

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



Seventy-eighth meeting of the Standing Committee
Geneva (Switzerland), 3-8 February 2025

Regulation of trade

LEGAL ACQUISITION FINDINGS

1. This document has been prepared by the Secretariat.
2. At its 19th meeting (CoP19; Panama City 2022), the Conference of the Parties adopted Decisions 19.128 to 19.131 on *Legal acquisition findings* as follows:

Directed to Parties

19.128 *Parties are invited to test the 'Rapid guide for making legal acquisition findings' developed by the Secretariat and offer, upon request, peer assistance to other Parties for the improvement of their capacity to verify legal acquisition for different taxa.*

19.129 *Parties are requested to provide observations and feedback to the Secretariat following their tested use of the Rapid guide for making legal acquisition findings.*

Directed to the Secretariat

19.130 *The Secretariat shall:*

- a) *subject to external funding, and taking into consideration the information gathered under Decisions 19.128 and 19.129 on experiences with using the Rapid Guide, develop digital solutions to automate relevant parts of the 'Rapid guide for making legal acquisition findings', inviting Parties to provide input on the development of these digital solutions, and maintain a dedicated webpage regarding the verification of legal acquisition for different taxa and specimens on the CITES website and update it regularly;*
- b) *subject to external funding, organize workshops and other capacity-building activities related to the implementation of Resolution Conf. 18.7 (Rev. CoP19) on Legal acquisition findings and disseminate training material for the verification of the legal acquisition of CITES specimens; and*
- c) *report to the Standing Committee on the progress made in the implementation of Resolution Conf. 18.7 (Rev. CoP19) on the basis of information, experiences and examples submitted by the Parties.*

Directed to the Standing Committee

19.131 *The Standing Committee shall monitor progress in the implementation of Resolution Conf. 18.7 (Rev. CoP19), assess any reports submitted by the Secretariat as per Decision 19.130, paragraph c) and, where appropriate, make recommendations for improving the verification of legal acquisition by the Parties for submission to the 20th meeting of the Conference of the Parties.*

3. In Resolution Conf. 18.7 (Rev. CoP19) on *Legal acquisition findings*, the Conference of the Parties recommends general principles to be used by Parties for verifying the legal acquisition of specimens to be exported. The Conference of the Parties further recommends that Parties use the “Guidance for making legal acquisition findings” and the “Rapid guide for making legal acquisition findings” contained in Annexes 1 and 3 to the Resolution, when verifying the legal acquisition of CITES specimens traded under Article III, paragraph 2 (b), Article IV paragraph 2 (b) and Article V, paragraph 2 (a) and the legal acquisition of founder stock of specimens traded under Article VII paragraphs 4 and 5.

Decision 19.130, paragraph a): Digital solutions and use of the *Rapid guide for making legal acquisition findings*

4. Pursuant to Decision 19.130 and in conjunction with Decision 19.62 on *National laws for the implementation of the Convention*, the Secretariat has continued to engage with the Development Law Service of the Food and Agriculture Organization of the United Nations (FAO) on the development of a database (see document [SC77 Doc. 46](#)). The aim is to provide an online platform with a catalogue of legal and policy instruments and resources of Parties and non-Parties to CITES. It is expected to facilitate access to legislation and related information relevant to the international trade in CITES-listed species and other materials and resources to support legal risk assessments on legal acquisition findings (LAFs).
5. Since the 77th meeting of the Standing Committee, the Secretariat and FAO have completed the first phase of the project, which covered the design of the entire database and the creation of the country profiles for all Parties and non-Parties to CITES. The database, entitled [CITES-LEX](#), was officially launched on 4 March 2024 at the celebration of World Wildlife Day in Geneva, under the theme of *Connecting People and Planet: Exploring Digital Innovation in Wildlife Conservation*.
6. Interoperability between CITES-LEX country profiles and FAOLEX is ensured through automatic retrieval of information from the latter, ensuring that the legal database is updated and maintained regularly. The Secretariat issued [Notification No. 2024/053](#) of 9 April 2024, inviting Parties to review the information displayed in their CITES-LEX country profiles, submit comments and additional relevant information on any errors or omissions identified, as well as any other suggestions for the overall improvement of the platform. A total of 12 Parties sent their responses, which were used to make additional improvements to the country profiles, taking into account the technical limitations and requirements of the database.
7. The Secretariat will continue to work with FAO for the development of its second phase, providing further materials and resources to support the making of LAFs as per Resolution Conf. 18.7 (Rev. CoP19).
8. The Secretariat also maintains the page on the CITES website on [Legal Acquisition Findings](#). The full translation of the page in French and Spanish are now available, and a direct link to the *Rapid guide for making legal acquisition findings* has been created to facilitate the implementation of Resolution Conf. 18.7 (Rev. CoP19).
9. At the time of writing this document, and despite the Standing Committee inviting Parties to share their legal acquisition findings to build knowledge and share best practices, the Secretariat has not received any inputs from Parties regarding the implementation of Resolution Conf. 18.7 (Rev. CoP19). Parties regularly exchange experiences and practices during workshops and capacity-building activities (see next section), but the Secretariat has not received materials for publication on the CITES website. The Secretariat encourages Parties and other stakeholders to actively share examples of legal provisions, guidelines, or standard operating procedures developed at the national level for the making of LAFs (except in cases when certain LAFs may contain sensitive information), as well as materials, resources, experiences and best practices relating to LAF, to support Parties in the implementation of Resolution Conf. 18.7 (Rev. CoP19) and the making of LAFs for CITES-listed species.

Decision 19.130, paragraph b): Workshops and other capacity-building activities

10. Technical missions for the Parties subject to an Article XIII process were conducted in Cameroon, Ecuador, and Peru, following the recommendations of the Standing Committee at SC77. These missions included practical exercises, on-site visits, and discussions on how to make LAFs for CITES-listed species based on real examples. A second technical mission to Viet Nam is scheduled for January 2025.
11. In the context of the expedited application of Article XIII for West African rosewood (*Pterocarpus erinaceus*) for all range States, and in accordance with recommendations of the Standing Committee at SC77, the Secretariat organized a regional workshop on non-detriment findings (NDF) and legal acquisition findings

(LAF) for *Pterocarpus erinaceus* range States in Douala, Cameroon, from 2 to 6 September 2024. The objective of the workshop was to catalyze the implementation of recommendations under the expedited application of Article XIII and the Review of Significant Trade processes for *Pterocarpus erinaceus* at the regional level through theoretical and practical capacity-building approaches for the preparation of NDFs and LAFs. This workshop was attended by 18 Parties (15 range States of *Pterocarpus erinaceus* and 3 range States of other African tree species), and 8 international governmental organizations and non-governmental organizations as observers (see document SC78 Doc. 33.2 on *Expedited application of Article XIII for West African rosewood (Pterocarpus erinaceus) for all range States*).

12. Under the Compliance Assistance Programme, the Solomon Islands CITES Management Authority organized a national workshop from 9 to 10 October 2024 in Honiara, Solomon Islands. The workshop focused on enhancing the Management Authority's capacity in permit management, collaboration, and communication with relevant stakeholders to strengthen priority areas, such as the making of LAFs. Additionally, the workshop sought to foster strong networks and collaborations among stakeholders involved in CITES permitting. The workshop was attended by participants representing various sectors, including ministries (fisheries, agriculture, forestry), enforcement agencies (customs, the Office of the Public Prosecutor), private sector entities (coral and timber exporters), and non-governmental organizations (such as the Rangers Association and the World Wide Fund for Nature). The donor for this work, USFWS, also participated, providing technical input on LAF and acting as observer.
13. The CITES Secretariat will continue to work with partners to support Parties in the implementation of Resolution Conf. 18.7 (Rev. CoP19) on *Legal acquisition findings* through workshops, dissemination of training material, and other capacity-building activities. The Secretariat notes that workshops and capacity-building activities depend on the availability of further extrabudgetary financial resources. In this context, the Secretariat would like to acknowledge the generous contributions of the European Union, Switzerland, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.
14. The CITES Secretariat also regularly engages Parties through virtual means to provide guidance and detailed advice on legal acquisition findings. Such engagements have covered questions related to fauna and timber, for instance in the context of the expedited application of Article XIII for West African rosewood *Pterocarpus erinaceus* for all range States [see document SC78 Doc. 33.2).

Draft guidance on the chain of custody required for demonstrating the legal acquisition of the parental breeding stock

15. As reflected in the [SC77 Summary Record](#), under the review of the *Application of Article XIII in the European Union* (item 33.8), the Standing Committee invited the Secretariat to submit to its 78th meeting draft elements of guidance on *inter alia: Specific guidance on the chain of custody required for demonstrating the legal acquisition of the parental stock, i.e., 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.*
16. Draft *Guidance on the chain of custody required for demonstrating the legal acquisition of the parental breeding stock* is provided in Annex 3 to the present document.

Draft guidance on situations where the founding stock was acquired before the species was listed on CITES or before the Party concerned joined the Convention

17. As reflected in the [SC77 Summary Record](#), the Standing Committee – under the *Review of the trade in specimens reported as produced in captivity* (item 36) – requested the Secretariat to develop guidance on situations where the founding stock was acquired before the species was listed on CITES or before the Party concerned joined the Convention.
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 parental breeding stock* contained in Annex 3 to the present document.

Amendment to Annex 3 to Resolution Conf. 18.7 (Rev. CoP19) on *Legal acquisition findings*

19. On the basis of the above, the Secretariat proposes the following minor amendments to the annexes to Resolution Conf. 18.7 (Rev. CoP19) as set out below:
 - a) Annex 1, Section 4, and Annex 3, Section 3, to include reference to the CITES-LEX platform, developed in cooperation with FAO.
 - b) Article III, paragraphs 2 (b) and 4 (a), Article IV, paragraphs 2 (b) and 5 (a), and Article V, paragraph 2 (a), of the Convention establish as a condition for the issuance of an export permit or a re-export certificate that “*the Management Authority be satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora.*” Since neither the Convention nor the Resolution uses the terms “positive LAF” or “negative LAF”, the Secretariat proposes to amend Section 7 of the “*Rapid Guide for Making Legal Acquisition Findings*” in Annex 3 to Resolution Conf. 18.7 (Rev. CoP19) on the ‘Framework for making a Legal Acquisition Finding’ to delete the mentions of “positive LAF” or “negative LAF” and replace them by the wording of the Convention.
20. These proposed amendments are reflected in Annex 2 to this document.
21. The Secretariat notes that Decision 19.226 directs the Standing Committee to review the revised “*Rapid Guide for Making Legal Acquisition Findings*”, and related assessments as they relate to trade in CITES-listed sharks species caught in areas beyond national jurisdiction (including introductions from the sea), and determine if more specific guidance is needed for CITES-listed shark species, including engagement with regional fisheries management organizations and any capacity-building which might support their role in the making of LAFs and related assessments. The report of the intersessional working group on sharks and rays contained in document SC78 Doc. 70.1 may propose further amendments to Resolution Conf. 18.7 (Rev. CoP19), in response to this Decision.

Recommendations

22. The Standing Committee is invited to:
 - a) note the work conducted by the Secretariat in the implementation of Decision 19.130;
 - b) encourage Parties to implement Resolution Conf. 18.7 (Rev. CoP19) and use the *Rapid guide for making legal acquisition findings* when preparing their LAFs;
 - c) review and submit the draft decisions contained in Annex 1 to the present document for adoption by the Conference of the Parties at its 20th meeting;
 - d) review and submit to the Conference of the Parties the amendments to Annexes 1 and 3 to Resolution Conf. 18.7 (Rev. CoP19) as contained in Annex 2 to the present document; and
 - e) consider the suggested draft *Guidance on the chain of custody required for demonstrating the legal acquisition of the parental breeding stock*, as well as the suggested draft elements 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, 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;
 - f) agree that Decisions 19.128 to 19.131 have been implemented and can be proposed for deletion.

DRAFT DECISIONS ON *LEGAL ACQUISITION FINDINGS*

Directed to Parties

- 20.AA** Parties are invited to continue using the '*Rapid guide for making legal acquisition findings*' developed by the Secretariat and offer, upon request, peer assistance to other Parties for the improvement of their capacity to verify legal acquisition for different taxa.
- 20.BB** Parties are requested to provide observations and feedback to the Secretariat following their tested use of the '*Rapid guide for making legal acquisition findings*' 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).

Directed to the Secretariat

- 20.CC** The Secretariat shall:
- a) subject to extrabudgetary resources, and taking into consideration the information gathered under Decision 20.BB on experiences with using the Rapid Guide, continue to work with partners for the further development of digital solutions to automate relevant parts of the '*Rapid guide for making legal acquisition findings*', including the CITES-LEX platform developed in cooperation with the Food and Agriculture Organization of the United Nations, inviting Parties to provide input on the development of these digital solutions, and maintain a dedicated webpage regarding the verification of legal acquisition for different taxa and specimens on the CITES website and update it regularly;
 - b) subject to extrabudgetary resources, continue to organize workshops and other capacity-building activities related to the implementation of Resolution Conf. 18.7 (Rev. CoP20) on *Legal acquisition findings* and disseminate training material for the verification of the legal acquisition of CITES specimens; and
 - c) report to the Standing Committee on the progress made in the implementation of Resolution Conf. 18.7 (Rev. CoP20) on the basis of information, experiences and examples submitted by Parties.

Directed to the Standing Committee

- 20.DD** 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 the verification of legal acquisition by the Parties for submission to the 21st meeting of the Conference of the Parties.

DRAFT AMENDMENTS TO RESOLUTION CONF. 18.7 (REV. COP19) ON
LEGAL ACQUISITION FINDINGS

Annex 1

Guidance for making legal acquisition findings

4. Practical tools

- a) For the purpose of establishing the chain of custody, the Parties may make use of information systems and traceability tools.
- b) In verifying legal acquisition, Parties may wish to consult existing international legal databases such as CITES-LEX, ECOLEX, FAOLEX, and the World Legal Information Institute.
- c) Where Parties consider that more certainty is required to establish that a specimen was legally acquired, Parties may have recourse to request verification by the applicant using forensic tools such as DNA testing, stable isotope analysis, and radiocarbon dating.
- d) Management Authorities may use for their convenience the rapid guide for verifying legal acquisition below.

(...)

Annex 3

Rapid guide for making legal acquisition findings

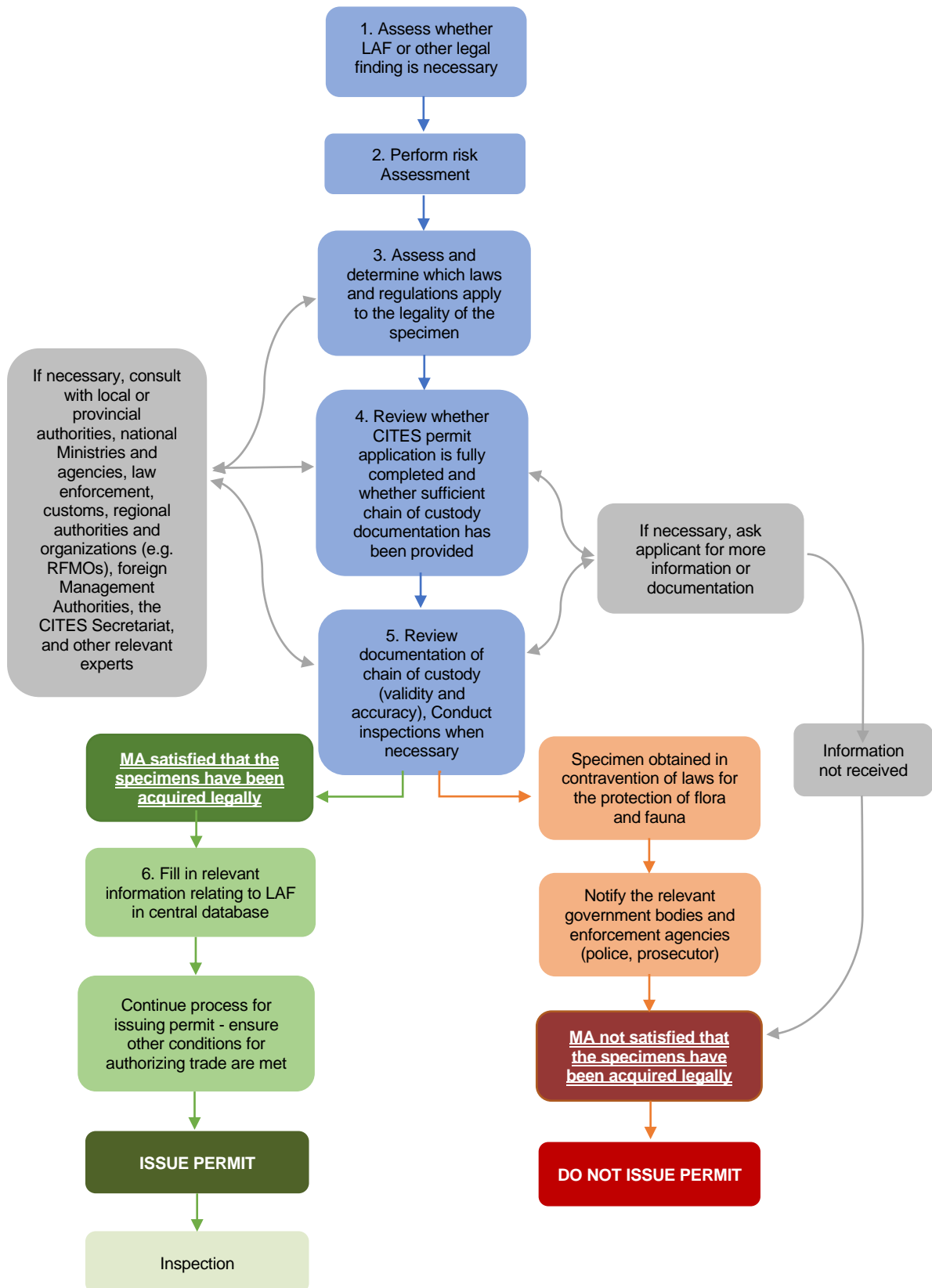
3. What laws and regulations apply to the legality of the specimen?

Identify, review and assess 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~~is collaborating with FAO to design a tool to assist the CITES Management Authorities and the regulated community in responding to this question.~~

(...)

7. Framework for making a Legal Acquisition Finding

(see proposed amendments in the next page)



DRAFT GUIDANCE ON THE CHAIN OF CUSTODY REQUIRED FOR DEMONSTRATING THE LEGAL ACQUISITION OF THE PARENTAL/BREEDING STOCK

Background

1. Article VII of the Convention on exemptions and other special provisions relating to trade provides in paragraphs 4 and 5:
 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.*

Requirement to demonstrate the legal acquisition of the parental/breeding stock

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:
 - a) [Resolution Conf. 10.16 \(Rev. CoP19\)](#) on *Specimens of animal species bred in captivity* provides in paragraph 2 b) that the term 'bred in captivity' shall be interpreted to refer only to specimens, as defined in Article I, paragraph (b), of the Convention, born or otherwise produced in a controlled environment, and shall apply only if: (...) *ii) the breeding stock, to the satisfaction of the competent government authorities of the exporting country (...) 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 Resolution defines the *breeding stock* of an operation as the ensemble of the animals in the operation that were or are used for reproduction.
 - 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. In paragraph 5 c), 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).

With regard to artificially propagated plants, the following two resolutions are relevant.

- c) [Resolution Conf. 9.19 \(Rev. CoP15\)](#) on the *Registration of nurseries that artificially propagate specimens of Appendix-I plant species for export purposes* which states in Annex 2 that the Management Authority communicates to the Secretariat requests to register nurseries artificially propagating and exporting specimens of Appendix-I species and provides – *inter-alia* – *v) evidence of the legal origin of any other specimens of Appendix-I species of wild origin present in the nursery concerned, or adequate assurance that such specimens are controlled under existing national legislation.*
- d) [Resolution Conf. 11.11 \(Rev. CoP18\)](#) on *Regulation of trade in plants* defines the "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; (...).*

3. Two important elements derive from these four resolutions:
 - a) The requirement to demonstrate the legal acquisition of the parental/breeding stock is similar for both the captive-breeding of animals and the artificial propagation of plants;
 - b) The requirement to demonstrate the legal acquisition of the parental/breeding stock is essential:
 - i) For specimens 'bred in captivity' to meet the definition of Resolution Conf. 10.16 (Rev. CoP19);
 - ii) For specimens 'artificially propagated' to meet the definition of Resolution Conf. 11.11 (Rev. CoP18);
 - iii) For captive-bred specimens of Appendix-I animal species to be deemed to be specimens of species included in Appendix II and be traded as such under Article VII, paragraph 4, of the Convention and Resolution Conf. 12.10 (Rev. CoP15); and
 - iv) For artificially propagated specimens of Appendix I plant species to be deemed to be specimens of species included in Appendix II and be traded as such under Article VII, paragraph 4, of the Convention and Resolution Conf. 9.19 (Rev. CoP15).
4. On this basis, this draft Guidance is developed to assist with the demonstration of the legal acquisition of the parental/breeding stock in the context of captive-breeding of animals and artificial propagation of plants.

Definitions

5. It should be noted that Resolution Conf. 10.16 (Rev. CoP19) refers to the "*breeding stock*", Resolution Conf. 12.10 (Rev. CoP15) refers to "*parental stock*" and "*parental breeding stock*", Resolution Conf. 9.19 (Rev. CoP15) refers to "*parental stock*", and Resolution Conf. 11.11 (Rev. CoP18) refers to "*cultivated parental stock*". None of these resolutions uses the terms "founder stock". They only appear in Resolution Conf. 17.7 (Rev. CoP19) on *Review of trade in animal specimens reported as produced in captivity*: "*The Secretariat shall also commission, if requested by the Animals Committee, a short review of the species concerned, in consultation with relevant countries and specialists, to compile and summarise known information relating to the breeding biology and captive husbandry and any impacts, if relevant, of removal of founder stock from the wild.*"
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 animals and the artificial propagation of plants. 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.

Principles

7. As indicated in Resolutions Conf. 9.19 (Rev. CoP15), Conf. 10.16 (Rev. CoP19), Conf. 11.11 (Rev. CoP18), and Conf. 12.10 (Rev. CoP15), demonstrating the legal acquisition of a parental/breeding stock can be likened to the making of legal acquisition findings in accordance with Articles III, IV and V of the Convention and Resolution Conf. 18.7 (Rev. CoP19).
8. The two processes are different in that legal acquisition findings (LAFs) – in accordance with the Convention – are made to ensure that specimens to be exported or re-exported have not been obtained in contravention of the laws of the exporting or re-exporting State for the protection of fauna and flora, while demonstrating the legal acquisition of a parental/breeding stock aims at ensuring that specimens produced in captivity or artificially propagated meet the criteria of Resolutions Conf. 9.19 (Rev. CoP15), 10.16 (Rev. CoP19), 11.11 (Rev. CoP18), and 12.10 (Rev. CoP15), and therefore can be traded in accordance with the provisions of the Convention and the procedures established by these resolutions.
9. However, the aim in all cases is to establish traceability of the specimens in question, in order to ensure that they have not been removed from the wild in violation of applicable laws.
10. This is confirmed by [Resolution Conf. 18.7 \(Rev. CoP19\)](#), which supports Management Authorities in verifying legal acquisition of specimens prior to issuing CITES documents authorizing their export in accordance with Article III, paragraphs 2 (b) and 4 (a), Article IV, paragraphs 2 (b) and 5 (a), or Article V,

paragraph 2 (a), of the Convention by establishing guidance on the making of legal acquisition findings, but indicates in its paragraph 1 c) that *depending on the context, the term defined above [legal acquisition finding] should also be used when considering exemptions and other special provisions mentioned in Annex II, on a case-by-case basis*;

11. Annex 2 to Resolution Conf. 18.7 (Rev. CoP19) focuses on *Additional circumstances requiring the verification of legal acquisition or other legal findings* and includes a section on *Breeding/parental stock of specimens bred in captivity or artificially propagated* providing the following: *Pursuant to Resolution Conf. 10.16 (Rev. CoP19) on Specimens of animal species bred in captivity, paragraph 2 b ii), and Resolution Conf. 11.11 (Rev. CoP18) on Regulation of trade in plants, paragraph 1 b i), a Management Authority of the State of export should verify legal acquisition of the breeding/parental stock of specimens bred in captivity or artificially propagated to be exported under Article VII, paragraphs 4 and 5 of the Convention.*
12. Thus, Article III, paragraphs 2 (b) and 4 (a), Article IV, paragraphs 2 (b) and 5 (a), and Article V, paragraph 2 (a), of the Convention require that the Management Authority of the state of export or reexport be *satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora*. In the same way:
 - 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 was established in accordance with the provisions of CITES and relevant national laws;
 - 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 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 parental stock has been obtained in accordance with relevant national measures and the provisions of the Convention.
13. Consequently, demonstrating the legal acquisition of the parental/breeding stock supposes demonstrating that the specimens constituting the parental/breeding stock have been obtained in accordance with relevant national legislation on the protection of fauna and flora and the provisions of the Convention.
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 national laws or of the provisions of the Convention.
15. On that basis, it appears that the principles applicable to the making of LAFs could therefore be applied, to a certain extent, to the demonstration of the legal acquisition of a parental/breeding stock and provide relevant guidance to Parties in doing so, while taking into account the specificities of this process compared to legal acquisition findings:
 - 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 not legally acquired”;
 - b) To the extent possible, procedures used by a Management Authority for verifying the legal acquisition of the parental/breeding stock should be publicly available to facilitate the collection of required information and provide clarity to operations practicing captive-breeding and/or artificial propagation;
 - 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 parental/breeding stock were legally acquired, 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;
 - 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 parental/breeding stock was not legally acquired; and

- e) Management Authorities are encouraged to maintain records of information provided concerning the legality of acquisition of the parental/breeding stocks of operations registered in their countries.

Establishment of the chain of custody required for demonstrating the legal acquisition of the parental/breeding stock

16. Resolution Conf. 18.7 (Rev. CoP19) indicates in paragraph 1 b) that, to the extent possible, the determination of whether a specimen was not obtained in contravention with the laws and regulations of that State for the protection of fauna and flora “*should take into account the whole series of actions through which the specimen is brought from its source into the possession of an exporter*”. This is commonly referred as the “chain of custody” of a specimen.
17. Paragraph 2 b) 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.
18. Annex 1, Point 4, of Resolution Conf. 18.7 (Rev. CoP19) indicates that “*for the purpose of establishing the chain of custody, the Parties may make use of information systems and traceability tools*”; and in Annex 3, the [Rapid guide for the making of legal acquisition findings](#) defines traceability as “*the ability to follow the trail of specimens along the supply chain by monitoring and tracking the chain of custody.*” The Rapid Guide adds that “*assessing compliance with the legal requirements pertinent to each stage in production (e.g. harvesting, breeding, or cultivating), possession, transport, trade, and export of specimens of CITES-listed species assures that the chain of custody is traceable and legal*”. The Rapid Guide uses the following example: “*For example, by using the chain of custody system, authorities can trace raw material or parental stock to the site where they were obtained in the country of origin.*”
19. Annex 1, Point 5, of Resolution Conf. 12.10 (Rev. CoP15) provides additional details, giving examples of evidence proving that a 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.)*.”
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, 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*.
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 has been obtained in violation of relevant national legislation 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.
22. In accordance with Resolutions Conf. 18.7 (Rev. CoP19) and Conf. 12.10 (Rev. CoP15), establishing the chain of custody could be done using various sources or documents: CITES documents, relevant licenses or permits, invoices and receipts, forestry concession numbers, hunting permits or tags, statements or affidavits made under oath and carrying a penalty of perjury, or other documentary evidence. For instance, stud books or documents such as bills of lading or ownership certificates could also be taken into account, the Management Authority carrying the responsibility – as indicated above – to determine whether it is satisfied that the specimens have been acquired legally.
23. As provided by the guiding principles referred to above, the process of demonstrating 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 the legal acquisition of a parental/breeding stock. 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)

24. However, in addition to the examples of questions provided in the Rapid Guide, various questions would be relevant when applying a risk assessment approach to the demonstration of the legal acquisition of a parental/breeding stock. Such questions could include:
- a) Whether the species is an Appendix-I or Appendix-II species, or a look-alike species;
 - b) Whether the species is an endemic or non-endemic species;
 - c) Whether the species is native to the country practicing the captive-breeding or the artificial propagation, or whether it was imported in the country (which would suppose the existence of a CITES documentation at the time of the export/import);
 - d) Whether the specimens composing the parental/breeding stock are all coming from the same geographical origin or from multiple origins;
 - e) Whether the specimens composing the parental/breeding stock are all coming from the same source or from multiple sources (typically if the parental/breeding stock comes from wild specimens only or from both wild and captive bred or artificially propagated specimens for instance);
 - f) In cases where the specimens composing the parental/breeding stock are themselves captive-bred or artificially propagated, whether the operations that bred or propagated them maintains a traceability system of their parental/breeding stock;
 - g) In the case of Appendix-I species, whether the operation that possesses the parental/breeding stock in question is registered as per Resolution Conf. 12.10 (Rev. CoP15) and Resolution Conf. 9.19 (Rev. CoP15), and – in cases where the parental/breeding stock is itself issued from captive-breeding or artificial propagation, whether the operations that provided the specimens are registered as per Resolution Conf. 12.10 (Rev. CoP15) and Resolution Conf. 9.19 (Rev. CoP15); or
 - h) In addition to CITES national legislation, whether there is additional legislation or measures addressing captive-breeding of animals or artificial propagation of plants, including stricter domestic measures.

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 legally acquired.

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

25. Situations where a parental/founding 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.
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:
- a) Chronologically, whether it is a situation where a parental/founding 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 parental/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.

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.

- b) Legally, if the chronology can be established, it is then necessary to distinguish situations where a parental/founding stock was acquired before the species was listed on CITES from situations where the parental/founding stock was acquired before the Party concerned joined the Convention:
- i) If the parental/founding stock was acquired before the species was listed on CITES, it means that the species was not covered by the Convention. 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;
 - ii) However, if the parental/founding 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.