conservation Advisory Group (WCCAG) which brings together UK statutory nature conservation, other statutory agencies, relevant non-governmental organisations to assess the conservation risk to species and habitats from wildlife crime and the importance of enforcement intervention; to identify and recommend priorities for action. Through this process birds of prey have been identified as a priority.

To support effective collaboration between the relevant authorities, officials and wider stakeholder groups, regular meetings are in place to discuss approaches and priorities including:

- **CITES Officers Group (COG)**, monthly meeting for the UK CITES authorities acting as a programme board to discuss live issues, operational performance and, as needed, act as a decision-making forum.
- **CITES Sustainable Users Group (CSUG)**, quarterly meetings with stakeholders and industry representatives to discuss live policy or operational issues as well as anything brought forward by CSUG members.
- **CITES Liaison Group (CLG)**, quarterly meetings with NGOs, conservation organisations and academics to discuss live policy or operational issues as well as anything brought forward by CLG members.
- **CITES Priority Delivery Group (CPDG)**, bi-annual meetings to discuss CITES enforcement chaired by Border Force (BF).

3. UK CITES implementation

UK implementation goes beyond the requirements set out in relevant Convention provisions to ensure there is a robust regulatory regime in place. The Convention is implemented through various regulations (legislation) collectively referred to as the Wildlife Trade Regulations (WTRs). In respect of Great Britain (GB), the relevant

² The UK requires import permits for both Appendix I/Annex A and Appendix II/Annex B permits as a stricter measure beyond the requirements of the Convention.

regulations include “retained” legislation derived from the EU Wildlife Trade Regulations, with operability amendments made to ensure the regulations remained fit for purpose following the UK’s departure from the European Union (EU)³. The EU WTRs continue to apply for Northern Ireland (NI) under the Northern Ireland Protocol (NIP) to the Withdrawal Agreement (*Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community*)⁴. In general retained WTR Annexes A and B correspond with CITES Appendices I and II. Relevant provisions for the regulation of specimens of Appendix I species include the following in Regulation 338/97:

Regulation 338/97

- Article 4 for import regulations
- Article 5 for export and re-export regulations
- Article 7 (1)(a) which implements CITES Article VII.4
 - “Save where Article 8 applies, specimens of species listed in Annex A that have been born and bred in captivity or artificially propagated shall be treated in accordance with the provisions applicable to specimens of species listed in Annex B.”⁵
- Article 8 which prohibits the domestic commercial use of App I/Annex A specimens (described as *the purchase, offer to purchase, acquisition for commercial purposes, display to the public for commercial purposes, use for commercial gain and sale, keeping for sale, offering for sale or transporting for sale of specimens*), unless an exemption is granted for specimens meeting one of the criteria in Article 8(3). An exemption certificate (an “Article 10” or “A10” certificate) can be issued by the Management Authority following scrutiny of the case in question.
 - This allows UK CITES authorities’ scrutiny of the proposed commercial use of all captive-bred App. I/Annex A specimens. The case studies included in the annexes to this document provide examples of how this scrutiny is applied in practice, including the need for unique permanent marking of individuals.

4. Other domestic bird of prey regulation

In the UK, certain domestic wildlife protections are a devolved matter, but similar provisions exist in all four Nations of the UK to protect wild birds and to provide a common country-wide framework. The Wildlife and Countryside Act 1981 (as amended) is the primary legislation providing legal protection for animals, plants and habitats in the UK, including full legal protection for wild birds, their nests and eggs. This means that it is a criminal offence to intentionally or recklessly kill, injure or take a wild bird or to take, damage or destroy the nest of a wild bird while it is in use or being built or to take or destroy the eggs⁶ unless specifically licensed under the exemptions contained in the Act, e.g. for breeding and reintroduction purposes, or taking in injured birds.

Birds of prey listed on Schedule 4 of the Wildlife & Countryside Act 1981 (as amended), must be ringed (or microchipped) and registered with the competent authority if held in captivity and includes 9 diurnal raptor species

³ The WTRs retained as at 31 December 2020 and amended: i) Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein; ii) Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97; iii) Commission Implementing Regulation (EU) No 792/2012 of 23 August 2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating the trade therein and amending Regulation (EC) No 865/2006; iv) Commission Implementing Regulation (EU) No 2019/1587 prohibiting the introduction into the Union of specimens of certain wild fauna and flora. Relevant operability amendments were made by UK regulations, the **Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020** No. 1395

⁴ The EU WTRs: i) Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein; ii) Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97; iii) Commission Implementing Regulation (EU) No 792/2012 of 23 August 2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating the trade therein and amending Regulation (EC) No 865/2006; iv) Commission Implementing Regulation (EU) No 2019/1587 prohibiting the introduction into the Union of specimens of certain wild fauna and flora.

⁵ Pursuant to Resolution 10.16 (Rev. CoP15), Regulation 865/2006, Article 54 contains further provisions on specimens considered to be born and bred in captivity.

⁶ Game birds however are not included in this definition (except for limited parts of the Act). Parrot species are not generally included in the Wildlife and Countryside Act; only the introduced Ring-necked Parakeet (*Psittacula krameri*) has been added to the British list in recent years and this is not an endangered species.

(i.e. Honey buzzard, Golden eagle, White-tailed eagle, Goshawk, Marsh harrier, Montagu's harrier, Merlin, Osprey and Peregrine). Merlins and peregrines that are already ringed (or microchipped) and have a valid UK Article 10 certificate, don't also need to be registered. As described above, Article 10 certificates are issued under the WTRs.

Since the devolution of environmental policy to the Scottish and Welsh Governments and Northern Irish Assembly, there has been some divergence to the overall framework contained in the Wildlife and Countryside Act 1981 to take account of national variations, but this does not affect the overall position outlined above on the prohibitions on wild-take and commercial use of birds of prey.

Due to the need to maintain oversight of bird of prey breeding and commercial use and to address raptor persecution, birds of prey continue to be one of the UK's policing Wildlife Crime Priorities.

5. Enforcement

A key safeguard within the UK approach to regulating trade of Appendix I birds of prey is to couple the documentary controls described above (e.g. the Article 10 certification and registration under the Wildlife & Countryside Act 1981) with scheduled and unscheduled inspections, both at the border for exports or imports, but also inland. For instance, in the past year, there have been 10 inspections of bird breeding facilities in the UK to ensure that the evidence provided through the various processes described above (export permit application, Article 10 applications, registration processes) tallies with that seen on the ground. Of these 10 inspections, 8 have been completed and the remaining 2 are awaiting further information, authorisations, or test results. The care and accommodation facilities have been found to be satisfactory in all cases, but two operations have been provided recommendations to improve record keeping.

UK enforcement activities, largely coordinated by the APHA Compliance team and the National Wildlife Crime Unit (NWCU), is able to successfully detect and prosecute offences relating to App. I smuggling and laundering. This helps to ensure that there is an effective deterrent to mitigate against the criminal interest to profit from the premiums placed on wild sourced specimens. The well-documented [Lendrum case](#) which resulted in a custodial sentence is an example of how the system in the UK can identify and prosecute those seeking to circumvent the controls in place to regulate this trade. There is also an ongoing investigation off the back of a dedicated police operation on birds of prey.

6. Forensic capabilities

To support this programme of inspections, the UK has developed forensic validation of DNA profiling methods. This collaboration between Government, academia and NGOs has resulted in a forensic DNA database for wild birds of prey and in particular wild peregrine falcons, which is now available for use in enforcement operations and has already been employed in several investigations. This capability allows for the provenance of specimens held in captivity to be tested.

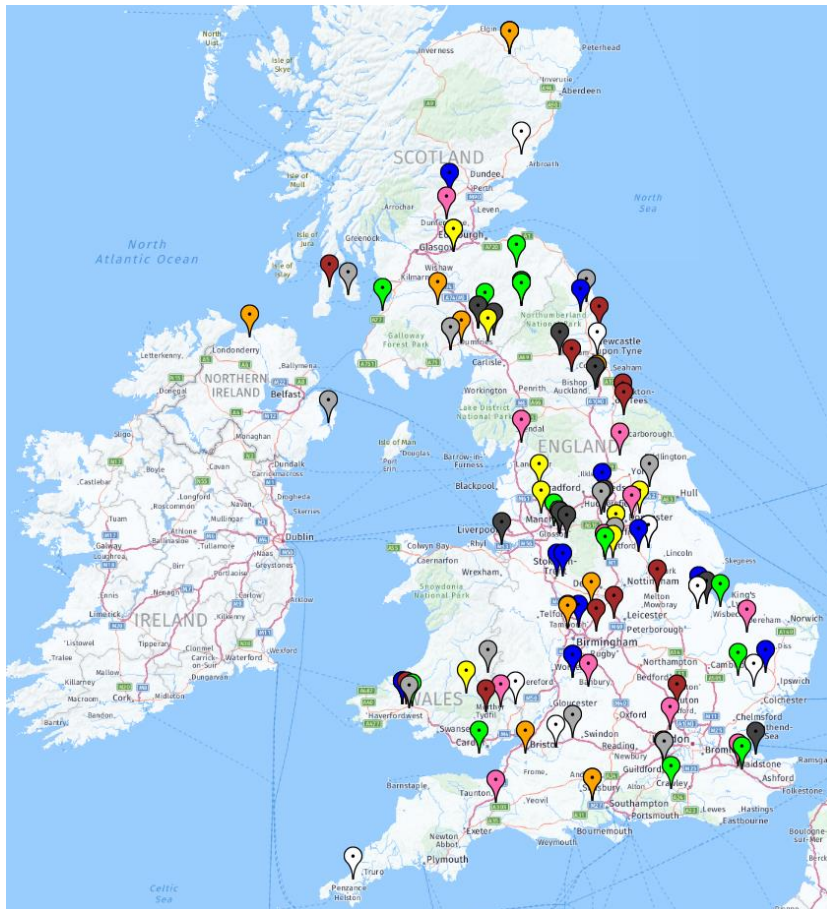
In addition, the PAW Forensic Working Group (FWG), which is made up of representatives from UK government departments, police, UK Border Force (UKBF), forensic laboratories and NGOs provide a valuable advisory and capacity-building function within the UK. This group works to harness forensic technologies and apply them for use in countering wildlife crime. It keeps abreast of developments in this area and works to provide tools to assist enforcers in their investigations and advises on how forensic techniques used in other situations might be applied to wildlife investigations.]

7. UK CITES registered breeders (registered through the process set out in Res. Conf. 12.10)

There are currently four bird of prey breeders in the UK registered through the process set out in Res. Conf. 12.10. Any specimen exported by a registered breeder is still regulated by the same provisions in the Wildlife Trade Regulations. They are additionally expected to provide details of all of the breeding birds they hold for review by the UK CITES Scientific Authority (JNCC) at the beginning of each breeding season to ensure that specimens are being bred from legally acquired founder stock and in a manner that continues to demonstrate that they are breeding birds in a manner that has been demonstrated to produce to second generation or beyond. Birds from registered breeders are exported under source code D, but only after UK CITES Authorities are satisfied that the specimens have been bred in accordance with the criteria in Resolution Conf. 10.16 and are permanently and uniquely marked. All the registered breeders have been inspected this year and found to be in compliance.

UK data summary and map

Map of the UK showing the location of breeders who have exported App. I birds of prey in the years (2012, 2018, 2020, 2021)



Spreadsheet summarising recent UK Appendix I bird exports:



UK App I bird
export data summar

Case Studies of sample small, medium and large facilities and an example lineage tree from the information held on individuals

Case study 1: small facility



OFFSEN_CaptiveBre
eding_CaseStudy_1

Case study 2: medium-sized facility



OFFSEN_CaptiveBre
eding_CaseStudy_2

Case study 3: large facility



OFFSEN_CaptiveBre
eding_CaseStudy_3

Example lineage mapping for individuals from case studies above



direct_lineage_sam
ple individuals from

Annex 3: Specific responses to the questions in the Secretariat letter of 14 June 2022

1) How many facilities in your country are breeding specimens of the species concerned which are subsequently being exported?

Given the range of facilities in the UK, who may not breed or export birds of prey every year, data is provided below on birds of prey exporters from the sample years of 2012, 2018, 2020, 2021 to provide a snapshot of the UK sector as well as data on any other captive bred App I species exported over the past 10 years (see Annex 2). This data is summarised below for birds of prey:

	2012	2018	2020	2021
Number of exporters	27	48	65	68
Number of exported birds	1216	2326	3136	3925

2) Have all of these facilities been inspected to ensure that the specimens produced comply with Resolution Conf. 10.16 (Rev.) on Specimens of animal species bred in captivity? Please explain further any regulations or measures currently in place for monitoring facilities which claim to be captive breeding this species, for example, whether facilities are required to keep records of the acquisition, maintenance or breeding of animals of this species, and whether authorities verify these records?

All captive breeding of App. I specimens in the UK, regardless of whether at a CITES Registered Breeder, is in accordance with the definitions set out in Res. Conf. 10.16 (rev.) *Specimens of animal species bred in captivity* as implemented through the WTRs.

For those facilities seeking to register through the process set out in Res. Conf. 12.10 (Rev. CoP15) *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*, there is an initial inspection of the premises and assessment of the documentary records of the facility, incl. evidence relating to the provenance of the founder stock of the facility, to ensure suitable record keeping processes are in place.

If the facility is successful in becoming a CITES registered breeder, a letter is then issued authorising them as a CITES registered breeder. This letter states they need to provide the info below each year.

“As a registered breeder you are required to provide an updated list of the parental breeding stock by 31 January each year. This is to check that the breeding stock still meets the captive breeding requirements laid out in Article 54 of Commission Regulation (EC) No. 865/2006 (as incorporated in UK law as retained EU law). The list must include for each specimen:

- species*
- gender*
- ID Mark type(s) and number(s)*
- Article 10 Certificate number*
- whether to be used through Artificial Insemination (AI).”*

In approx. December/ January each year, all the CITES registered breeders are contacted to request their full breeding stock list for the coming year. They are asked to provide information relating to all the species

they are registered for, including species, gender, ID mark, Article 10 number, highlighting any birds which are additional to the previous year's list and copies of non-UK issued Article 10 certificates.

APHA conduct compliance checks on all the birds provided on the list to ensure the details, i.e species, sex, types of Article 10 issued, match that on Unicorn ((the IT system currently used in the UK for CITES permitting). Once all checks are completed, APHA refers the stock lists to JNCC who also check the information and confirm to APHA if they are content with the information provided. This information is then saved in the applicants ID folder for case officer reference. An applicant will additionally provide details of the artificial insemination involved in the breeding when they submit their applications.

All breeding facilities are liable to risk-based and intelligence-led inspections by APHA Wildlife Inspectors to ensure that the records and supporting information provided through applications tallies with what is seen on the ground, as well as providing an opportunity to inspect a facilities held stock and standards of accommodation.

3) Which authority carries out these inspections and how often are they undertaken?

APHA as the UK CITES Management Authority has an enforcement function for the UK CITES system and APHA Wildlife Inspectors carry out inspections of bird breeding facilities. These may be in conjunction with local police officers depending if there is any overlap with police investigations. Facilities are periodically inspected, but this is primarily risk-based so the timings may vary on the assessed level of risk or where concerns have been reported to APHA and need to be investigated.

4) How was it determined that the breeding stock was established in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild?

The provisions in Res. Conf 10.16 (rev. CoP15), including those covered by the question are implemented through the WTRs, Article 54 (*Specimens born and bred in captivity of animal species*), Reg 865/2006). Article 54 applies not just for imports and (re-)exports of captive-bred Appendix I specimens, but also for Appendix II specimens. Under UK stricter domestic measures, Article 54 also applies when the MA is considering whether to grant an exemption certificate for domestic commercial use of Appendix I/ WTR Annex A specimens, for example on the basis they are captive born and bred specimens (Regulation 338/97, Article 8(3)(d)). This means that every time an applicant applies to trade in an Appendix I/Annex A captive-bred specimen, an assessment would be undertaken of whether the provisions of Article 54 (implementing Resolution Conf. 10.16) are met. In this regard, all applications are considered on a case-by-case basis on the provision of suitable evidence.

5) Has the breeding stock received additional specimens from the wild since establishment and, if so, how many and when and how was it determined that they were obtained in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild?

Wild birds, their nests and eggs are offered full protection by the Wildlife & Countryside Act 1981, making it an offence to *have in ones possession or control any wild bird, dead or alive, or any part of a wild bird, or egg, which has been taken in contravention of the Act*. There are exceptions, which could include taking birds under licence for breeding and reintroduction purposes, or taking in injured birds.

If any wild specimens are intended to form part of the breeding stock, they would have to demonstrate that Article 54 (Reg 865/2006) requirements (implementing Res. Conf. 10.16 (Rev.CoP15)) are met. This would include demonstrating that they have been legally acquired, non-detrimental and that they were needed to:

- (i) prevent or alleviate deleterious inbreeding (the magnitude of such addition being determined by the need for new genetic material);
- (ii) to dispose of confiscated animals; or
- (iii) exceptionally, for use as breeding stock.

In the case of *Falconiformes*, any commercial use of specimens would have to meet one of the exemptions set out in the Article 8, e.g. Article 8.3(f) or (g) of EC Reg 338/97 (retained EU law), and demonstrate there is a conservation benefit to be derived. Between 1/1/2016 and 1/1/2021 a total of 9

exemption certificates (Article 10) have been applied for: UK origin, wild sourced, live *Falco* spp. Of these 9 *Falco* spp. applications, 4 were refused and the rest issued restricted to educational display purposes aimed at the conservation of the species (i.e. none have been issued to allow breeding).