

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

Exemption and special trade provisions

REVIEW OF CITES PROVISIONS RELATED TO TRADE IN
SPECIMENS OF ANIMALS AND PLANTS NOT OF WILD SOURCE

1. This document has been prepared by Belgium and Canada as the co-chairs of the Standing Committee intersessional working group on the *Review of CITES provisions related to trade in specimens of animals and plants not of wild source*.*
2. At its 19th meeting (CoP19; Panama City, 2022), the Conference of the Parties adopted Decisions 19.179 and 19.180 on the *Review of CITES provisions related to trade in specimens of animals and plants not of wild source* as follows:

Directed to the Standing Committee, in consultation with the Animals and Plants Committees

19.179 *The Standing Committee shall:*

- a) *in consultation with the Animals and Plants Committees, develop specific terms of reference including modus operandi and a roadmap as appropriate, to guide the continuation of the review of trade in specimens of both CITES-listed animals and plants not of wild source;*
- b) *continue to consider amendments to Resolution Conf. 10.16 (Rev. CoP19) and Resolution Conf. 12.3 (Rev. CoP19), as well as any amendment to other Resolutions concerning provisions on trade in specimens of both CITES-listed animals and plants not of wild source, taking into account findings and suggestions in document SC74 Doc. 56 and any related comments and recommendations from the Standing Committee, Parties, the Secretariat or other stakeholders;*
- c) *review issues and challenges in the application of the Convention for trade in non-wild specimens of both CITES-listed animal and plant species, in particular key elements that may contribute to the uneven application of Article VII, paragraphs 4 and 5, and consider the scientific advice and guidance from the Animals and Plants Committees on the need for implementing these Articles differently for either animal specimens from species bred in captivity or plant specimens that are artificially propagated; and*
- d) *make recommendations for addressing these issues and challenges, including amendments to existing Resolutions or development of a new Resolution or Decisions to address these issues and challenges, for consideration at the 20th meeting of the Conference of the Parties.*

* *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.*

Directed to the Animals and Plants Committees

19.180 *In support of the Standing Committee's implementation of Decision 19.179, the Animals and Plants Committees shall, separately and together in their joint session:*

- a) *consider the key elements in the current implementation of Article VII paragraphs 4 and 5 for animals and plants, respectively, in the current applicable Resolutions;*
- b) *determine if there is a need to implement Article VII paragraphs 4 and 5 differently for either animal specimens from species bred in captivity or plant specimens that are artificially propagated than what is outlined in existing Resolutions, and provide their recommendations to the Standing Committee in time for its 78th meeting; and*
- c) *provide any other scientific advice and guidance on CITES provisions concerning trade in nonwild specimens of CITES-listed animal and plant species to the Standing Committee upon request and as appropriate.*

3. At its 76th meeting (SC76; Panama City, November 2022), the Standing Committee established an intersessional working group on the *Review of CITES provisions related to trade in specimens of animals and plants not of wild source* (SC76 SR). The membership of the intersessional working group was confirmed by the Standing Committee through Notification to the Parties [No. 2023/036](#) and the [mandate of the working group](#) is available on the CITES website. Belgium and Canada agreed to co-Chair the working group. As per Decision 19.179 paragraph a), the Standing Committee's intersessional working group will, in consultation with the Animals and Plants Committees, develop specific terms of reference including *modus operandi* and a roadmap as appropriate, to guide the continuation of the review of trade in specimens of both CITES-listed animals and plants not of wild source.
4. The working group conducted its work through electronic means. A draft roadmap was developed and circulated within the working group. A Notification to the Parties ([No. 2024/003](#)) was also issued by the Secretariat at the request of the co-chairs of the working group to allow all Parties to provide input on the draft roadmap as well as a list of questions contained in the Notification. The intention was to identify some of the risk-mitigation strategies and underlying policy assumptions being used in the application of the Convention to non-wild trade.
5. In line with the mandate, the Animals and Plants Committees provided their scientific advice, which can be found in the Annex to document PC27 Doc. 21 / AC33 Doc. 25 (Rev. 1). The advice concludes that "the consensus seems to lean towards a potentially lower conservation risk [in trade in specimens of non-wild source] when robust systems and practices are in place, but with some caution against generalizing this across all species and circumstances. While there are successful examples of reduced risks through trade in specimens from non-wild sources, challenges such as legal origin of parental / breeding stock, potential laundering, unsustainable stock supplementation, inadequate regulatory frameworks, and varying impacts depending on the species and local conditions make it necessary to evaluate each case individually." The Committees provided detailed thoughts on the factors that influence conservation risk and also noted that there can be benefits to trading in non-wild specimens, but the actual impact varies widely depending on the specific circumstances and management practices. These conclusions also suggest that the factors that influence conservation risk are not inherently different between flora and fauna; but rather the particular species biology and specific circumstances are more relevant indicators of risk.
6. Based on the input received from members of the working group as well as the input received from Parties and observers in response to Notification to the Parties No 2024/003, it is clear that the original implicit assumption inherent in the Article VII, Paragraphs 4 and 5 exemptions are still pertinent; that there is a reduced conservation risk in trade of specimens from non-wild source. In addition, it can be concluded that the measure of risk is dependent on the species biology and the management controls in place.
7. In line with the agreed roadmap and based on the analysis by the Scientific Committees and the responses received to Notification No. 2024/003, the working group intended to examine the current implementation of Article VII, Paragraphs 4 and 5 and determine if this implementation responds appropriately and proportionately to the risk identified. However, the working group was not able to advance further on the matter.

8. While we were unable to fully meet the given mandate, as co-Chairs, we feel the discussion remains highly important as it touches upon a large part of today's trade in CITES-listed species. Thus, as co-Chairs, we shared our views and options for potential ways forward with the working group, as follows:

The overall aim [of the working group] was to develop a common understanding of modern trade in animal specimens that have been bred in captivity and plant specimens that are artificially propagated and how the provisions of the Convention, in particular Article VII Paragraphs 4 and 5 should be applied to this trade. We wanted to know the view of working group members on how trade evolved over the years, on the risk related to trade in non-wild specimens and on the potential impacts to populations in the wild. The intention was to take a step back from the current framework and to see if all the assumptions on which decisions in the past were built are still correct and to see if the current system is still fit for purpose. Our intention was to really try to do an objective evaluation of the current framework, and then take it from there. However, the discussions so far suggest that, while the main underlying assumption of reduced conservation risk is valid, there is little appetite to look at the larger implementation picture, in terms of examining if the current structure in relation to trade in non-wild specimens is useful and if it is mitigating the actual risks and thus achieving the goals of the Convention: to make sure that trade is not endangering species in the wild. It is thus our understanding, based on the input received, that Parties may not be ready to undertake this evaluation, or perhaps simply do not have the time to engage in such discussions. It seems clear to us that a working group that will only work through electronic means will not be able to adequately debate and resolve these bigger issues. At this stage, we therefore suggest that the Standing Committee carefully reflects what it intends to do with this working group and its mandate. A dedicated workshop may be a more appropriate means to get substantial results (realizing this will require external funding and also requires an investment of time and energy of human resources). However, in our view a simple continuation of the current set-up will not yield much results. Ultimately it's up to the Standing Committee members to decide on the path forward. In this regard, we see three possible options that could be proposed to the Committee as follows:

Option 1: To note the report of the working group and propose to CoP20 to delete Decision 17.179 along with Decision 17.180;

Option 2: To note the progress to date and ask CoP20 to renew Decision 17.179 for the next intersessional period with relevant updates to acknowledge the advice already delivered from the Animals and Plants committees; or

Option 3: To draft a new decision replacing Decision 17.179 that would request, subject to availability of resources, the Committee convene a workshop, building on the work done to date, to undertake the activities remaining (regarding reviewing the application of the Convention for trade in non-wild specimens and forming recommendations).

9. Based on the feedback of the members of the working group, option 3 was the only option that received support. Working group members who responded did not favour simply deleting the existing Decisions, pointing to various issues and challenges that, in their view, still merited discussions. Further, the respondents agreed that continuing via electronic means was not favourable to the complex discussion needed. In supporting option 3, respondents provided views on how to ensure a successful workshop approach, including focussing on specific facts, case studies, or exchanges of experiences that outline the risks and benefits of such trade for species, as well as discussion of challenges with implementation in a manner that results in practical conclusions about favourable and unfavourable trade conditions and subsequently, recommendations for relevant improvements to existing processes.

Recommendations

10. The Standing Committee is invited to:
- a) take note of the report of the working group and relevant background documents;
 - b) take note of the analysis and conclusions from the Animals and Plants Committee as found in document PC27 Doc. 21 / AC33 Doc. 25 (Rev. 1) including those referenced in paragraph 5 of this document; and
 - c) in consideration of the outstanding issues and the key questions that remain on the implementation of Article VII, paragraphs 4 and 5, agree to submit to COP 20 new draft decisions found in the Annex to the present document to replace Decision 19.179 and 19.180 and which request, subject to availability

of external funding, to convene a workshop building on the work done to date, to undertake the activities remaining from Decision 19.179 b) to d) regarding reviewing the application of the Convention for trade in non-wild specimens and forming recommendations.

DRAFT DECISIONS ON REVIEW OF CITES PROVISIONS
RELATED TO TRADE IN SPECIMENS OF ANIMALS AND PLANTS NOT OF WILD SOURCE

Directed to the Secretariat

20.AA Subject to the availability of extrabudgetary resources and taking into consideration documents SC74 Doc. 56, PC27 Doc. 21 / AC33 Doc. 25 (Rev. 1), SC78 Doc. 62, Resolution Conf. 10.16 (Rev. CoP19) on *Specimens of animal species bred in captivity*, Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*, as well as any other Resolutions concerning provisions on trade in specimens of both CITES-listed animals and plants not of wild source, and relevant committee reports, the Secretariat shall:

- a) consult the Chairs of the Standing Committee and the Animals and Plants Committees and develop specific terms of reference and a *modus operandi* for a technical workshop on the review of trade in specimens of both CITES-listed animal and plants not of wild source in order to address the following:
 - i) possible amendments to Resolution Conf. 10.16 (Rev. CoP19) and Resolution Conf. 12.10 (Rev. CoP19), as well as any amendment to other Resolutions concerning provisions on trade in specimens of both CITES-listed animals and plants not of wild source, taking into account findings and suggestions in document SC74 Doc. 56 and any related comments and recommendations from the Standing Committee, Parties, the Secretariat or other stakeholders;
 - ii) review issues and challenges in the application of the Convention for trade in non-wild specimens of both CITES-listed animal and plant species, in particular key elements that may contribute to the uneven application of Article VII, paragraphs 4 and 5, and consider the scientific advice and guidance from the Animals and Plants Committees in document PC27 Doc. 21 / AC33 Doc. 25 (Rev. 1) and the summary records of the meetings on the need for implementing these Articles differently for either animal specimens from species bred in captivity or plant specimens that are artificially propagated; and
 - iii) develop draft recommendations for addressing these issues and challenges, including draft amendments to existing Resolutions or development of a new Resolution or Decisions to address these issues and challenges, for consideration by the Standing Committee;
- b) prepare workshop documents and organize the technical workshop taking into consideration regional and gender representation; and
- c) submit findings and recommendations of this workshop to the Standing Committee for their consideration.

Directed to the Standing Committee

20.BB The Standing Committee shall consider the report of the workshop referred to in Decision 20.AA and submit recommendations to the 21st meeting of the Conference of the Parties.