

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

Regulation of trade

Exemptions and special trade provisions

REVIEW OF RESOLUTION CONF. 12.10 (REV. COP 15) ON  
*REGISTRATION OF OPERATIONS THAT BREED APPENDIX-I SPECIES IN CAPTIVITY  
FOR COMMERCIAL PURPOSES*

1. This document has been submitted by the United States of America as Chair of the Standing Committee Intersessional Working Group on Review of Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes.*\*

Background

2. At its 19th meeting (CoP19; Panama City, November 2022), the United States submitted Document CoP19 Doc. 55. The document recommended amendments to Resolution Conf. 12.10 (Rev. CoP15), including that the Register of operations that breed Appendix-I on the CITES website should be specific for each registered operation with regard to the type of product to be exported; that the registration process should be followed when there is a major change in the nature of an operation or in the type(s) of products being produced for export; and that the continuing meaningful contribution to the conservation of the species called for in the Resolution should include ensuring that that trade from the registered operation will not negatively affect efforts to combat illegal trade in the species. While introducing the document, the United States expressed general support for the Secretariat's revisions to the proposed amendments as outlined in Annex 1 to the document, proposing minor amendments to the Secretariat's revisions.
3. At CoP19, a number of Parties supported the recommendations in the document while others appreciated the issues considered in it, but raised concerns about the burdensome nature of the proposed changes and proposed an intersessional process that will allow for further discussion [see summary record CoP19 Com. II. Rec. 13 (Rev. 1)]. The Conference of the Parties adopted Decision 19.181 directed to the Standing Committee on *Review of Resolution Conf. 12.10 (Rev. CoP15) on Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*, as follows:

The Standing Committee shall, taking into consideration document CoP19 Doc. 55, review the application of Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*, for situations where there is a change in the nature of the operation, or in the types of products being produced for export, and other matters raised in document CoP19 Doc. 55 as appropriate, and provide its recommendations to the 20th meeting of the Conference of the Parties.

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\* *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.*

4. At its 76th meeting, the Standing Committee established an intersessional working group (see Document SC76 SR) with the following mandate:

Taking into consideration document CoP19 Doc. 55, review the application of Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*, for situations where there is a change in the nature of the operation, or in the types of products being produced for export, and other matters raised in document CoP19 Doc. 55 as appropriate, and provide its recommendations to the Standing Committee.

5. The membership of the working group comprises:

Parties: Armenia, Bahrain, Benin, Botswana, Brazil, Canada, China, Colombia, Czech Republic, Democratic Republic of the Congo, European Union, Georgia, Germany, Ghana, India, Indonesia, Israel, Kenya, Liberia, Malaysia, Mexico, Namibia, Peru, Slovakia, South Africa, Spain, Togo, Tonga, United Kingdom of Great Britain and Northern Ireland, United States of America (Chair), Zimbabwe

Observers: World Conservation Monitoring Centre of the United Nations Environment Programme (UNEP-WCMC); International Union for Conservation of Nature (IUCN); Animal Welfare Institute (AWI), Association of Zoos and Aquariums (AZA), Born Free Foundation, Center for Biological Diversity, China Biodiversity Conservation and Green Development Foundation, IWMC-World Conservation Trust, Lewis & Clark – Global Law Alliance, Natural Resources Defense Council (NRDC), Panthera, Parrot Breeders Association of Southern Africa (PASA), Pet Industry Joint Advisory Council Canada (PIJAC Canada), Sustainable Use Coalition, Southern Africa, TRAFFIC, Wildlife Conservation Society (WCS), Wildlife Ranching South Africa (WRSA), World Wide Fund for Nature (WWF), Zoo and Aquarium Association Australasia

#### Approach of the working group

6. The working group Chair solicited views of the working group members by seeking input on the following:
- Whether other types of changes to a registered operation constitute a major change in the nature of an operation or in the type(s) of products being produced for export, in addition to those suggested in Document CoP19 Doc. 55 (change in ownership or management; major change in parental stock or breeding stock; and major change in strategies used or activities conducted by the breeding operation to contribute to the conservation of wild population(s) of the species);
  - Whether information on type of product approved for export should be included in the information on a registered operation published on the CITES webpage, as described in the registration application (e.g., live specimens, skins, hides, meat, or other body parts, etc.);
  - Whether a new annex to Resolution Conf. 12.10 (Rev. CoP15) should be adopted to clarify the process to obtain information from Parties relating to major changes in the nature of an operation or in the type(s) of products being produced for export as well as the communication to Parties relating to these changes;
  - Whether the continuing meaningful contribution a captive-breeding operation should make to the conservation needs of the species should include ensuring the trade from a registered operation will not negatively affect efforts to combat illegal trade in the species or other CITES-listed species; and
  - Whether there are other matters raised in Document CoP19 Doc. 55 that this working group should consider.

#### Responses received from working group members

7. The Chair of the working group received 6 responses from Parties, from Canada, Germany, Israel, Mexico, Spain and the United States of America, and 10 responses from non-Party members of the working group, from AWI, Born Free Foundation, Center for Biological Diversity, IUCN, Lewis & Clark Global Law Alliance, NRDC, Panthera, PASA, TRAFFIC, and WWF.

## Overview

8. Working group members provided responses on the points above. A variety of views were expressed including additional reflections and perspectives from those raised at CoP19. Some of the issues outlined by the working group Chair in paragraph 6 above had considerable support, including publishing details of the register, such as products produced for export, on the CITES webpage and clarifying the major changes. Working group members were generally satisfied with these suggestions with some clarification, and some suggested additions. On some items, simpler alternatives as compared to Document CoP19 Doc. 55 were suggested to avoid substantial revisions to the Annexes to Resolution Conf. 12.10 or adding additional Animals Committee review processes. These simplifications included notifying Parties of changes to products produced for export and other major changes, while following the existing process for addressing issues if any Party believes that a registered operation does not comply with the provisions of Resolution Conf. 10.16 (Rev.) on *Specimens of animal species bred in captivity* and Resolution Conf. 12.10. These simplifications also included as an option for consideration the potential for amendments to Resolution 12.10 (Rev. CoP15) to address that certain products may be excluded from the registration by the Management Authority of the exporting country or by the Standing Committee, rather than the Register listing products produced for export. A simpler phrasing was also suggested to consider the effects of a captive breeding operation on enforcement of the Convention, while the original phrasing proposed in Document CoP19 Doc. 55 received limited support and some opposition. Working group members also expressed little support and some opposition to other suggestions, including the adoption of a complete re-registration process for every major change, or the adoption of a new Annex for amendments to registrations. Responses to the specific areas of consideration are summarized below.

### Major change in the nature of an operation

9. There was considerable support for clarifying what constitutes a major change in the nature of an operation. There was largely support for the examples of a major change in nature of an operation suggested in Document CoP19 Doc. 55 (change in ownership or management, major change in parental stock or breeding stock, major change in strategies used or activities conducted by the breeding operation to contribute to the conservation of wildlife populations of the species), although one working group member opposed the examples proposed in Document CoP19 Doc. 55 and expressed the opinion that only a change that could call into question whether the operation still meets the criteria for registration should be considered a major change. Two working group members generally considered the need for more clarification on what constitutes a major change in the nature of an operation. One working group member suggested that many major changes should not trigger a registration review as there are other safeguards in place and considers that a major change that could require re-registration would be the introduction of a new species or consideration of a product that was specifically excluded from the original registration. A suggestion was made that there may be changes to an operation outside the operation's control that may result from a change in nomenclature, and that such changes should not result in unnecessarily burdensome review processes to update the registration to reflect new nomenclature. Additional suggestions for examples of what might constitute a major change included changes in breeding methods, changes in range of products produced in a facility, changes in marking methods, and documented illegal wildlife activity at or by the facility. A working group member noted that the Conference of the Parties has already agreed in paragraph 3 of the Resolution that the registration process be followed for each Appendix-I listed animal species bred for commercial purposes.

### Information included in the Register on the CITES website

10. Working group members generally agreed that the particulars of a registered operation published by the Secretariat in the Register on the CITES website should include the type of product(s) being produced for export as specified in the application in addition to other details the Secretariat currently includes in the Register. Many considered it essential. However, two working group members noted a preference for the phrasing "type of product produced for export" as currently used in the Resolution over "type of product approved for export." One working group member suggested deleting the word "approved" as a registered operation (approved by the Standing Committee with the scientific advice of Animals Committee) is only approved if the operation is managed in a legal, traceable and non-detrimental manner, and the Register refers to the whole species (regardless of the products to be exported later on). It was also suggested as an option for consideration that, in order to reduce the administrative burden on the Secretariat, the Register on the CITES website note what products are excluded and that may not be traded from the registered operation, rather than what parts or products may be exported. Some working group members supported recommendations submitted by the European Union in Document CoP19 Inf. 50.

Process relating to major changes in the nature of an operation or in the type(s) of products being produced for export

11. There was little support among working group members for a re-registration process, some support for a new Annex and amendment process for major changes, and one Party that supported an approval period timeframe, perhaps 6 years, after which all registered operations would automatically expire unless renewed, although this could be a simpler process than initial registration. One working group member observed that markets can change over time and new opportunities for trade not originally anticipated may occur that should not necessarily require a re-registration review. However, most Parties were generally not in favor of a re-registration process for changes in products produced for export and other major changes to an operation with some referring to the recommendations in Document CoP19 Inf. 50. Simpler alternatives were also suggested to avoid substantial revisions to the Annexes to Resolution Conf. 12.10 or adding additional Animals Committee review processes. These simplifications included notifying Parties of changes to products produced for trade and other major changes, while following the existing process for addressing issues if any Party believes that a registered operation does not comply with the provisions of Resolution Conf. 10.16 (Rev.) and Resolution Conf. 12.10. Overall, the working group could agree that in addition to the CITES Secretariat being informed of changes in types of products produced for export and major changes to an operation, it should also issue a Notification to the Parties to inform the Parties. Although supportive of some type of communication process, one working group member did not consider a Notification to the Parties necessary as the Register on the CITES website is publicly available. Another working group member regarded it as sufficient if the entry in the Register on the CITES website is updated to reflect a change in the types of products produced. It was noted that paragraph 5.h) of Resolution Conf. 12.10 (Rev. CoP15) allows the Party in whose jurisdiction the registered operation is located to remove a facility from the Register for any reason. In addition, any Party can propose to the Standing Committee (in consultation with the Secretariat and the Party concerned) deletion of a particular breeding operation from the Register under paragraph 5.i) of Resolution Conf. 12.10 (Rev. CoP15) when there are concerns that the operation does not comply with Resolution Conf. 10.16 (Rev. CoP19). Working group members generally agreed that this paragraph should be updated to include reference to compliance with the provisions of Resolution Conf. 12.10 (Rev. CoP15), although one working group member disagreed with that suggestion and another suggested that it be expanded only to include concerns about types of products being produced for export. Suggestions were also made to add additional CITES compliance concerns that may be a basis for initiating the process under paragraph 5 i) beyond compliance with Resolution Conf. 10.16 (Rev.) and Resolution Conf. 12.10 (Rev. CoP15).

Continuing meaningful contribution according to the conservation needs of the species concerned

12. Concerning whether a Management Authority shall satisfy itself that the trade from a registered operation "will not negatively affect efforts to combat illegal trade in the species or other CITES-listed species," a number of working group members found the original phrasing proposed in Document CoP19 Doc. 55 overly complex or subjective and commented that it would be difficult to implement in practice and that Resolution Conf. 12.10 (Rev. CoP15) is not the appropriate place to promote more effective enforcement of the Convention. Others were supportive of addressing the issue. A working group member suggested it may be possible to include a simpler phrasing to consider the effects of a captive breeding operation on enforcement of the Convention, and that a corresponding new question might be added to Annex 1 to provide any anticipated impacts to enforcement of the Convention and how it is being addressed by the breeding operation and Management Authority.

Other matters raised

13. Most working group members considered discussion of the issues outlined above to be an appropriate initial scope for this working group to begin its work and these discussions are ongoing.
14. Suggestions were raised specific to implementation in relation to certain species, however other working group members considered these suggestions were generally outside the scope of the working group or better considered under other processes.
15. Suggestions were raised to clarify interpretations of Art. VII(4) and Art. VII(5), with working group members expressing differing views about whether Appendix-I animals bred in captivity for non-commercial purposes may nevertheless be traded for commercial purposes under Article VII(5) / source code "C," notwithstanding the registration process under Article VII(4) / source code "D" for Appendix-I animals bred in captivity for commercial purposes. For example, the United States reiterated its understanding that registration is the only available CITES process for engaging in commercial trade in Appendix-I animals, based on its reading of the Convention that the only available options under the Convention for commercial trade in Appendix-I

species are Article VII(4) / source code “D” and Article VII(2) / source code “O” (qualifying pre-Convention specimens in accordance with Resolution Conf. 13.6 (Rev. CoP18) on *Implementation of Article VII, paragraph 2, concerning 'pre-Convention' specimens*). In its comments, Germany recalled Document CoP19 Inf. 50, submitted by the European Union, which opposed an extension of the registration system. Germany also expressed its view that existing issues with Resolution Conf. 12.10 (Rev. CoP15) should not be aggravated by extending the registration system. Noting that the working group’s mandate includes an instruction to consider “other matters raised in document CoP19 Doc. 55 as appropriate,” the working group will discuss whether and how to explore these considerations in its future discussions.

16. One Party suggested that in Annex 1 to the Resolution, applications include information on the status of the species in the wild, a non-detriment finding, a history of any augmentation of the operation’s breeding stock with specimens sourced from the wild, a description of the process to monitor trade from the operation, and an assessment of the impact of trade from the registered operation on wild populations (in all range States), including information on illegal trade in specimens of that species (wild or captive-bred). The Party also suggested an amendment to the title of Annex 2 to delete the word “new” to clarify that Annex 2 applies also to maintaining registrations.
17. One Party suggested developing additional guidance relating to implementation of paragraph 5. j) with regard to how the Management Authority shall satisfy itself that the captive-breeding operation will make a continuing meaningful contribution according to the conservation needs of the species concerned.

#### Next steps

18. The working group will continue to work via electronic means to fulfil its mandate and develop recommendations for consideration of the Standing Committee at its 78th meeting.

#### Recommendation

19. The Standing Committee is invited to note this interim report of the working group and provide any advice or comments on the document or process to date.