

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



Sixty-sixth meeting of the Standing Committee
Geneva (Switzerland), 11-15 January 2016

Interpretation and implementation of the Convention

Exemptions and special trade provisions

REPORT OF THE WORKING GROUP ON CAPTIVE BREEDING

This document has been prepared by the working group on Captive breeding in relation to agenda item 41 and submitted at the request of the Standing Committee at its second session.

The membership of the working group was as follows: Canada, China, Colombia, European Union, France, Indonesia, Israel, Japan, Mexico, New Zealand (Chair), Niger, South Africa, the United Arab Emirates, the United States of America, Viet Nam, the Chair of the Animals Committee, UNEP-WCMC, the International Union for Conservation of Nature (IUCN), TRAFFIC, the Lewis & Clark College, the Natural Resources Defense Council, and the Humane Society International.

The working group recommended that the Standing Committee propose that the Conference of the Parties make the following decisions:

Proposed Decisions:

Directed to the Secretariat

The Secretariat shall review ambiguities and inconsistencies in the application of Article VII paragraphs 4 and 5, Resolution Conf. 10.16 (Rev.), Resolution Conf. 12.10 (Rev. CoP15), Resolution Conf. 11.11 (Rev. CoP15), Resolution Conf. 9.19 (Rev. CoP15) and Resolution Conf. 12.3 (Rev. CoP16) as it relates to the use of source codes R, F, D, A and C, including the underlying CITES policy assumptions and differing national interpretations that may have contributed to uneven application of these provisions, as well as the captive breeding issues presented in SC66 Doc. 17, submit the review to Parties and stakeholders for comments through a notification, and submit its conclusions and recommendations along with the comments of Parties and stakeholders to the Standing Committee.

Directed to the Standing Committee

The Standing Committee shall review the conclusions and recommendations of the Secretariat under Decision 17.XX and make recommendations to the Conference of the Parties as appropriate.

Directed to the Animals Committee

The Animals Committee shall review the differences in the nature of non-detriment findings made for specimens with source code W, R and F and provide guidance for Parties, to be sent to the Secretariat for inclusion in the section for non-detriment findings on the CITES website referred to in Resolution Conf. 16.7.

Directed to the Secretariat

The Secretariat shall, subject to external funding, engage in a capacity-building project using materials prepared under Decisions 16.63 a) vii) and 15.52 a). This project should involve all regions and a variety of taxa. The Secretariat shall report to the Standing Committee on the work undertaken under the present Decision.

The working group makes the following additional recommendations:

Recommendation on resource implications

The working group recommends that, in line with Resolution Conf. 4.6 (Rev. CoP16), the Secretariat be asked to estimate resource implications for the Animals Committee, Standing Committee and the Secretariat, in order that they be fully considered by CoP17.

Recommendation on preambular language for Resolution Conf. 12.8 (Rev. CoP13)

The working group recommends that the Standing Committee recommend to CoP17 that Resolution Conf. 12.8 (Rev. CoP13) Review of Significant Trade in Specimens of Appendix-II species be amended to include the following new preambular paragraph:

Noting that Resolution Conf. 4.25 (Rev. CoP14) recommends that any Party having entered a reservation with regard to any species included in Appendix I treat that species as if it were included in Appendix II for all purposes, including documentation and control.

The working group recommends that the Standing Committee propose the following resolution be adopted at the Seventeenth Meeting of the Conference of the Parties:

REVIEW OF TRADE IN ANIMAL SPECIMENS REPORTED AS PRODUCED IN CAPTIVITY

CONSIDERING that the Convention provides, in Article VII, paragraphs 4 and 5, for special treatment of animal specimens that are bred in captivity as defined in Res. Conf. 10.16 (Rev);

NOTING that, in accordance with Article VII, paragraph 4, animal specimens of Appendix-I species bred in captivity for commercial purposes shall be deemed to be specimens of species included in Appendix II and that therefore they shall be traded in accordance with the provisions of Article IV;

NOTING that, in accordance with Article VII, paragraph 5, the certification from the Management Authority of the State of export that it is satisfied that the specimen of an animal species was bred in captivity or is part of such an animal or was derived therefrom shall be accepted in lieu of any of the permits or certificates required under the provisions of Article III, IV or V;

RECOGNISING that specimens in trade are derived from a variety of captive production systems, which are attributed to different source codes as defined by Res. Conf. 12.3 (Rev. CoP16);

RECOGNISING that captive breeding, and other captive production systems, can have a number of benefits compared with direct harvests from the wild;

CONCERNED that the incorrect application of source codes and/or misuse or false declaration of source codes can reduce or negate such benefits where they exist, have negative implications for conservation and undermine the purpose and effective implementation of the Convention;

FURTHER CONCERNED that in addition to inadvertent misuse of source codes, there is growing evidence of cases of illegal trade in wild-caught specimens of CITES-listed species, through fraudulent claims that wild-caught specimens are captive bred;

FURTHER CONCERNED that in some cases there are doubts as to the legal origin of the parental stocks of captive bred specimens including specimens that are bred outside their natural range;

ACKNOWLEDGING that the intent of the Review Of Trade In Animal Specimens Reported As Produced In Captivity is to ensure that such trade is conducted in accordance with provisions of the Convention and to identify remedial actions where needed to ensure trade is not detrimental to the survival of wild species and to advance the purpose and effective implementation of the Convention;

EXPECTING that the implementation of recommendations and actions resulting from the Review Of Trade In Animal Specimens Reported As Produced In Captivity will improve the capacity of the Parties to properly assess that specimens are genuinely produced by the captive production system claimed;

AFFIRMING that the Review of Trade in Animal Specimens Reported as Produced in Captivity should be transparent, timely and simple;

NOTING the Guide to CITES compliance procedures found in Resolution Conf. 14.3 (CITES compliance procedures);

NOTING further that there are existing mechanisms to address urgent issues of non-compliance with the Convention, including Article XIII and Resolution Conf. 11.3 (Compliance and enforcement), and that this resolution complements these existing mechanisms;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DIRECTS the Animals and Standing Committees, in cooperation with the Secretariat, relevant experts and in consultation with Parties, to review biological, trade and other relevant information regarding animal species subject to significant levels of trade using source codes C, D, F or R, to identify problems associated with the implementation of the Convention and to develop solutions in accordance with the following procedure.

Stage 1 – Identification of species-country combinations for review

a) Within 90 days after each regular meeting of the Conference of the Parties to the Convention, subject to the availability of funds, the Secretariat shall produce a summary from the CITES Trade Database of annual report statistics of species traded, derived from the five most recent years, under source codes C, D, F or R and will undertake, or appoint consultants to undertake, an analysis of such data to identify species-country combinations for review using the following criteria:

- i. significant increases in trade in specimens declared as captive-produced (source codes C, D, F and R);
- ii. trade in significant numbers of specimens declared as produced in captivity;
- iii. shifts and fluctuations between different captive-production source codes;
- iv. inconsistencies between source codes reported by exporting and importing Parties for specimens declared as produced in captivity;
- v. apparent incorrect application of captive production codes such as: 'A' for animal species or 'D' for Appendix-I species that have not been registered in compliance with the provisions of Res. Conf. 12.10 (Rev. CoP15);
- vi. trade from non-range States of specimens produced in captivity with no evidence of lawful acquisition of parental breeding stock (*i.e.*, no recorded imports).

b) The Secretariat shall also compile any other relevant information made available to it, with respect to concerns about captive production, including any cases identified from the Review of Significant Trade under Res. Conf. 12.10, referred to it by Parties or available in relevant reports.

c) The Secretariat shall provide the outcome of the analyses in a) and a compilation of information from b) to the first regular meeting of the Animals Committee following a meeting of the Conference of the Parties. The Animals Committee may select a limited number of species-country combinations for review; urgent enforcement matters identified at this stage should be referred to the Secretariat and the Party concerned and subsequently reported to the Standing Committee.

d) In exceptional cases, outside steps a)-c) above, and where new information provided to the Secretariat indicates that urgent action may be needed concerning problems relating to the implementation of provisions under the Convention for captive production of specimens, the Secretariat:

- i. shall verify that the proponent has provided a justification for the exceptional case, including supporting information;
- ii. shall produce a summary and analysis of trade from the CITES Trade Database in relation to the species-country combination; and
- iii. provide the information from i) and ii) above, as soon as possible to the Animals Committee or Standing Committee, as appropriate, for their inter-sessional review and decision on whether to include the species-country combination in the next stage of the review process.

Stage 2 – Consultation with countries and compilation of information

e) The Secretariat shall, within 30 days after the relevant meeting of the Animals Committee, notify the country or countries concerned that species produced in captivity in their country have been selected for review, and provide them with an overview of the review process and an explanation for the selection. The Secretariat shall ask the country or countries to provide information, within 60 days, in response to general or specific questions, developed by the Animals Committee, to determine if the correct source codes have been used, under the applicable Resolutions, for specimens claimed to be produced in captivity.

f) 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.

Stage 3 – Review and recommendation by the Animals and Standing Committee

g) The Animals Committee shall, at their second meeting following a regular meeting of the Conference of the Parties, review the responses from Parties, any review commissioned by the Secretariat and any additional relevant information, and determine if trade is in compliance with Article III and Article IV of the Convention, as well as Article VII, paragraphs 4 and 5. If trade is in compliance, the species-country combination will be excluded from the review and the Secretariat will inform the country or countries of this outcome within 60 days.

h) Where a species-country combination is retained within the review and the Animals Committee identifies concerns appropriately within its remit, the Animals Committee shall, in consultation with the Secretariat, formulate draft recommendations directed to the relevant Party which are time-bound, feasible, measurable, proportionate, transparent and which, if appropriate, aim to promote capacity building and enhance the ability of the country to implement relevant provisions of the Convention.

The Secretariat shall transmit these draft recommendations and supporting information, from the Animals Committee to the next meeting of the Standing Committee for their review, revision if necessary, and endorsement;

i) Where a species-country combination is retained within the review and the Animals Committee identifies concerns that are more appropriately considered by the Standing Committee, the Secretariat shall refer the issue to the next meeting of the Standing Committee, including any observations from the Animals Committee.

j) The Secretariat shall, within 30 days of the meeting of the Standing Committee in h) and j), transmit the combined recommendations of the Standing and Animals Committees to the country or countries concerned and also provide the country or countries with relevant guidance, such as on the correct application of source codes, and means by which their capacity to deal with captive production issues might be enhanced.

Stage 4: Measures to be taken regarding the implementation of recommendations

k) The Secretariat shall monitor progress against the recommendations, taking account of the different deadlines, and, following consultation with the Chairs and members of the Standing and Animals Committees, determine whether the recommendations referred to above have been implemented;

i. where the recommendations have been met, the Secretariat shall, following consultation with the Chair of the Standing Committee, notify the Parties that the species-country combination was removed from the review process; or

ii. when the recommendations are not deemed to have been met (and no new information is provided), the Secretariat shall, in consultation with the Chairs and members of the Standing and Animals Committees, recommend to the Standing Committee appropriate action, which may include, as a last resort, a recommendation to suspend trade in the affected species with that State ; or

iii. where the recommendations are not deemed to have been met or have been partially met, and there is new information suggesting the recommendation may require updating, the Secretariat shall request the Chair and members of the Standing and Animals Committees to prepare a revised recommendation, keeping in mind the principles that recommendations should be time-bound, feasible, measurable, proportionate, transparent, and should promote capacity building. The Secretariat shall provide the revised recommendation to the countries within 30 days of its drafting.

l) The Secretariat shall report to the Standing Committee on its evaluation of the implementation of the recommendations, including the rationale for its evaluation, and a summary of the views expressed by the Animals Committee. The Secretariat shall additionally report on any further actions taken by the Animals Committee in the case of countries where new information has resulted in revised recommendations;

m) For countries where recommendations are not deemed to have been met, the Standing Committee shall decide on appropriate actions and make recommendations to the country or countries concerned, keeping in mind that these recommendations should be time-bound, feasible, measurable, proportionate, transparent, and should, if appropriate, promote capacity building. In exceptional circumstances, where the country under

* *In addition, Res. Conf. 14.3 shall be amended; there should be a reference in Res. Conf. 14.3 (footnote 1 to paragraph 30) to this new resolution.*

consideration provides new information on the implementation of the recommendations to the Standing Committee, the Standing Committee shall consult intersessionally with the Animals Committee through the Chair prior to making a decision on appropriate action;

n) The Secretariat shall notify the Parties of any recommendations or actions taken by the Standing Committee;

o) Any recommendation by the Standing Committee to suspend trade in the affected species with the country concerned should be withdrawn only when that country demonstrates to the satisfaction of the Standing Committee, through the Secretariat, in consultation with the Chair and members of the Animals Committee, compliance with the provisions of the Convention with respect to the captive production of specimens; and

p) The Standing Committee, in consultation with the Secretariat and the Chair of the Animals Committee, shall, where appropriate, review recommendations to suspend trade that have been in place for longer than two years, consult with the relevant country, evaluate the reasons why this is the case, and, if appropriate, take measures to address the situation.

Stage 5: Regarding capacity building, monitoring, reporting, and evaluating the review process

DIRECTS the Secretariat, for the purpose of monitoring and facilitating the implementation of this Resolution and the relevant provisions of the Convention:

a) To report at each meeting of the Standing and Animals Committee on the implementation, by the countries concerned, of the recommendations made by the Standing and Animals Committee; and

b) To maintain a record of species-country combinations that are included in the review process set out in this Resolution, including a record of progress with implementation of recommendations;

DIRECTS the Secretariat to include training on this review process of specimens produced through captive production as part of its capacity-building activities related to the implementation of the Convention;

DIRECTS the Standing and Animals Committees, in consultation with the Secretariat, to periodically evaluate the outcomes of this Review by, for example, examining a sample of past species-country combinations to assess whether the desired result was achieved. Based on these evaluations, the Standing and Animals Committees should propose revisions to the review process as necessary. In these periodic evaluations, feedback should be sought from countries that have been through the review process.