

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



Seventy-fifth meeting of the Standing Committee  
Panama City (Panama), 13 November 2022

Interpretation and implementation matters

Exemptions and special trade provisions

REVIEW OF TRADE IN ANIMAL SPECIMENS REPORTED AS PRODUCED IN CAPTIVITY

1. This document has been prepared by the Secretariat.

Background

2. At its 29th meeting (AC29, Geneva, July 2017), in accordance with paragraph 2 c) of Resolution Conf. 17.7 on *Review of trade in animal specimens reported as produced in captivity*, the Animals Committee reviewed a summary from the CITES Trade Database of annual report statistics of specimens of species traded between 2011 and 2015 under source codes C, D, F or R. This summary is found in Annex 1 to document AC29 Doc. 14.1. The Committee selected 23 species-country combinations for review under the Resolution, taking into account the biology of the species. In making the selection, the Committee was mindful of paragraph 2 e) of the Resolution which refers to the need to “determine if the correct source codes have been used, under the applicable Resolutions, for specimens claimed to be produced in captivity” and of paragraph 2 g), which refers to the need to “determine if trade is in compliance with Article III and Article IV of the Convention, as well as Article VII, paragraphs 4 and 5”.
3. At its 30th meeting (AC30, Geneva, July 2018), under paragraph 2 g) of Resolution Conf. 17.7, the Animals Committee reviewed the responses from the countries concerned in order to determine if trade is in compliance with Article III and Article IV of the Convention, as well as Article VII, paragraphs 4 and 5. In doing so, the Animals Committee took account of a review on the breeding biology and captive husbandry of the species concerned, provided by the Secretariat in accordance with paragraph 2 f) of Resolution Conf. 17.7. The outcome of the Committee’s review can be found in the [AC30 Summary Record](#) and [AC30 Com 7 \(Rev. by Sec.\)](#).
4. At the 74th meeting of the Standing Committee (SC74, Lyon, March 2022) in document [SC74 Doc. 57](#), the Secretariat reported on the implementation of Resolution Conf. 17.7 (Rev. CoP18). In the [addendum](#) to document SC74 Doc. 57, the Animals Committee provided its assessment of the Secretariat’s report and the responses received from the Parties selected. In accordance with paragraph 2 p) of the Resolution, for recommendations that had not been met, the Standing Committee was invited to consider the recommendations of the Secretariat and decide on appropriate actions and make recommendations to the countries concerned, keeping in mind that these recommendations should be time-bound, feasible, measurable, proportionate, transparent and, if appropriate, promote capacity-building. The outcome of the discussions can be found in the [SC74 Summary Record](#).
5. For those cases that the Standing Committee agreed to retain within the review, the country concerned has been requested by the Secretariat to provide an update on the Standing Committee’s recommendations by 1 June 2022. The Secretariat will report on the implementation of these cases at the 77th meeting of the Standing Committee (SC77). However, in the cases of *Geochelone elegans* from Jordan and *Testudo hermanni* from North Macedonia, the Standing Committee requested the Secretariat to report back to this meeting.

Jordan/Geochelone elegans

6. For *Geochelone elegans* from Jordan, at its 70th meeting (SC70, Sochi, October 2018), the Standing Committee recommended that Jordan, immediately and until the Standing Committee recommends otherwise, establish a zero export quota for *G. elegans* from all sources and provide the following to the Secretariat by 1 February 2019:
  - evidence of legal acquisition of all breeding stock for all facilities, including information on source of animals used to augment the breeding stock; and
  - information on the ability of the facilities in Jordan to produce F1 and/or F2 generations in an amount that corresponds to the number of specimens exported by this facility or manage the species in a manner demonstrated to be capable of doing so.
7. At SC74, the Secretariat reported in document [SC74 Doc. 57](#) that Jordan has complied with the Standing Committee's recommendation to stop all exports of specimens of *G. elegans* from the facility concerned, but only until the owner provides documents to prove his claims, rather than until the Standing Committee recommends otherwise. It appears that there is no documentary evidence 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 specimens do not appear to comply with paragraph 2 b) ii) A. of Resolution Conf. 10.16 (Rev.) on *Specimens of animal species bred in captivity*.
8. Since the review of trade in specimens of this species reported as produced in captivity in Jordan commenced, the species *G. elegans* has been transferred from Appendix II to Appendix I. Any facilities breeding specimens of this species for commercial purposes should now be registered under Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes* before exporting specimens. By virtue of paragraph 10 of Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates*, this also applies even if the specimens may have been bred in captivity prior to the inclusion of the species in Appendix I.
9. The owner of the facility wrote a letter to the Secretariat requesting its permission to be able to export 1,000 specimens of the species measuring 3-5cms each in order to cover feeding costs for his stock until a final decision is taken. The Secretariat noted that it seems most unlikely that a large number of specimens 3-5 centimetres in size could have been collected in the wild and it could be presumed therefore that the specimens concerned were bred at the facility. However, the lack of evidence of legal acquisition means that they may not be considered as meeting the definition of 'bred in captivity' adopted by the Parties.
10. At SC74, the Standing Committee agreed that Jordan be retained in the review until that Party provides clarifications, particularly on the identification of species held at the breeding facility.
11. The Secretariat wrote to Jordan on 13 April 2022 to inform it of the outcome of the discussions at SC74, emphasizing the concerns raised on legal acquisition of the founder stock and that the documentation provided of the breeding facility, and in particular photographs submitted by Jordan to AC30, seemed to show a different species (*Testudo graeca* rather than *G. elegans*). The Secretariat sought confirmation from Jordan that the species being bred at the facility is *G. elegans*, including clear photographic proof of this, before the matter can be resolved. In response, Jordan provided a copy of its earlier submission to the letter from the Secretariat (which was considered at AC30) but did not provide the clarifications that were requested by the Secretariat. Jordan expressed some confusion concerning the photographs, so the Secretariat wrote to Jordan to explain that the photographs in question concerned those included in Annex 2L of document [AC30 Doc. 13.1 Annex 2-Rev 3](#) on pages 125 to 134, which was provided by Jordan and were considered at AC30.
12. The Secretariat received a response from Jordan on 20 September 2022, stating that "the scientific and the management authorities of CITES in Jordan ... are comfortable enough to say that since the decision of Parties to amend *G. elegans* (Indian Star Tortoise), from CITES Appendix II to Appendix I was implemented, the Management Authority of CITES in Jordan has never issued any permit to export *G. elegans*, and throughout our regular check to this facility, we found no single animal." This seems to imply that the facility no longer has any specimens of *G. elegans*, but Jordan needs to clarify if this is the case and what happened to the specimens that were previously present.
13. Jordan indicates that the facility itself used to have both species (*G. elegans* and *T. graeca*) in the past as reported before, and the origin of the stock of *G. elegans* was imported legally from Lebanon before 2005,

but as documents are only retained for five years it could not produce a document to support this. Jordan indicated that it would provide recent photos for the facility shortly.

14. The Secretariat will continue to consult with Jordan on this matter and will update the Standing Committee orally should it receive any further response from Jordan.

#### North Macedonia/*Testudo hermanni*

15. For *Testudo hermanni* from North Macedonia, at SC70, the Standing Committee recommended that North Macedonia establish immediately, and until the Standing Committee recommends otherwise, a zero export quota for *T. hermanni* from all sources. North Macedonia was to provide responses to the questions of AC29 to the Secretariat by 1 February 2019.
16. At SC74, the Secretariat reported in document [SC74 Doc. 57](#) that North Macedonia has not complied with the main recommendation of the Standing Committee to establish a zero export quota. However, detailed responses to the questions posed by the Animals Committee at AC29, with information on the breeding of this species in captivity, had been supplied and activities seemed to be well controlled. The Animals Committee, however, raised a concern about the origin of the founder stock, noting that in its response North Macedonia stated that four facilities were already in place before the accession of North Macedonia to the CITES Convention and that these animals were then subsequently used to supplement the other breeding facilities.
17. The Secretariat and the Animals Committee had recommended that the species/country combination could be removed from the review process; however, at SC74, the Standing Committee agreed that North Macedonia be retained in the review until the Secretariat provides a legal perspective at SC75 about the NDF requirement when the founder stock of a captive-breeding facility has been taken from the wild before the Party joined the Convention.
18. The Secretariat wrote to North Macedonia on 13 April 2022 to inform it of the outcome of the discussions at SC74 and invited it to provide any additional information concerning the origin of the founder stock that may be of relevance to these discussions by 1 June 2022. No response was received from North Macedonia.
19. Concerning the legality of the founder stock, the Secretariat recalls that Article 28 of the Vienna Convention on the Law of Treaties 1969 sets out the principle of non-retroactivity of treaties. Accordingly, the provisions of CITES do not bind a current Party in relation to any act or fact which took place or any situation which ceased to exist before the date of the entry into force of the treaty with respect to that Party. CITES entered into force for North Macedonia on 2 October 2000, and so its provisions did not bind North Macedonia before that date.
20. However, paragraph 2. b) ii) A of Resolution Conf. 10.16 (Rev.) on *Specimens of animal species bred in captivity* indicates that the competent government authorities of North Macedonia, as an exporting Party, will need to be satisfied that the breeding stock (the ensemble of the animals in the operation that are used for reproduction) “was established...in a manner not detrimental to the survival of the species in the wild” before determining that any specimens to be exported can be considered as ‘bred in captivity’ and prior to issuing any CITES document. The Resolution does not provide specific guidance for how a Party that was not bound by the treaty at the time of the establishment of the captive breeding facility can fulfil this requirement in relation to specimens in the breeding stock which were obtained before it became a Party to the Convention. The Standing Committee may wish to consider this point in its review of CITES provisions related to trade in specimens of animals and plants not of wild source which has been undertaken under Decision 18.173 and is proposed for continuation in document CoP19 Doc. 53.

#### Recommendations

21. In accordance with paragraph 2 k) of Resolution Conf. 17.7 (Rev. CoP18) and based on the present report and any oral updates provided by the Secretariat, the Standing Committee is invited to decide on necessary actions and make recommendations to the range States concerned, or to all Parties.