

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

## Draft amendments to SC78 Doc. 47

1. This document has been submitted by the European Union (EU), its Member States and Canada\* relation to Document SC78 Doc. 47 on Legal acquisition findings (LAF).
2. The EU, its Member States and Canada hereby submit for the consideration of the Standing Committee (SC) amendments to document SC78 Doc. 47 and to its Annex 3, as set out in the present document.
3. The amendments proposed in this document aim to ensure consistency between document SC78 Doc. 47, the “*Guidance on the chain of custody required for demonstrating the legal acquisition of the parental/breeding stock*,” and the Resolutions that must be followed when performing the LAF of the parental/breeding stock (Res. Conf. 9.19; 11.11; 10.16; 12.10; 18.7). These amendments also enhance the internal consistency of the document and prevent the introduction of concepts or definitions not already provided in the aforementioned Resolutions. The Guidance should be limited to providing information on existing provisions, definitions, and concepts as set out in the Resolutions. Any new concepts or definitions must be adopted by the Parties through amendments to existing Resolutions or the adoption of new ones.
4. In particular, the amendments aim to:
  - **Ensure the consistent use of the word “parental”** in accordance with the definition provided in Res. Conf. 11.11, limiting its use to plants and preventing its use in contexts not provided or defined by the relevant Resolutions;
  - **Ensure the consistent use of the word “breeding”** in accordance with the definition in Res. Conf. 10.16, preventing its application to concepts not provided or defined by the relevant Resolutions;
  - **Eliminate references to definitions or concepts not provided or defined in the relevant Resolutions** by removing the phrase “original parental/breeding stock” to prevent misinterpretations;
  - **Clarify that removal from the wild is not the sole source of a specimen**, as specimens may also be artificially propagated or bred in captivity, in order to prevent unfounded legal implications that are not based on the provisions, definitions and concepts set out in the Convention and its Resolutions.

Finally, a draft amendment is proposed to align the “*Draft for guidance on situations where the parental breeding stock was acquired before the species was listed on CITES or before the Party concerned joined the Convention*” with the mandate given by 77<sup>th</sup> meeting of the Standing Committee (SC77) and to ensure the consistent use of the term “parental” in accordance with the definition provided in Res. Conf. 11.11.

---

\* *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.*

Amendment	Rationale	Amended text
-----------	-----------	--------------

<b>Doc. 47</b>		
<p>Page 3 In paragraphs 16 and 18: substitute “parental breeding stock” with “parental/breeding stock”.</p>	<p>In Annex 3 “Guidance on the chain of custody required for demonstrating the legal acquisition of the parental breeding stock” the words “parental/breeding stock” are used with “/” in the middle to clarify that parental refers to plants and breeding to animals; therefore, the amendment is proposed to apply the consistent use of these words in the whole document.</p>	<p>16. Draft Guidance on the chain of custody required for demonstrating the legal acquisition of the <del>parental breeding stock</del> <b>parental/breeding stock</b> is provided in Annex 3 to the present document.</p> <p>18. Draft elements for guidance on such situations have been included in the Guidance on the chain of custody required for demonstrating the legal acquisition of the <del>parental breeding stock</del> <b>parental/breeding stock</b> contained in Annex 3 to the present document.</p>
<p>Page 4 In paragraph 22 substitute:  - “parental breeding stock” with “parental/breeding stock”;</p>	<p>In Annex 3 “Guidance on the chain of custody required for demonstrating the legal acquisition of the parental breeding stock” the words “parental/breeding stock” are used with “/” in the middle to clarify that parental refers to plants and breeding to animals; therefore, the amendment is proposed to apply the consistent use of these words in the whole document.</p> <p>The mandate from SC77 is “<i>The Committee requested the Secretariat to develop guidance for situations where the founding stock was acquired before the species was listed on CITES or before the Party concerned joined the Convention and report to SC78, taking into account the comments made on the floor</i>”; however, the “founding stock” is not defined in the relevant Resolutions recalled before (Res. Conf. 9.19; 11.11; 10.16; 12.10); therefore, it should be changed into “parental/breeding stock” to ensure consistency with these</p>	<p>22. The Standing Committee is invited to: (...) e) consider the suggested draft Guidance on the chain of custody required for demonstrating the legal acquisition of the <del>parental breeding stock</del> <b>parental/breeding stock</b>, as well as the suggested draft elements for guidance on situations where the <del>parental breeding</del> <b>parental/breeding stock</b> was acquired before the species was listed on CITES or before the Party concerned joined the Convention, included in the draft guidance provided in Annex 3 to this document, and request the Secretariat to make this guidance available after any amendments on the CITES webpages on legal acquisition findings and captive-breeding, as appropriate;</p>

Amendment	Rationale	Amended text
-----------	-----------	--------------

	resolutions.	
--	--------------	--

Annex 1 – DRAFT DECISIONS ON *LEGAL ACQUISITION FINDINGS*

<p>Page 5 In draft decision 20.BB, after the words “<i>Rapid guide for making legal acquisition findings</i>” insert the following: “in accordance with applicable national laws”.</p> <p>In draft decision 20.DD, after the words “make recommendations for improving the” insert the following: “non-binding guidance on the”.</p>		<p><b>Directed to Parties</b> <b>20.AA (...)</b> <b>20.BB</b> Parties are requested to provide observations and feedback to the Secretariat following their tested use of the ‘<i>Rapid guide for making legal acquisition findings</i>’ <b>in accordance with applicable national laws</b> and, where possible, to share examples of legal provisions, guides, or standard operating procedures developed at the national level for the making of LAFs, as well as examples of LAFs as appropriate, to build knowledge, experience and share best practices regarding the implementation of Resolution Conf. 18.7 (Rev. CoP20).</p> <p><b>Directed to the Standing Committee</b> <b>20.DD</b> The Standing Committee shall monitor progress in the implementation of Resolution Conf. 18.7 (Rev. CoP20), assess any reports submitted by the Secretariat as per Decision 20.CC and, where appropriate, make recommendations for improving <b>the non-binding guidance on</b> the verification of legal acquisition by the Parties for submission to the 21st meeting of the Conference of the Parties.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Amendment	Rationale	Amended text
-----------	-----------	--------------

Annex 2 DRAFT AMENDMENTS TO RESOLUTION CONF. 18.7 (REV. COP19) ON LEGAL ACQUISITION FINDINGS		
<p>Page 6</p> <p>In Annex 3, paragraph 3:            - insert at the beginning of the paragraph the following words: “The Management Authority might”;            - after the words “review and assess” insert the following: “applicable”.</p>		<p>Annex 3            Rapid guide for making legal acquisition findings</p> <p>3. What laws and regulations apply to the legality of the specimen?  <u><b>The Management Authority might</b></u> identify, review and assess <u><b>applicable</b></u> national laws, regulations, policies, and management plans for the protection of flora and fauna to determine the relevant rules governing activities along wildlife supply chains. The Secretariat, in collaboration with the Food and Agriculture Organization of the United Nations (FAO) and building upon FAOLEX, has developed the database “CITES-LEX” to provide a catalogue of instruments and resources aimed at facilitating Parties’ access to legislation and related information relevant to CITES implementation, and materials and resources to support the making of legal acquisition findings <del>is collaborating with FAO to design a tool to assist the CITES Management Authorities and the regulated community in responding to this question.</del></p>
<p>Page 6 and 7</p> <p>In the diagram in page 7, substitute the words “MA satisfied that the specimens have been acquired legally” with the following:            “MA satisfied that the specimens have been acquired in accordance with relevant national laws”.</p>		<p>Page 7. Diagram, first green bubble on the left from the top of the page, becomes:</p> <p><u><b>MA satisfied that the specimens have been acquired in accordance with relevant national laws</b></u></p>

Amendment	Rationale	Amended text
-----------	-----------	--------------

<p style="text-align: center;"><b>Annex 3</b>  <b>“Draft guidance on the chain of custody required for demonstrating the legal acquisition of the parental/breeding stock”</b></p>		
<p>Page 8            In the title, after the word “DRAFT” insert the following:            “NON-BINDING”</p>		<p>Annex 3 - DRAFT <b><u>NON-BINDING</u></b> GUIDANCE ON THE CHAIN OF CUSTODY REQUIRED FOR DEMONSTRATING THE LEGAL ACQUISITION OF THE PARENTAL/BREEDING STOCK</p>
<p>Page 8            Requirement to demonstrate the legal acquisition of the parental/breeding stock</p> <p>In paragraph 2, before letter a), insert the following text:            “With regard to animals bred in captivity, the following two resolutions are relevant.”.</p> <p>In paragraph 2, letter b), after the words “<i>specimens of Appendix-I species in captivity for commercial purposes.</i>” insert the following:            “In paragraph 5 a), the Conference of the Parties resolves that: a) an operation may only be registered according to the procedure in this Resolution if specimens produced by that operation qualify as 'bred in captivity' according to the provisions of Resolution Conf. 10.16 (Rev. CoP19); in paragraph”</p>	<p>The amendment is proposed to align the section of the paragraph dedicated to animals to the one dedicated to plants; the latter is introduced by the following text: “With regard to artificially propagated plants, the following two resolutions are relevant.”. Therefore, the amendment is proposed to use the same kind of sentence for animals, for internal consistency of the document.</p> <p>Letter b) illustrates the content of Res. Conf 12.10; however, it does not mention the reference to Res. Conf. 10.16 made by paragraph 5, letter a), which is of capital importance because letter a) sets the main requisite an operation must possess to be registered, i.e. it qualifies “as 'bred in captivity' according to the provisions of Resolution Conf. 10.16 (Rev. CoP19)”. The amendment is proposed to complete the references to the requisites for registration and to promote the internal consistency of the document.</p>	<p>Requirement to demonstrate the legal acquisition of the parental/breeding stock</p> <p>2. The requirement to demonstrate the legal acquisition of the parental/breeding stock is contained in the resolutions providing the common understanding for operationalizing Article VII, paragraphs 4 and 5:</p> <p><b><u>With regard to animals bred in captivity, the following two resolutions are relevant.</u></b></p> <p>a) (...)</p> <p>b) Resolution Conf. 12.10 (Rev. CoP15) on Registration of operations that breed Appendix-I animal species in captivity for commercial purposes provides in paragraph 2 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. <b><u>In paragraph 5 a), the Conference of the Parties resolves that: a) an operation may only be registered according to the procedure in this Resolution if</u></b></p>

Amendment	Rationale	Amended text
		<p><b><u>specimens produced by that operation qualify as 'bred in captivity' according to the provisions of Resolution Conf. 10.16 (Rev. CoP19); in paragraph 5 c),</u></b> the Conference of the Parties resolves that: c) the Management Authority shall provide the Secretariat with appropriate information to obtain, and to maintain, the registration of each captive-breeding operation as set out in Annex 1; and such appropriate information includes evidence that the parental stock has been obtained in accordance with relevant national measures and the provisions of the Convention (e.g. dated capture permits or receipts, CITES documents, etc.). (Annex 1, paragraph 5).</p>
<p>Page 9</p> <p>In paragraph 3:</p> <p>- letter a): after the words “parental/breeding stock” insert the following: “in accordance with applicable national laws”;</p> <p>- letter b): after the words “parental/breeding stock” insert the following: “in accordance with applicable national laws”;</p>		<p>3. Two important elements derive from these four resolutions:</p> <p>a) The requirement to demonstrate the legal acquisition of the parental/breeding stock <b><u>in accordance with applicable national laws</u></b> is similar for both the captive-breeding of animals and the artificial propagation of plants;</p> <p>b) The requirement to demonstrate the legal acquisition of the parental/breeding stock <b><u>in accordance with applicable national laws</u></b> is essential:</p> <p>(...)</p>
<p>In paragraph 6:</p> <p>- after the word “<i>animals</i>” insert the following text: “(“breeding”)”;</p> <p>- after the word “plants” insert the following text: “(parental)”;</p>	<p>It is important that the Guide is consistent with the Resolutions that must be applied when assessing the legal acquisition of the parental/breeding stock:</p> <p>- 9.19;</p> <p>- 11.11;</p>	<p>6. For the purpose of this draft guidance, the term “parental/breeding stock” is used because it is close to the terms of the four resolutions mentioned above; and covers both the captive-breeding of</p>

Amendment	Rationale	Amended text
<p>- delete the following text: <i>“To refer to the first specimens used to start a captive-breeding or artificial propagation operation, before the production of the first-generation offspring or cultivated plants, the terms “original parental/breeding stock” could be used”</i>.</p>	<p>- 10.16; - 12.10. Res. 11.11 and 10.16 provide the definitions of “cultivated parental stock”<sup>1</sup> and “breeding stock”<sup>2</sup>, therefore only these definitions must be used; also, the text must clearly indicate that the word “parental” refers to plant (and to Res. 11.11) and word “breeding” to animals (and to Res. 10.16), to prevent any misuse or misinterpretation of the words by giving them a different meaning (not consistent with Res. 11.11 and 10.16). The amendments are proposed to clarify the text, promote the internal consistency of the document (that has listed the applicable resolutions in page 8), fix clearly the meaning of the words “parental” and “breeding”.</p> <p>The terms “original parental/breeding stock” are not defined by the applicable Resolutions; since such concepts are not defined, their use in the Guide may lead to misinterpretations and mistakes; moreover, the Guide is not meant to introduce new concept or terms, but to illustrate the applicable Resolutions. The amendment is proposed to promote the consistency of the Guide with the applicable resolutions mentioned in page 8.</p>	<p>animals (“breeding”) and the artificial propagation of plants (“parental”). <del>To refer to the first specimens used to start a captive-breeding or artificial propagation operation, before the production of the first-generation offspring or cultivated plants, the terms “original parental/breeding stock” could be used.</del></p>
<p>Page 9 Principles</p> <p>In paragraph 9: - delete the words: “in all cases”; - substitute the word “traceability” with the following: “the origin”;</p>	<p>The amendment is proposed to make a reference to the applicable national laws.</p>	<p>9. However, the aim <del>in all cases</del> is to establish the origin <b>traceability</b> of the specimens in question, in order to ensure that <b>those specimens were</b></p>

<sup>1</sup> “cultivated parental stock” of an operation as the ensemble of plants grown under controlled conditions that are used for reproduction, and which must have been, to the satisfaction of the designated CITES authorities of the exporting country: i) 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; (...).

<sup>2</sup> the “breeding stock” of an operation means the ensemble of the animals in the operation that were or are used for reproduction

Amendment	Rationale	Amended text
-----------	-----------	--------------

<p>- substitute the words: “they have not been removed from the wild in violation of applicable laws” with the following: “those specimens were acquired in accordance with applicable national laws”.</p>		<p><b><u>acquired in accordance with applicable national laws they have not been removed from the wild in violation of applicable laws.</u></b></p>
<p>Page 10 Principles</p> <p>In paragraph 12:</p> <p>- letter a): after the words “cultivated parental stock” insert the following text: “of the operation”.</p> <p>- letter b), after the words “breeding stock” insert the following text: “of the operation”.</p> <p>- letter b), replace “parental” with “breeding”</p> <p>In paragraph 13:</p>	<p>The definitions of “cultivated parental stock” and “breeding stock” set by Res. 11.11 and 10.16 refer to the operation where the LAF controls are performed.</p> <p>Res. Conf. 11.11: ‘cultivated parental stock’ means <b>the ensemble</b> of plants grown under controlled conditions that <b>are used for reproduction</b>, and which must have been, to the satisfaction of the designated CITES authorities of the exporting country:</p> <p>i) 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; and</p> <p>ii) maintained in sufficient quantities for propagation so as to minimize or eliminate the need for augmentation from the wild, with such augmentation occurring only as an exception and limited to the amount necessary to maintain the vigour and productivity of the cultivated parental stock;</p> <p>Res. Conf. 10.16: the “breeding stock” <b>of an operation</b> means <b>the ensemble of the animals in the operation that were or are used for reproduction.</b></p> <p>Res. Conf. 11.11 refers to the operation by using the word “are”, to indicate that the ‘cultivated parental stock’ is the one currently used.</p> <p>Res. Conf. 10.16 refers to the animals “in the operation” and</p>	<p>12. (...)</p> <p>a) For artificially propagated plants, Resolution Conf. 9.19 (Rev. CoP15) refers to the Management Authority communicating evidence of the legal origin of specimens of Appendix-I species of wild origin present in the nursery concerned, and Resolution Conf. 11.11 (Rev. CoP18) refers to the designated CITES authorities of the exporting country being satisfied that the cultivated parental stock <b>of the operation</b> was established in accordance with the provisions of CITES and relevant national laws;</p> <p>b) For captive bred animals, Resolution Conf. 10.16 (Rev. CoP19) refers to the competent government authorities of the exporting country being satisfied that breeding stock <b>of the operation</b> was established in accordance with the provisions of CITES and relevant national laws, and Resolution Conf. 12.10 (Rev. CoP15) to the Management Authority communicating evidence that the <b>parental breeding</b> stock has been obtained in accordance with relevant national measures and the provisions of the Convention.</p> <p>13. Consequently, demonstrating the legal acquisition of the</p>



Amendment	Rationale	Amended text
<p>- after the words “parental/breeding stock” insert the text: “of the operation”.</p> <p>- substitute the words “national legislation on” with the following: “applicable national legislation of that State for”.</p>	<p>only to them.</p> <p>Therefore, the amendment is proposed to introduce a reference to the operation in order to promote the clarity of the Guide, to prevent misinterpretations, to promote the consistency of the Guide with the Res. 11.11 and 10.16.</p>	<p>parental/breeding stock supposes demonstrating that the specimens constituting the parental/breeding stock <b>of the operation</b> have been obtained in accordance with relevant <del>national legislation on</del> <b><u>applicable national legislation of that State for</u></b> the protection of fauna and flora and the provisions of the Convention.</p>
<p>In paragraph 14:</p> <p>- substitute the words “national laws” with the following: “applicable national laws of the State”.</p> <p>In paragraph 15:</p> <p>- letter a): substitute the words “not legally acquired” with the following: “not acquired in accordance with applicable laws of that State”;</p> <p>- letter c): substitute the words “legally acquired” with the following: “were acquired in accordance with applicable laws of that State”.</p>		<p>14. Additionally, although the individual or entity in possession of the specimens is responsible for providing sufficient information for the Management Authority to determine that the specimens were legally acquired, it is the competent Management Authority that carries the responsibility of making that final determination and be satisfied that said specimens have not been obtained in violation of relevant <del>national laws</del> <b><u>applicable national laws of the State</u></b> or of the provisions of the Convention.</p> <p>a) Procedures to conduct the verification of legal acquisition of a parental/breeding stock should be sufficiently flexible to allow for a risk assessment approach, risk assessment meaning “the evaluation of the likelihood that a specimen of a CITES-listed species was <del>not legally acquired</del> <b><u>not acquired in accordance with applicable laws of that State</u></b>”;</p> <p>b) (...)</p> <p>c) The individual or entity in possession of the specimens should be responsible for providing sufficient information for the Management Authority to determine that the specimens constituting the</p>

Amendment	Rationale	Amended text
-----------	-----------	--------------

<p>- letter d): substitute the words “parental/breeding stock was not legally acquired” with the following: “the specimens comprising the parental/breeding stock were not acquired in accordance with applicable national laws”.</p>		<p>parental/breeding stock were <del>legally acquired</del> <b><u>acquired in accordance with applicable laws of that State</u></b>, such as statements or affidavits made under oath and carrying a penalty of perjury, relevant licenses or permits, invoices and receipts, forestry concession numbers, hunting permits or tags, or other documentary evidence;</p> <p>d) The information that the Management Authority requires for verifying the legality of acquisition of the parental/breeding stock should be proportionate with the likelihood that the <del>parental/breeding stock was not legally acquired</del> <b><u>the specimens comprising the parental/breeding stock were not acquired in accordance with applicable national laws;</u></b> and</p>
<p>Page 11</p> <p>Establishment of the chain of custody required for demonstrating the legal acquisition of the parental/breeding stock.</p> <p>In paragraph 17, at the end, insert the following text: “However, it must be noted that removing a specimen from the wild is not the only option to obtain it, as the specimen could be a captive-bred animal or an artificially propagated plant.”</p>	<p>Paragraph 17, as paragraph 9, refers to the removal from the wild as the only way to acquire a specimen; however, this case is not the only way, because a specimen can be artificially propagated or bred in captivity. The amendment is proposed to clarify all the possible ways to acquire a specimen.</p>	<p>17. Paragraph 2b) defines “chain of custody” as the chronological documentation, to the extent practicable and in accordance with applicable laws and records, of the transactions pertaining to the removal from the wild of a specimen and the subsequent ownership of that specimen. <b><u>However, it must be noted that removing a specimen from the wild is not the only option to obtain it, as the specimen could be a captive-bred animal or an artificially propagated plant.</u></b></p>

Amendment	Rationale	Amended text
<p>In paragraph 20:</p> <ul style="list-style-type: none"> <li>- after the word “removal from the wild” insert the following text: “(if applicable)” or from the acquisition from another source”;</li> <li>- at the end insert the following text: “Again, it must be noted that removing it from the wild is not the only option to obtain a specimen, as it could be a captive-bred animal or an artificially propagated plant.”.</li> </ul> <p>In paragraph 21:</p> <ul style="list-style-type: none"> <li>- after the word “stock” insert the following text: “of the operation”;</li> <li>- substitute the words “relevant national legislation on” with the following: “applicable national legislation of that State for”;</li> </ul> <p>In paragraph 23, substitute the words “the legal acquisition of a parental/breeding stock” with the following: “acquisition of a parental/breeding</p>	<p>Paragraph 20, as paragraphs 9 and 17, refers to the removal from the wild as the only way to acquire a specimen; however, this case is not the only way, because a specimen can be artificially propagated or bred in captivity. The amendment is proposed to clarify all the possible ways to acquire a specimen.</p> <p>The amendment is proposed to introduce a reference to the operation in order to promote the clarity of the Guide, to prevent misinterpretations, to promote the consistency of the Guide with the Res. 11.11 and 10.16.</p>	<p>(...)</p> <p>20. It results from the above that demonstrating the legal acquisition of a parental/breeding stock would require, to the extent practicable and in accordance with applicable laws and records, establishing the chain of custody of the specimens constituting this stock, by tracing them from their removal from the wild <b><u>(if applicable) or from the acquisition from another source</u></b>, the subsequent ownership of these specimens, if applicable, to their arrival in the facility where they are used as part of a parental/breeding stock, or vice versa. <b><u>Again, it must be noted that removing it from the wild is not the only option to obtain a specimen, as it could be a captive-bred animal or an artificially propagated plant.</u></b></p> <p>21. Regardless of the method used to establish the traceability and chain of custody, the ultimate objective is to demonstrate that no specimen of the parental/breeding stock <b><u>of the operation</u></b> has been obtained in violation of <b><u>relevant national legislation on applicable national legislation of that State for</u></b> on the protection of fauna and flora and the provisions of the Convention as, in such case, the illegality of these specimens or of the whole parental/breeding stock would pass on to any offspring produced, resulting in the offspring not being able to be traded in compliance with the Convention.</p> <p>23. As provided by the guiding principles referred to above, the process of demonstrating</p>

Amendment	Rationale	Amended text
-----------	-----------	--------------

<p>stock in accordance with the applicable laws of that State”.</p> <p>In paragraph 24</p> <p>- letter a): substitute the words “species is an” with the following: “specimen(s) is an”;</p> <p>- letter b): substitute the words “species is an” with the following: “specimen(s) is an”;</p> <p>- letter c):</p> <ol style="list-style-type: none"> <li>1. Delete the words “species is native to the”;</li> <li>2. after the words “artificial propagation” insert the following: “is a Range state”;</li> <li>3. substitute the words “or whether it” with the following: “or whether the specimen(s)”;</li> <li>4. after the words “export/import” insert the following text: “if the</li> </ol>	<p>Paragraph 24 is about the various questions that would be relevant when applying a risk assessment approach to the demonstration of the legal acquisition of a parental/breeding stock.</p> <p>Its letter c) mentions the case of import of the parental/breeding stock in a country and affirms that in this case, the existence of a CITES documentation at the time of the export/import would exist. However, the import/export may happen before provisions of the Convention were applicable at the export/import, so CITES documents may now exist.</p>	<p>the legal acquisition of a parental/breeding stock should also be sufficiently flexible to allow for a risk assessment approach. In this context, the use of the Rapid Guide for the making of legal acquisition findings could, to a certain extent, assist Parties when demonstrating <del>the legal acquisition of a parental/breeding stock acquisition of a</del> <b><u>parental/breeding stock in accordance with the applicable laws of that State.</u></b></p> <p>Since risk assessment means “the evaluation of the likelihood that a specimen of a CITES-listed species was not legally acquired”, greater scrutiny would be warranted for the legal acquisition of a parental/breeding stock of a species that has been included in Appendix I for a long period of time. The Secretariat recalls that “trade in specimens of these [Appendix-I] species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.” (Article II, paragraph 1)</p> <p>24. (...)</p> <p>a) Whether the <del>species is an specimen(s) is of an</del> <b><u>species is an specimen(s) is of an</u></b> Appendix-I or Appendix-II species, or a look-alike species;</p> <p>b) Whether <del>species is an the specimen(s) is of an</del> <b><u>species is an the specimen(s) is of an</u></b> endemic or non-endemic species;</p> <p>c) Whether the <del>species is native to the</del> <b><u>species is native to the</u></b> the country practicing the captive-breeding or the artificial propagation <b><u>is a Range state, or whether it or whether the specimen(s)</u></b> was imported in the country (which would suppose the existence of</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Amendment	Rationale	Amended text
-----------	-----------	--------------

<p>provisions of the Convention were applicable at the time of export/import”;</p> <p>- letter h): after the words “legislation or measures” insert the following: “in that State”;</p> <p>In the last sentence, substitute the words “legally acquired” with the following: “acquired in accordance with the applicable laws of that State”.</p>	<p>The amendment is proposed to clarify that export/import may happen when the Convention is not applicable and, therefore, no CITES documents exist.</p>	<p>a CITES documentation at the time of the export/import, <b>if the provisions of the Convention were applicable at the time of export/import</b>);</p> <p>h) In addition to CITES national legislation, whether there is additional legislation or measures <b>in that State</b> addressing captive-breeding of animals or artificial propagation of plants, including stricter domestic measures.</p> <p>This list is non exhaustive and, as provided under Resolution Conf. 18.7 (Rev. CoP19), the analysis should be proportionate with the likelihood that the parental/breeding stock was not <del>legally acquired</del> <b>acquired in accordance with the applicable laws of that State.</b></p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Specific situations where a parental/breeding ~~founding~~ stock was acquired before the species was listed on CITES or before the Party concerned joined the Convention**

<p>Page 12</p> <p>In the title and in all paragraphs, substitute the words “parental/founding” with “parental/breeding”.</p>	<p>The mandate from SC77 is “<i>The Committee requested the Secretariat to develop guidance for situations where the founding stock was acquired before the species was listed on CITES or before the Party concerned joined the Convention and report to SC78, taking into account the comments made on the floor</i>”; however, the “founding stock” is not defined in the relevant Resolutions recalled before (Res. Conf. 9.19; 11.11; 10.16; 12.10); therefore, it should be changed into “parental/breeding stock” to ensure consistency with these resolutions.</p>	<p>25. Situations where a <b>parental/founding</b> <del>parental/breeding</del> stock was acquired before the species was listed on CITES or before the Party concerned joined the Convention create an additional challenge, as they raise the question of the applicability of the Convention.</p> <p>26. Compared to the demonstration of the legal acquisition of a parental/breeding stock as discussed above, these situations are characterised by two additional elements: a chronological element and a legal element:</p>
------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Amendment	Rationale	Amended text
-----------	-----------	--------------

		<p>a) Chronologically, whether it is a situation where a <b>parental/founding</b> <del>parental/breeding</del> stock was acquired before the species was listed on CITES or before the Party concerned joined the Convention, it is necessary to demonstrate – through traceability and the establishment of the chain of custody – that the specimens composing the <del>parental</del> founding stock in question were indeed acquired prior to the listing of the species in the Appendices or prior to the Party joining the Convention.</p> <p>Similar to the language of Article VII, paragraph 2, of the Convention, the Management Authority would need to be satisfied “that a specimen was acquired before the provisions of the Convention applied to it” and, in accordance with Annex 2, Point 2, of Resolution Conf. 18.7 (Rev. CoP19), the Management Authority “should therefore establish the date of acquisition or the earliest provable date on which it was first possessed by any person.” The principles to follow and the means to establish the traceability and chain of custody do not need to be different from the ones discussed in the precedent section. The difference here is that, if the traceability and chain of custody do not allow to establish the chronology and it cannot be demonstrated that the specimens were acquired prior to the listing of the species in the Appendices or prior to the Party joining the Convention, then it does not seem possible to retain any pre-Convention qualification.</p> <p>b) Legally, if the chronology can be established, it is then</p>
--	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Amendment	Rationale	Amended text
-----------	-----------	--------------

<p>Page 13</p> <p>In paragraph 26, letter b), sub-paragraph i) delete the following words: “The demonstration of the legal acquisition would therefore be limited to the relevant legislation on the protection of fauna and flora, trade and/or captive-breeding or artificial propagation existing at the national level in the country(ies) concerned;”</p>	<p>The text in p. i) does not seem consistent with the following paragraph from Res. 18.7 (Rev. CoP19) Annex 3 - Rapid guide for the making of legal acquisition findings, paragraph 1 (text in bold):</p> <p>“For clarification purposes, Parties are reminded here that for ‘Pre-Convention’ specimens, the Management Authority may authorise export once it is satisfied that a specimen was acquired before the provisions of the Convention applied to it [Article VII(2) of the Convention (Resolution Conf. 13.6 (Rev. CoP18) on Implementation of Article VII , paragraph 2, concerning ‘pre-Convention specimens’) specimens’)]. The Management Authority should therefore establish the date of acquisition or the earliest provable date on which it was first possessed by any person. <b>If Pre-Convention status is so established, it will not be necessary to go through the steps to make a legal acquisition finding, as such a finding is not required by the Convention.</b> Note that adequate stockpile management is key in relation to this”.</p> <p>Therefore, the consistency between the resolution and this guidance should be assured; the amendment is aimed at make the text more clear.</p>	<p>necessary to distinguish situations where a <b>parental/founding parental/breeding</b> stock was acquired before the species was listed on CITES from situations where the <b>parental/founding parental/breeding</b> stock was acquired before the Party concerned joined the Convention:</p> <p>i) If the <b>parental/founding parental/breeding</b> stock was acquired before the species was listed on CITES, it means that the species was not covered by the Convention. <del>The demonstration of the legal acquisition would therefore be limited to the relevant legislation on the protection of fauna and flora, trade and/or captive breeding or artificial propagation existing at the national level in the country(ies) concerned;</del></p> <p>ii) However, if the <b>parental/founding parental/breeding</b> stock was acquired before the Party concerned joined the Convention, then that Party was not bound by the Convention at the time, but if the specimens were imported, the State of export might have been a Party and – in such case – was bound by the rules of the Convention concerning trade with non-Parties. In such case, the demonstration of the legal acquisition would rely on both the relevant national legislation and the provisions of the Convention concerning trade with non-Parties.</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------