

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



Sixty-ninth meeting of the Standing Committee
Geneva (Switzerland), 27 November -1 December 2017

Interpretation and implementation matters

General compliance and enforcement

Disposal of confiscated specimens

REPORT OF THE SECRETARIAT

1. This document has been prepared by the Secretariat.

Introduction

2. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*. At the same time, the Conference of the Parties adopted Decisions 17.118 and 17.119 directed to the Secretariat and to the Standing Committee, respectively:

Decision 17.118

The Secretariat is requested to:

- a) *subject to the availability of external funding, develop a questionnaire to be distributed to Parties or gather information by other means, such as a workshop or oral interviews, which would review the use and usefulness of the guidelines contained in three annexes to the Resolution Conf. 17.8 on Disposal of illegally traded and confiscated specimens of CITES-listed species for Parties in disposal of confiscated live animals and plants as well as evaluate current practice;*
- b) *subject to the availability of external funding, conduct an analysis of available data on the disposal of confiscated live animals and plants collected through inter alia the biennial reports or other special reports; and*
- c) *submit this information to the Standing Committee for its consideration.*

Decision 17.119

The Standing Committee should consider how and to which extent the content of the new, merged Resolution Conf. 17.8 should be adapted at its 69th meeting. It should also evaluate the results of the activities conducted by the Secretariat under Decision 17.118 and consider how to incorporate these results into the guidelines (included in the Annexes of Resolution Conf. 17.8). The Standing Committee should propose amendments to Resolution Conf. 17.8, including the annexes, accordingly, and report on its work to the 18th meeting of the Conference of the Parties.

Implementation of Decision 17.118

3. At its 68th meeting, the Standing Committee agreed that Israel and Switzerland would be the two co-leads for its work on disposal of confiscated specimens. In accordance with Decision 17.118 and in collaboration

with the co-leads, the Secretariat developed a questionnaire to review the use and usefulness of the CITES guidelines for the disposal of confiscated live specimens contained in the three annexes to Resolution Conf. 17.8 and to evaluate current practice of disposal of such specimens. The questionnaire was revised in consultation with the members of the previous working group, and was made available to Parties as an online survey through Notification to Parties No. 2017/045 of 15 June 2017. The Secretariat is grateful to Switzerland for the financial support to producing the online survey.

4. A total of 75 completed responses were received to the questionnaire regarding a total of 58 countries. Two-thirds (50) were submitted by Management Authorities and the remainder was from Scientific Authorities, enforcement authorities, customs, rescue centres, and national and international non-governmental organizations. The Secretariat would like to express its sincere appreciation to the Parties and other respondents who took the time and effort to respond to the survey. This will provide a valuable input to the working group on disposal of confiscated specimens to be formally established at the present meeting.
5. The questionnaire consisted of five sections related to: (i) respondent information, (ii) current practice and related challenges in relation to the disposal of confiscated live animals and plants, (iii) decision-making processes/action plans in place, (iv) national legislation and (v) records of confiscated specimens. The results of the survey in the each of the five sections are provided in the Annex to this document. As instructed by the Conference of the Parties, the survey results are complemented with a short section of information drawn from the biennial reports.
6. Some of the main results of the survey include the following:

Current practice on the disposal of illegally traded and confiscated specimens of CITES-listed species

- a) Parties mostly use placing in zoos etc. when disposing of live animals, rather than returning them to the country of export. Euthanasia seems to be used as a last resort or when the state of the animal justifies this solution. Sale as a means for disposal is only used for specimens of Appendix II listed species.
- b) The biggest challenges faced by Parties relate to the recovery of costs of seizure, confiscation and disposal and to the return to the State of export.
- c) Seizures and confiscations of live plants are less frequent than for live animals and pose fewer challenges. The most frequently used disposal option for live plants is, by far, placing in botanical gardens, nature parks, etc.
- d) Forty-three per cent of the Parties have less than five suitable public or private facilities (rescue centres) to receive confiscated live animals. Only five Parties have submitted a list of their facilities to the Secretariat.
- e) Regarding the recordkeeping on seizures and confiscations, most responded that this is the responsibility of the Management Authority. Of the 58 participating Parties, 55 Parties had confiscated live animals in the past three years, while 35 had confiscated live plants.
- f) Sixty-three per cent of the Parties have specific provisions in national legislation which may regulate the procedure for the decision-making and impose or exclude specific options for the disposal of live specimens.

On the use and usefulness of the guidelines contained in three annexes to the Resolution Conf. 17.8

- g) Well over half of the Parties in the survey (68 percent) always or occasionally use the guidance contained in Annexes 1 and 2 of Resolution Conf. 17.8 and over 80% find the guidance in the two annexes either useful or very useful.
 - h) In contrast, 28 of the 58 Parties have an established decision-making procedure/plan of action to be followed for the disposal of a confiscated live specimen (animal or plant) as recommended by Annex 3 of Resolution Conf. 17.8; while 37 do not.
7. In responding to Decision 17.118 to *review the use and usefulness of the guidelines and evaluate current practice*, the Secretariat would like to offer the following preliminary conclusions:

- a) The guidelines for disposal of confiscated live animals and plants, contained in Annexes 1 and 2 of Resolution Conf. 17.8 are used by 51 Parties who generally find them useful.
- b) The current practice generally seems to be in line with the spirit of Resolution Conf. 17.8. However, relatively few Parties have established an action plan according to the guidance in Annex 3 of the Resolution, although they have adopted a number of the measures recommended for inclusion in the action plan (for instance in legislation).
- c) There might be justification for encouraging Parties to use the guidelines in Annex 1 and 2 more, e.g. through better distribution. In this context, the Secretariat would like to note that it is currently preparing a dedicated webpage on the disposal of confiscated specimens. It might further be considered to revise Annex 3.
- d) Recovering the costs associated with the disposal seems to be the largest challenge. It is recalled that Resolution Conf. 17.8, in paragraph 5 a), recommends that Parties make legislative provisions in this regard.

Recommendations

- 8. The Secretariat recommends that the Standing Committee request its working group on disposal of confiscated specimens to take into account the results of the survey undertaken by the Secretariat contained in the Annex to the present document, interventions at the present meeting as well as any other relevant information in implementing Decision 17.119.

RESULTS OF THE SURVEY ON DISPOSAL OF CONFISCATED LIVE SPECIMENS

Section 1: Respondent information

1. The questionnaire consisted of five sections related to: (i) respondent information, (ii) current practice and related challenges in relation to the disposal of confiscated live animals and plants, (iii) decision-making processes/action plans in place, (iv) national legislation and (v) records of confiscated specimens.
2. A total of 75 completed responses were received to the questionnaire regarding a total of 58 countries. Two-thirds (50) were submitted by Management Authorities and the remainder was from Scientific Authorities, enforcement authorities, customs, rescue centres, national and international NGOs. The Secretariat asked for full name, affiliation and emails of all respondents to ensure that respondents were credible and to be able to follow up as necessary. Responses related to Parties from all six CITES regions were received as follows:

Asia (9): China, India, Iraq, Japan, Jordan, Singapore, Thailand, United Arab Emirates, Viet Nam

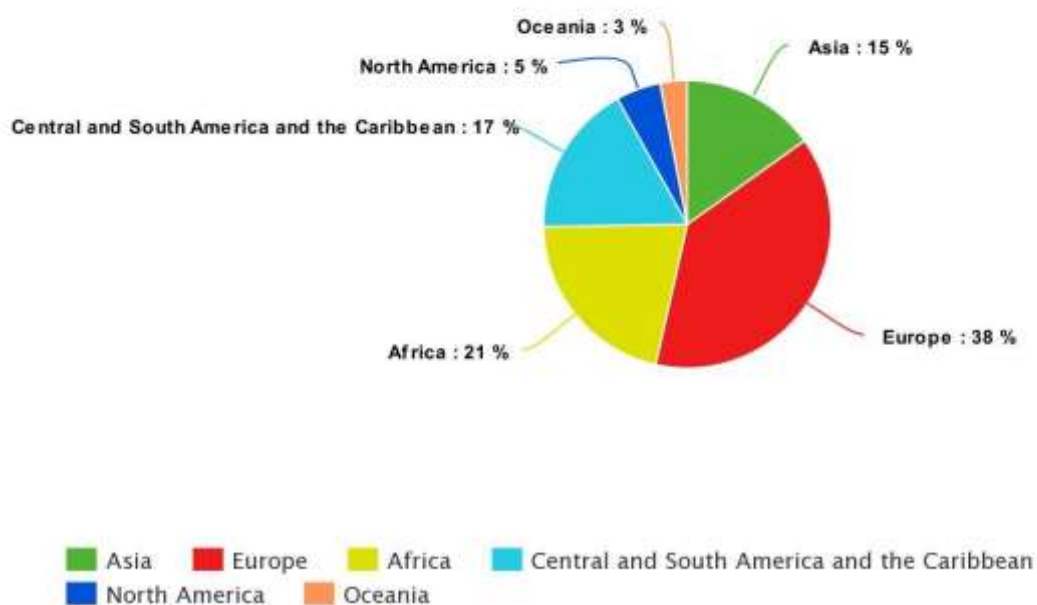
Europe (22): Austria, Belgium, Bosnia and Herzegovina, Czech Republic, Denmark, Estonia, France, Georgia, Germany, Israel, Italy, Latvia, Monaco, Montenegro, Netherlands, Poland, Russian Federation, Slovakia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland

Africa (12): Benin, Burkina Faso, Côte d'Ivoire, Democratic Republic of the Congo, Kenya, Madagascar, Mauritania, Morocco, Somalia, Togo, Tunisia, Uganda

Central and South America and the Caribbean (10): Bahamas, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Panama, Peru, Venezuela (Bolivarian Republic of)

North America (3): Canada, Mexico, United States of America

Oceania (2): Australia, New Zealand



Section 2: Practices, challenges and issues related to disposal of live specimens

A. Animals

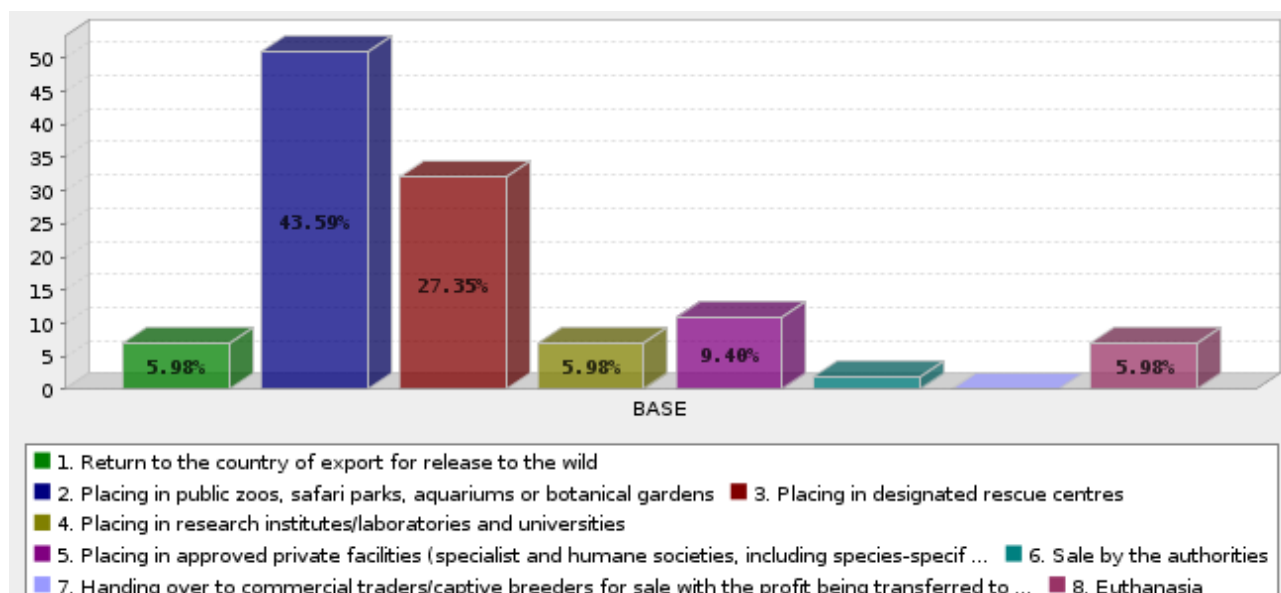
Practice

3. With regard to the options available to Parties to dispose of live animals, respondents were invited to indicate all the options available in their country. Where applicable, respondents were invited to provide details on the mechanisms/criteria used for deciding the different options for disposal of live animals or for selecting a suitable public or private facility. It is beyond the scope of this document to provide these details but a list of some the elements provided by the respondents is included in Annex 2.

Disposal option available in countries	Number of countries	Percent
Return to the country of export for release to the wild	47	17.47
Euthanasia	31	11.52
Placing in public zoos, safari parks, aquariums or botanical gardens	61	22.68
Placing in designated rescue centres	51	18.96
Placing in research institutes/laboratories and universities	28	10.41
Placing in approved private facilities (specialist and humane societies, including species-specific sanctuaries)	32	11.90
Sale by the authorities	9	3.35
Handing over to commercial traders/captive breeders for sale with the profit being transferred to the authorities	1	0.37
Other	9	3.35
Total	269	100%

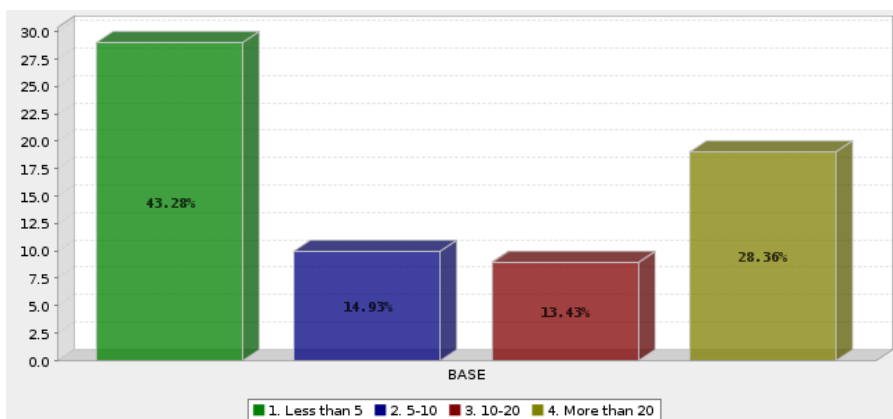
4. Respondents indicated that the most frequently used option by far is the placing in public zoos, safari parks, or aquariums. Placing in designated rescue centres is also a frequently used option. Handing over to authorized breeders for non-commercial purposes was indicated as an available option by 1 respondent, but does not seem to be used at all in practice.

Most frequently used options for disposal of live animals:



5. As placing in designated rescue centres is the second most used option for disposal, it is interesting to understand if rescue centres are available to the authorities. When asked approximately how many rescue centres are available in the country to receive seized and confiscated live animals, respondents indicated the following:

Number of rescue centres available



6. With respect to the disposal options most used for different taxonomic groups, the survey indicated the following:

Disposal option	Mainly used for the following taxonomic groups
Return to the country of export for release to the wild:	Parrots
Placing in public zoos, safari parks, aquariums or botanical gardens:	Primates, carnivores, parrots, snakes
Placing in designated rescue centres:	Carnivores
Placing in research institutes/laboratories and universities:	Others (invertebrates, fish, etc.)
Placing in approved private facilities (specialist and humane societies, including species-specific sanctuaries):	Parrots, snakes
Sale by the authorities:	Parrots (1) and no other taxonomic group
Handing over to commercial traders/captive breeders for sale with the profit being transferred to the authorities:	None
Euthanasia:	Primates, parrots, lizards, turtles

7. The survey further asked if the use of disposal option was different for specimens of species in different Appendices. Interestingly, there was no noticeable difference in the use of the disposal options to reflect whether the species concerned was listed in Appendix I, II or III, except that sale is never used with regard to Appendix I-listed species and that return to the country of export for release to the wild is more used with regard to Appendix-I-listed species than Appendix-II or -III listed species. One might have expected that euthanasia would be more used for specimens of Appendix-III listed species than for Appendix I- or II-listed species, but that was not the case. For species listed in all three Appendices, placing in public zoos and designated rescues centres, etc. were the most used options, corresponding to the result above.

Challenges

8. Moving to the challenges in relation to the disposal of live animals, the results vary considerably from response to response. Some Parties face many or significant challenges with the number of animals they have to dispose of (almost 50 per cent), while others have no challenges (25 per cent). This may be explained by the number of seizures actually undertaken by the concerned State. The full overview of the challenges presented by various aspects related to disposal of live animals are included in the table below:

Aspects	No challenges (per cent)	Few challenges (per cent)	Many challenges (per cent)	Significant challenges (per cent)
Record keeping of seizures and confiscations of live animals	30	28	20	8
Number of living animals seized and confiscated	23	27	30	20
Certain taxonomic groups	44	15	31	10
Certain specific species	71	16	39	4
Availability of rescue centres and other facilities	11	33	29	27
Capacity of rescue centres and other facilities	12	31	31	25
Recovery of costs of seizure, confiscation and disposal from the offender	8	15	38	38
Return to the state of export	17	12	32	42
Access to expert advice and knowledge	25	38	25	12
Safe and appropriate custody of live animals until final disposal	23	23	41	12
Collaboration with other Parties to the Convention	36	32	22	10
Collaboration between relevant national authorities	32	42	18	8
Quarantine requirements	23	39	27	11

9. However, some aspects present challenges for most Parties: 76 per cent of the respondents indicated that recovery of the costs of seizure, confiscation and disposal from the offender presented many or significant challenges. Furthermore, return to the State of export presented many or significant challenges for 74 per cent of the Parties. At the same time, collaboration with other Parties to the Convention presented no or few challenges for 68 per cent of the Parties, while 33 per cent indicated that the Party experienced financial challenges with regard to return to the country of export.
10. With respect to financial challenges, the respondents indicated that their country experiences financial challenges with regard to permanent care (45 per cent) and return to the State of export (33 per cent), as well as other aspects (22 per cent).
11. In their comments on this part of the survey, several respondents noted that large numbers of confiscated live animals, e.g. hundreds of turtles, parrots or marine species, in a single shipment present challenges both in terms of placing and in terms of costs. Also the capacity of adequate rescue centres was mentioned as a challenge. Quarantine requirements also present challenges for some Parties.
12. Authorities from two different Parties noted that euthanasia was used for species with relatively low conservation value, such as Nile crocodiles or *Python regius* because neither zoos nor private collectors were interested in receiving them. However, it was also noted that using euthanasia for disposal could present communication challenges towards the general public; the growing influence of animal rights associations within CITES also needed to be taken into account.
13. The issue of delays during the investigations and trial and the need for temporary care were raised by several respondents. Interestingly, one enforcement authority noted that their national legislation provide for the live illegal animals to be kept by the offender until the court case has taken place, where relevant and possible. This reduces costs and minimise the stress for the animal. If the offender dispose of the animal during the investigation and trial, he/she may be charged with preventing the course of justice.

B. Plants

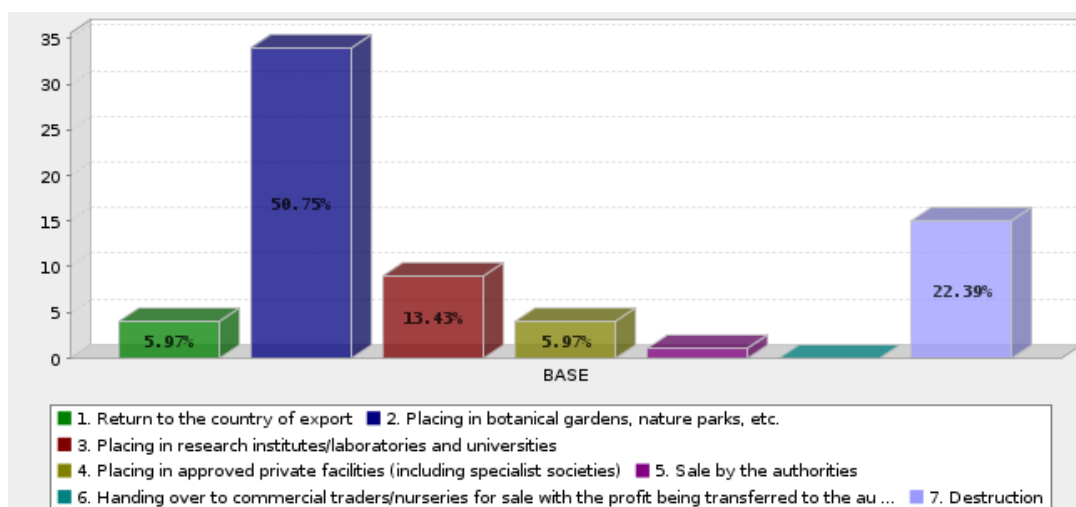
Practice

14. Many respondents noted that seizure/confiscation of plants is less frequent or has never occurred. Therefore, some of the results of the survey provided below are based on responses by relatively fewer respondents. With regard to the options available to Parties to dispose of live plants, respondents were invited to indicate all the options available in their country:

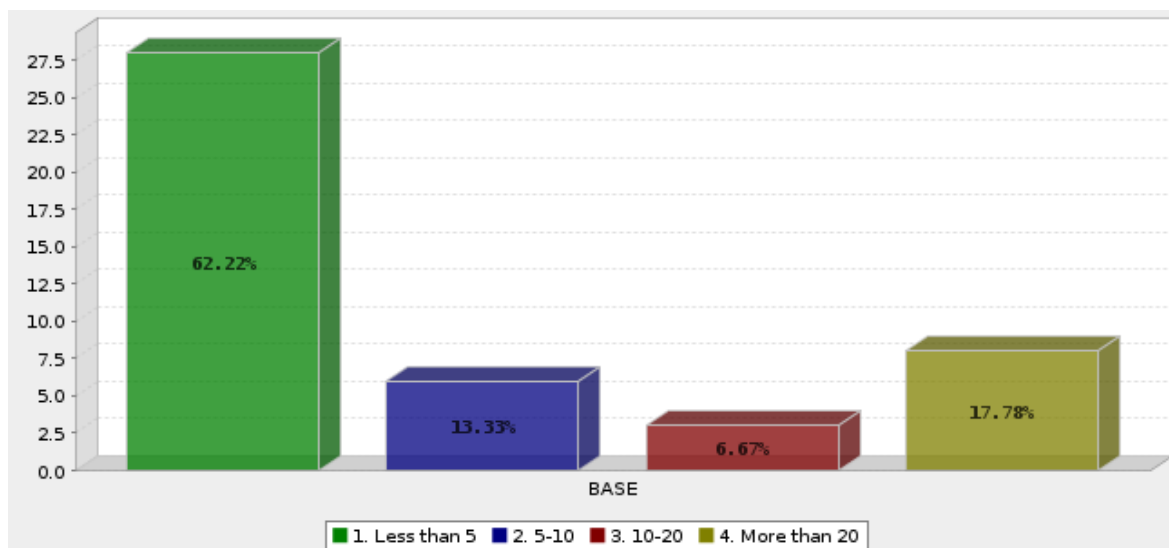
Disposal option available in countries	Number of countries	Percent
Return to the country of export	29	16.02
Destruction	36	19.89
Placing in botanical gardens, nature parks, etc.	42	23.20
Placing in research institutes/laboratories and universities	32	17.68
Placing in approved private facilities (including specialist societies)	18	9.94
Sale by the authorities	9	4.97
Handing over to commercial traders/nurseries for sale with the profit being transferred to the authorities	2	1.10
Other	13	7.18
Total	181	100

15. By far, the most frequently used disposal option was placing in botanical gardens, nature parks etc. (51 per cent). The full overview of the options most used is included in the table below:

Most frequently used disposal option



16. As in the case of disposal of live animals, the most frequent used options maintain the specimens alive and it is therefore critical that sufficient places exist to receive the specimens. When asked, approximately how many rescue centres are available in the country to receive confiscated live plants, respondents indicated the following:



17. The disposal options most used for the different taxon are as follows:

Disposal option	Mainly used for the following groups
Return to the country of export for release to the wild:	Orchids, cacti
Placing in botanical gardens, nature parks, etc	Orchids
Placing in research institutes/laboratories and universities:	Cacti, orchids
Placing in approved private facilities (including specialist societies):	Orchids
Sale by the authorities	None
Handing over to commercial traders/nurseries for sale with the profit being transferred to the authorities	None
Destruction	Orchids, plant bulbs, cacti, other

18. With regard to the use of the disposal options for species included in the three Appendices, responses indicated a variety in the use of disposal options, according to the Appendix of the species, unlike the situation for animals. For instance, only Appendix II-listed species would be offered for sale (in one case) and destruction would be used more often for species listed in Appendix II or III than for species in Appendix I.

Challenges

19. As noted above, a number of respondents indicated that confiscation of live plants rarely occurs in their country. Therefore, it was to be expected that fewer aspects related to the disposal of live plants would present challenges to the authorities in the State where they are confiscated, which was confirmed by the responses. Many respondents also simply left this question unanswered. The responses received show the following:

Aspects	No challenges (per cent)	Few challenges (per cent)	Many challenges (per cent)	Significant challenges (per cent)
Record keeping of seizures and confiscations of live plants	35	29	20	16
Capacity of botanical gardens and other publicly managed facilities	24	34	30	12
Return to the state of export	16	16	26	33
Access to expert advice and knowledge	45	36	15	4

Safe custody of live plants until final disposal	47	30	17	6
Collaboration with other Parties to the Convention	45	23	26	6
Collaboration between relevant national authorities	45	31	20	4
Quarantine requirements	43	28	13	15

20. On the separate question on financial challenges, 40 per cent responded that they experienced financial challenges with regard to “return to the State of export” and with regard to “permanent care”, while 20 per cent indicated other financial challenges.

21. Comments made in this section include the following, which are all direct quotes:

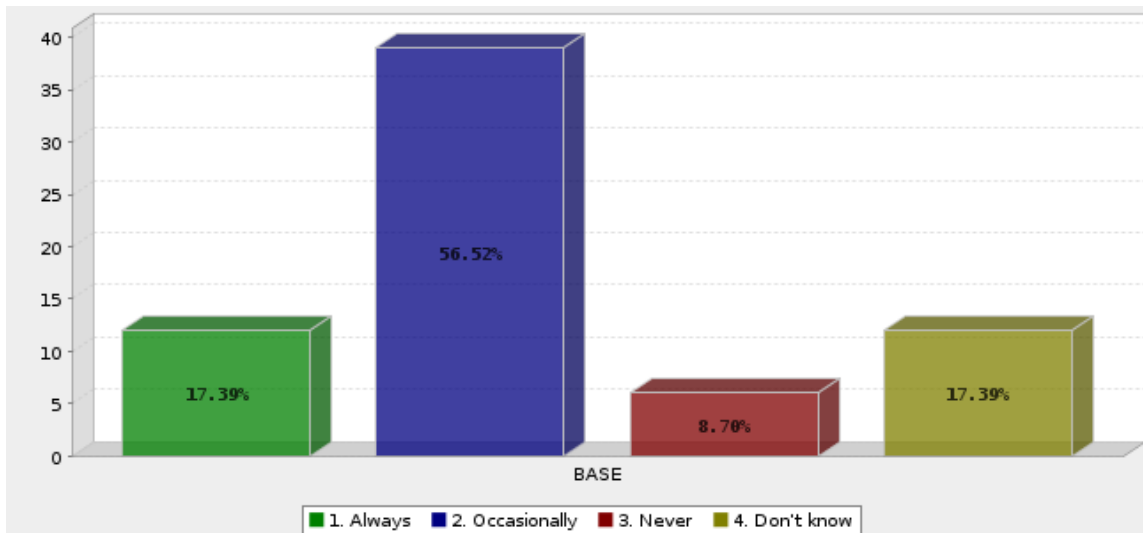
- *After clearance on plant health, permanent placement of specimens in botanical gardens - few confiscations are destroyed.*
- *All plant matter is destroyed due to the high level of biosecurity risk and inability to decontaminate these specimens.*
- *Disposal of live seized plants is less challenging comparing to the disposal of seized animals in our country.*
- *The main practice is to hand over seized plants to botanical gardens or for destruction. The challenge is correct species identification.*
- *Plants are transferred to rescue centres within a day or two after they are seized/confiscated.*
- *No to few challenges. Any confiscated live plants would be used for research and educational purposes or otherwise, destroyed if in poor condition.*
- *There are only few cases per year and only some specimens, therefore currently it is not problematic situation*
- *.... we would have difficulties if we had more confiscations of live plants which would need special care and just keeping in the room is not enough.*
- *Fortunately, our trade in CITES species is low therefore not many opportunities to seize plants. We need to be ready when an incident occurs.*
- *The number or seized specimens per shipment causes the Problems.*

Section 3: Established decision-making processes/action plans

22. The purpose of this section in the survey was to better understand if the guidance contained in the three annexes of Resolution Conf. 17.8 was used and considered useful by Parties. According to Annex 3 of the Resolution, Parties are encouraged to develop an action plan to be able to make decisions on disposal of live specimens without delay. A second purpose was therefore to seek information on whether such action plans have been established or other formal “protocols” or procedures exist to guide the Management Authority and others who make decisions on the disposal of confiscated live specimens and on how such decisions are made in practice.

Use and usefulness of the Annexes

23. It is recalled that the three annexes were previously included the now repealed Resolution Conf. 10.7 on *Disposal of confiscated live specimens of species included in the Appendices*. To the first question “*How often does your State use the guidance contained in the annexes to Resolution Conf. 17.8*”, respondents indicated the following:



24. Some of the reasons provided for never using the guidance include:

- *Disposal of confiscated specimens is proscribed under national law*
- *The national law states what to do with confiscated CITES specimens. Till now there have not been confiscated commercially traded live specimens with wild origin. In all cases, when confiscation occurred, animals and plants were captive bred/propagated specimens with illegal origin, mainly for personal use*
- *No confiscations of live specimens in our country*

25. With regard to the usefulness of the guidance, respondents indicated the following

Element in the Annexes	Not useful (per cent)	Somewhat useful (per cent)	Useful (per cent)	Very useful (per cent)
Text of Annex 1: guidelines for the disposal of confiscated live animals	0	14	59	27
Decision tree analysis of Annex 1	0	19	53	28
Text of Annex 2: guidelines for the disposal of confiscated live plants	2	18	56	24
Decision tree analysis of Annex 2	2	16	51	30

26. Few respondents provided suggestions or comments on the two annexes, including the described advantages and disadvantages for each disposal option. Comments included the following:

- *Capacity-building of management authorities on the implementation of Resolution Conf. 17.8 is needed.*
- *The decision tree of Annex 1 is very useful and quite similar to the decision making process that we apply. Annex 2 is rather extensive and not as "user friendly".*
- *The guidelines are very useful in supporting policy and decision-making in disposal of confiscated CITES specimens.*
- *Euthanasia has to be a valid option.*
- *No further comments because we don't use the Annexes regularly. We have established our internal procedures inclusive cooperation with other authorities several years ago.*
- *Disposal of live specimens is regulated by the National legislation, which is based more or less on the guidelines.*
- *when a seizure is made at the land border, it would be ideal that it be returned immediately to the state of export if it is a native species - provided there are agreements between management authorities. In*

the event of confiscation by entering by plane, the airline could be made responsible for the return of the specimen for having served as means of transport.

Nationally established decision-making procedures (plan of action) – Annex 3

27. A majority of the respondents (54 per cent) indicated that their country does not have an established procedure/plan of action to be followed to make a decision on disposal of a confiscated live specimen (animals and/or plants), while 41 per cent indicated that such a procedure was in place. Four respondents provided a hyperlink to the procedures in place.
28. Respondents were invited to provide a brief summary of the established procedure. Responses provided include the following:
- *The steps are: Confiscation, professional identification, checking documents, veterinary inspection of animal, check option for return to export country, check options for appropriate domestic rescue centre or zoo.*
 - *No formal procedure in place for the CITES Management Authority but guidance sought from Conf. 17.8 and on further advice from Scientific Authority.*
 - *An internal procedure is followed by the competent authorities when seizure is placed. It is coordinated between customs, CITES SA; MA and EA and designated rescue centres/botanical Gardens/scientific institutions.*
 - *The CITES MA is in charge of the decision where to place live specimens confiscated by customs. In general we are trying to find reliable places to keep and handle such specimens on a case by case basis in close cooperation with the Scientific authority and external experts.*
 - *According to the EU Regulations it is not allowed to trade the confiscated specimens or it is possible just in some exceptional cases.*
29. Annex 3 of the Resolution contains guidelines to develop an action plan on seized and/or confiscated live specimens. To inform the understanding of the usefulness of this Annex, the survey asked whether the Management Authority had undertaken the ten measures contained in the Annex.

The responses were the following

Measure	Yes (number, %)	No (number, %)	In progress (number, %)
Identified means for procuring funds to provide care, quarantine, transport and other costs incurred for seized and confiscated live specimens	19 (29%)	37 (57%)	9 (14%)
Established a procedure for implementing the Guidelines in accordance with the Party's domestic law and policy?	19 (29%)	29 (45%)	17 (26%)
Identified government agencies and personnel with authority to make decisions regarding the seizure and disposal of live specimens and clarify their roles and jurisdiction in this process?	45 (69%)	8 (12%)	12 (18%)
Identified which authority in the country of origin listed in the CITES Directory should be contacted in the event that live specimens are seized and annotated this authority in the CITES Directory?	31 (54%)	19 (33%)	7 (12%)
Provided training for personnel involved in the seizure and disposal of live specimens to ensure the immediate and long-term welfare of specimens?	31 (48%)	28 (43%)	6 (9%)
Identified a list of experts or institutions which can assist in species identification, care or other technical aspects of the seizure, confiscation and disposal process?	41 (64%)	11 (17%)	12 (19%)

Measure	Yes (number, %)	No (number, %)	In progress (number, %)
Identified or developed facilities to provide for the care of live specimens immediately after seizure?	42 (67%)	10 (16%)	11 (18%)
Identified temporary holding facilities that have agreed to provide adequate care for seized live specimens of particular taxa until the confiscation process is completed?	39 (62%)	12 (19%)	12 (19%)
Submitted to the CITES Secretariat an approved list of facilities and programmes located within the country that have agreed to provide adequate care and that are willing to accept confiscated live specimens of particular taxa?	5 (8%)	47 (76%)	10 (16%)
Introduced measures to ensure that the Party begins evaluating options for disposal of seized live specimens immediately after seizure?	24 (38%)	26 (41%)	14 (22%)

30. It is quite interesting to note that a lot of the measures have been taken, but not necessarily in the form of an action plan. Also interesting is the fact that only five Parties have submitted a list of facilities and programmes to take care of confiscated live specimens. Other measures mentioned by the respondents indicate that identification guides and immediate care for confiscated or abandoned animals have been developed.

National decision-making

31. To better target guidance and assistance, the survey asked which entity(ies) has(ve) the authority to make the decision on final disposal of confiscated live specimens (animals and plants) in the country concerned. In accordance with Article VIII, paragraph 4 (b) of the Convention, it is the CITES Management Authority that can make the final decision on disposal of confiscated living specimens which was confirmed by a majority of the countries (2/3). Also the courts and tribunals can make such decisions in some countries (1/3), but also a number of other authorities as shown below:

Authority mandated to make the final decision on the disposal of live specimen	Number of responses
CITES Management Authority	51
CITES Scientific Authority	23
The competent Minister (indicate which one)	13
Courts and tribunals	25
Law enforcement agencies (police)	11
Customs	10
Agricultural inspection services	15
Veterinary services	17
Phytosanitary services	12
Public health services	4
The authority that seized/confiscated the specimen, irrespective of which one it is:	8
Other	12
Total	201

32. When more than one authority was selected, respondents were invited to provide relevant details or explanations. Responses included the following:
- *The decision is made by the MA(s), but only upon the written expert recommendation of the SA(s).*
 - *The Veterinary and/or phytosanitary services are part of the CITES MA.*
 - *The CITES Enforcement Authority has the authority to make decisions on final disposition of confiscated live animal specimens. Other government entities may have cross-jurisdiction of some species, such as Public Health regarding primates and the Department of Agriculture regarding avian species.*

- *It will depend on species and location inside the country, as not all departments have rescue centres or facilities that can provide aid and support to government*
- *The Management Authority makes the decision in consultation with the SA. MA depends on the Ministry of Environment. Other organs are invited to contribute to the decision.*
- *Usually, the CITES Management makes this decision. If the importer objects to the decision of confiscation, they can take the case to the tribunal, where then a judge would make a final decision. If there are phytosanitary or veterinary implications, the competent authorities can decide unless it is a species of very high conservation value, then the CITES regulations overrule.*
- *Specimens which are diseased, contaminated, or in non-viable condition as determined by our agricultural services are destroyed at the site of seizure.*
- *The CITES MA has by law the obligation to decide the final destination. However sometimes the judicial system already does it (or designates us to do so). If however there is a sanitary problem that supersedes CITES rules, the veterinary service can decide euthanasia.*
- *Customs seize for offences at the border. The courts forfeit items in relation to domestic offences.*
- *Agri-Veterinary Authority makes this decision, in conjunction with scientific advisors for rescue facilities.*

33. Under paragraph 4 (c) of Article VIII of the Convention, Management Authorities that are to make a decision on disposal of a confiscated living specimen may obtain the advice of the SA or the Secretariat. Results of the survey indicate that different entities may be consulted (in an advisory capacity) when a disposal decision is to be made:

Entity consulted	Always	Sometimes	Never
The Scientific Authority in your State	35 (56%)	21 (33%)	7 (11%)
The Veterinary and/or phytosanitary services in your State	21 (44%)	23 (48%)	4 (8%)
The CITES Secretariat	3 (7%)	24 (56%)	16 (37%)
The Management Authority in the State of export	15 (29%)	31 (61%)	5 (10%)
Other	4 (27%)	8 (53%)	3 (20%)

34. To better understand how decisions on disposal of live specimens is made, the survey asked respondents to indicate if in practice the following considerations were considered to be important for the country in deciding upon disposal of live specimens (animals and plants). Responses indicated the following:

Consideration	Never important	Sometimes important	Usually important	Always important
The Appendix in which the species is listed	3 (5%)	13 (21%)	10 (16%)	37 (59%)
The risk of the specimen re-entering into illegal trade	4 (6%)	7 (11%)	13 (21%)	38 (61%)
The conservation value of the specimen (i.e. status on the IUCN Red list)	3 (5%)	7 (11%)	21 (34%)	31 (50%)
The availability and capacity of rescue centres, botanical gardens and other public facilities	3 (5%)	9 (14%)	24 (38%)	27 (43%)
The result of consultations with the exporting state, if applicable	3 (5%)	26 (46%)	8 (14%)	19 (34%)
The advice of the Scientific Authority	5 (8%)	16 (25%)	14 (22%)	28 (44%)
Financial constraints of the authorities	8 (13%)	15 (25%)	18 (30%)	20 (33%)
The financial value of the specimen	18 (31%)	19 (32%)	15 (25%)	7 (12%)
For animals: animal welfare concerns and considerations	2 (3%)	5 (8%)	17 (28%)	37 (61%)

Consideration	Never important	Sometimes important	Usually important	Always important
Concerns about introduction of diseases and invasive species	2 (3%)	4 (7%)	7 (12%)	48 (79%)
Human health considerations	4 (6%)	4 (6%)	12 (19%)	44 (69%)
Veterinary and phytosanitary considerations	2 (3%)	5 (8%)	15 (24%)	40 (65%)

35. Given the complexity of the decisions on disposal of live specimens, the national authorities – be they MA, SA, public rescue centres or other – may face challenges in deciding upon the disposal option and seek external advice in specific cases. The survey asked where authorities would tend to go to seek such external advice, but relatively few respondents answered this question:

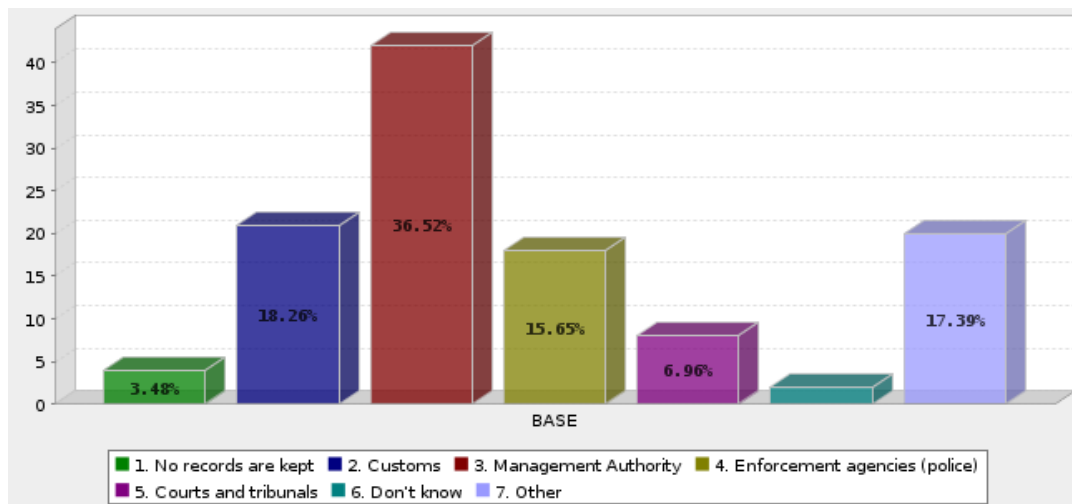
	Always	Sometimes	Never
Local NGO	7 (15%)	23 (50%)	16 (35%)
National NGO, private sector association, other entities	6 (13%)	30 (65%)	10 (22%)
International organizations	8 (16%)	29 (57%)	14 (27%)
International NGO	5 (11%)	27 (60%)	13 (29%)
Other (specify)	7 (39%)	5 (28%)	6 (33%)

Section 4: National legislation

36. National legislation may include provisions that prohibit or impose certain options for disposal of live specimens. The limitations set by national legislation are important for the development of useful and practical guidance on the matter.
37. The survey responses indicate that a majority (63 per cent) of the Parties has specific provisions in national legislation on the disposal of live specimens, while 30 per cent do not have such provisions in place. About half of these provisions would impose or exclude specific options for disposal of live specimens. For example EU Regulation 338/97, Article 8, paragraph 6, prohibits sale of seized and confiscated specimens of species listed in Annex A (comparable to Appendix I), while sale of specimens of species listed in the other annexes can be permitted, but the Party responded that they would only allow for such sale in very rare cases.
38. Another Party noted that they prohibited sale of any confiscated specimen and further that euthanasia cannot be used. In a third example, the legislation makes it clear that it is the Management Authority that has the authority to direct how to dispose of the confiscated species.

Section 5: Records of confiscated live specimens of animals and plants

39. Finally, the survey requested information on confiscation of live specimens from 2013 to 2015 to the extent that this information exists, as well as an indication of the entities responsible for record keeping.
40. In terms of record keeping, responses indicated that it is mostly the MA that is responsible for keeping official records on seizures and confiscations of live specimens of animals and plants:



For the category “Other”, respondents included the following:

- Enforcement Authority in collaboration with the Management Authority (or vice versa)
- Designated rescue centres

41. Finally, respondents were invited to indicate if there had been any confiscations of live animals and plants during the three years 2013- 2015. Responses confirmed that animals are more often confiscated than plants. 55 Parties had confiscated live animals in the period and 35 had confiscated live plants.

Brief analysis of the implementation reports with regard to confiscation and disposal of confiscated specimens

42. As requested, the Secretariat has compared the results of the survey with information contained in the implementation reports. The information covers reports submitted during the reporting cycle 2009-2010, 2011-2012 and 2013-2014, except if no report was submitted during this cycle, then the latest report submitted was used. A total of 214 reports from 115 Parties were included in the analysis.

43. Parties are invited to indicate if any significant seizures have been made during the reporting period. This information is now collected via the CITES annual illegal trade report to have more frequent reporting. Of the 214 reports, the vast majority (203) indicates incidents of significant seizures of illegally trade specimens of CITES-listed species and only five Parties have not reported any incidents of seizures in their implementation reports.

44. On the types of species seized and their numbers, information is available but it is beyond the scope of this report to provide this information, which has already been made available and analysed in the report produced by the United Nations Office on Drug and Crime in May 2016 in the World Wildlife Crime Report.

45. With regard to the disposal options, Parties indicate that confiscated specimens were generally disposed of in the following ways (more options are possible and may be used for different species/specimens). A total of 30 Parties indicated that confiscated specimens were returned to the country of export. Almost all responding Parties would place the confiscated live animals in public zoos. A total of 23 Parties indicated that euthanasia was the generally used disposal option. Designated rescue centres were used by 52 Parties, whereas approved private facilities were used less, namely by 32 Parties. It should be noted that the implementation report covers both live animals and plants and parts and derivatives which is not really reflected in the disposal options. It is therefore to be expected that the additional disposal options indicated by Parties concern such specimens. Parties have indicated the following additional disposal options:

- Museums and other educational/training purposes;
- Destruction (sometimes with reference to potential introduction of disease and other biosecurity issues) – except for live specimens
- Incineration/crushing (ivory)
- Stockpile/safe storage

Criteria, thresholds and mechanisms used for deciding on specific disposal options

Mechanisms for *return to the country of export* include:

- *The exact location of the origin needs to be established*
- *Resolution Conf. 17.8 would be the mechanism*
- *Consultations/negotiations with the MA of the country of origin/last country of export, including on the costs of the repatriation, means of transport/timing etc. The response of the country of origin, if any, would be important in determining to use this option.*
- *Conservation value would be taken into account and if the species was not really endangered, return to the country of export for release into the wild would not be worth it*
- *Animals would need to be free of diseases and so the veterinary services would be consulted*
- *Most seizures of live animals occur in captive bred specimens, so return to the country of origin for release to the wild is not relevant.*
- *No formal decision-making mechanism for these cases has been established – all cases are treated on a case-by-case basis.*

Criteria for choosing *suitable public or private facilities* include:

- *The first option to return to the country of export for release to the wild is not possible.*
- *The animal is healthy and passes all of the veterinary tests.*
- *The facility should be registered and certified by the MA. (Reliability, trustworthiness, well experienced in keeping and handling of the species involved. Well-known to the regional authorities in Charge of species conservation and animal welfare)*
- *A list of public zoos meeting the standards of accepting confiscated wildlife (no private zoos are on the list). Animals are never placed in the private facilities. The head of the authority determines for each case the most appropriate zoo to send the animals, according to the species, quantity, site of confiscation, distance to zoo, the time of day etc.*
- *Limited choice of facilities – only one appropriate zoo available in country*
- *The facility is willing and able to host the species and is suitable to do so as per their permit (for example; a falcon facility is not suitable to host cheetahs).*
- *The facility assurance that the species will be taking care of and will contribute to the national and international efforts in conservation. The facility has integrity and can guarantee that specimen will not return to illegal trade*
- *Whether their facilities meet the national standards for detention of animals. It depends on the species and also how endangered it is. If possible, we always prefer scientifically-led zoos, but for frequently traded species this is often not possible.*
- *Specimens with a high conservation value may be offered to full institutional Zoo and Aquarium Association members for permanent loan for research, use in conservation breeding programs or education purposes.*

Mechanisms (criteria and thresholds) for deciding on *euthanasia* include:

- *Only to be used if return to country of export or placing in suitable facility is not possible. Generally used as last resort*
- *Used if the animal is terminally ill or infected by a contagious disease.*
- *The decision on euthanasia is to be made by the veterinary services*
- *If necessary for sanitary reasons (e.g. risk of bird flu)*
- *Used if species has a low conservation/scientific value*
- *If animal is difficult to place (hybrid)*
- *Quality of life evaluation, including physical and psychological health. Additionally, the holding capacities of each facility will be evaluated.*