

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



Seventieth meeting of the Standing Committee
Rosa Khutor, Sochi (Russian Federation), 1-5 October 2018

Interpretation and implementation matters

General compliance and enforcement

Trade in specimens bred in captivity or artificially propagated

OBSERVATIONS AND RECOMMENDATIONS REGARDING THE FIRST
ITERATION OF RESOLUTION CONF. 17.7 ON *REVIEW OF TRADE IN
ANIMAL SPECIMENS REPORTED AS PRODUCED IN CAPTIVITY*

1. This document has been submitted by the Chair of the Animals Committee on behalf of the Committee and by the Secretariat.*
2. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted Resolution Conf. 17.7 on *Review of trade in animal specimens reported as produced in captivity* designed 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.
3. Also at CoP17, the Conference of the Parties adopted three accompanying Decisions:

Decision 17.103, directed to the Secretariat

The Secretariat shall provide its preliminary observations and recommendations regarding the first iteration of the Resolution Conf. 17.7, including opportunities for harmonisation with the process in Resolution Conf. 12.8 (Rev. CoP17), and other opportunities to achieve the aims of the Resolution most effectively and cost efficiently, to the 30th meeting of the Animals Committee and to the 70th meeting of the Standing Committee.

Decision 17.105, directed to the Animals Committee

At its 30th meeting, the Animals Committee shall prepare a report of its observations and recommendations regarding the first iteration of Resolution Conf. 17.7, including opportunities for harmonisation with the process in Resolution Conf. 12.8 (Rev. CoP17) and other opportunities to achieve the aims of the Resolution most effectively and cost efficiently, taking into account the recommendations of the Secretariat arising from Decision 17.103, and transmit the report to the Standing Committee.

Decision 17.107, directed to the Standing Committee *At its 70th meeting, the Standing Committee shall prepare a report of its preliminary observations and recommendations regarding the first iteration of Resolution Conf. 17.7, including opportunities for harmonisation with the process in Resolution Conf. 12.8*

* *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.*

(Rev. CoP17), and other opportunities to achieve the aims of the Resolution most effectively and cost efficiently, and taking into consideration the report of the Animals Committee and the observations of the Secretariat. The Standing Committee will transmit its recommendations to the 18th meeting of the Conference of the Parties.

3. The observations of the Animals Committee regarding the first iteration of Resolution Conf. 17.7 can be found in Annex 1 of the present document and the observation of the Secretariat in Annex 2.
4. In view of the fact that a complete review cycle under Resolution Conf. 17.7 has yet to be completed, the Animals Committee and the Secretariat believe that it is premature to make many significant changes to the provisions of the Resolution and also too soon to assess if harmonisation with the process in Resolution Conf. 12.8 (Rev. CoP17) on *Review of Significant Trade in specimens of Appendix-II species* would be advisable.
5. In the light of the observations made by the Animals Committee and the Secretariat, they recommend the changes to Resolution Conf. 17.7 contained in Annex 3 of the present document.

Recommendations

6. The Standing Committee is invited to propose to CoP18, the amendments to Resolution Conf. 17.7 found in Annex 3 of the present document.
7. In the light of the above, the Secretariat also proposes that the Standing Committee recommends to CoP18 that Decisions 17.103, 17.105 and 17.107 be replaced by the following Decisions:

Directed to the Animals Committee

With the assistance of the Secretariat and in the light of its experiences with its implementation, the Animals Committee shall review the provisions of Resolution Conf. 17.7 (Rev. CoP18) and make any recommendations for improvements to the Standing Committee.

Directed to the Standing Committee

With the assistance of the Secretariat, taking account of any report from the Animals Committee and in the light of its experiences with its implementation, the Standing Committee shall review the provisions of Resolution Conf. 17.7 (Rev. CoP18) and make any recommendations for improvements to the 19th meeting of the Conference of the Parties.

Observations of the Animals Committee regarding the first iteration of Resolution Conf. 17.7

At AC29 the Animals Committee made preliminary observations contained in the summary record of that meeting as follows:

- a) The Animals Committee recommends to harmonise this process and the Review of Significant Trade (RST), especially the multiplication factors used for the IUCN Red List categories should be the same;
- b) The Animals Committee noted that there is not yet a process for cases where this process notes that there is not yet a non-detriment finding to be re-referred to the RST process. The Animals Committee could consider or clarify whether this is necessary or whether it would be appropriate or possible to make relevant recommendations relating to making of NDFs under the captive breeding and ranching process;
- c) The Animals Committee observed that trade in Appendix I species under source code 'C' for commercial purposes (code "T") may be an issue to be considered by the Standing Committee where it is not in compliance with the Convention;
- d) The Animals Committee recommends a mechanism to ensure that cases which are already subject to Standing Committee actions under compliance procedures such as Article XIII are excluded from this process; and
- e) The Animals Committee might consider reviewing the general questions contained in document AC29 Com. 11 (Rev. by Sec.) and to amend Resolution Conf. 17.7 with an annex.

At AC30 the Animals Committee made the following observations for consideration by the Standing Committee:

- a) The process is not obviously flagging deliberate misuse of source codes; we are instead seeing that source code shifts are more commonly a result of importing countries' influence on exporting countries' source code assignments;
- b) The Committee noted that for certain types of production systems it is difficult to know whether the specimens produced meet the definition of "bred in captivity" in Resolution Conf. 10.16 (Rev) e.g., "controlled environment" as defined within Resolution Conf. 10.16. Existing source codes might not adequately capture the life history of certain types of certain species such as butterflies, corals, clams and seahorses. Controlled environment for clams might only be necessary during the mobile reproductive/juvenile stages of development and not otherwise. It is not obvious whether source codes R, F or C should be used in some cases. This has hampered the Committee's work in the implementation of Resolution Conf. 17.7.
- c) The Committee considers that the current criteria focus on species that are traded in significant numbers, or where there are significant increases in trade, but might overlook species that are difficult to breed in captivity for which trade occurs at relatively low levels. The breeding biology of species is a key consideration that ideally should be factored into the selection process in future in order to identify species of concern, and we hope that there would be scope to explore the inclusion of these aspects within a revised methodology.

Observations of the Secretariat regarding the first iteration of Resolution Conf. 17.7

On the basis of experiences so far, the Secretariat would make the following observations for the Standing Committee:

a) The requirement in paragraph 1 of the Resolution that it be implemented subject to available resources is a concern. During the intersessional period from CoP17 and CoP18, its implementation has been made possible through generous external funding (172,157 USD in total) from the European Union and the United States of America. These funds enabled a contractor to develop and test methodologies for the screening criteria mentioned in paragraph 2 a) sub-paragraphs i) to vi) of the Resolution and to produce the summary from the CITES Trade Database referred to in that paragraph. A further contractor prepared the species datasheets referred to in paragraph 2 f) of the Resolution. The Secretariat would like to place on record its grateful thanks to these two donors. However, such external funding cannot be guaranteed in the future. Further, during the first round of reviews, the Animals Committee selected 23 cases involving 15 Parties and 16 species and handling of the matter was not complicated by on-going cases from previous intersessional periods or the need to review any resulting recommendations to suspend trade that have been in place for longer than two years (paragraph 2 q) of the Resolution). Without adequate resources, as detailed in paragraph F of the Secretariat's comments in document CoP17 Doc. 32, the proper implementation of this Resolution is likely to be compromised in the longer term.

b) When reviewing records of trade in captive-bred and ranched specimens (sources C, D, F and R) for the period 2011-2015 contained in document AC29 Doc. 14.1, it was noticeable that the Animals Committee did not select any cases for review involving the criteria in paragraph 2 a), subparagraphs iv) or v). These two criteria are:

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 Resolution Conf. 12.10 (Rev. CoP15) on Registration of operations that breed Appendix-I animal species in captivity for commercial purposes.

This could simply be a function of the nature of the trade that was reported during the years in question, but should a similar situation arise in future reviews, it may be worth reconsidering the inclusion of these selection criteria.

c) In paragraph 2 e) of the Resolution, once notified by the Secretariat that species produced in captivity in their country have been selected for review, the countries concerned are required to respond to the questions of the Committee within 60 days. However, the Committee will not consider these responses of the countries until its next meeting which is many months after these 60 days have expired. It may be preferable to amend the final sentence of paragraph 2 e) to read provide a deadline more closely related to time when the responses will actually be needed in order to give Parties more time to provide a reply.

**Recommendations of the Animals Committee and the Secretariat
to amendments to Resolution Conf.17.7.**

1. The following new sub-paragraphs be added after paragraph 2 c):

Where the Animals Committee finds that a species/country combination raises concerns better dealt within the process of the Review of Significant Trade, it can introduce that combination into stage 2 of the process in accordance with Resolution Conf. 12.8 (Rev. CoP17), paragraph 1 d) as an exceptional case.

Recommends that the Animals Committee, when selecting species-country combinations for review under paragraph 2 c) of the present Resolution, not select species-country combinations where the Standing Committee has already entered a dialogue with the country concerned over the use of source codes C, D, F or R under another compliance process.

2. The following new paragraph be added after paragraph 2 j)

Recommends that the Standing Committee, when drafting recommendations to the country or countries under paragraph 2 j) of the present Resolution, not duplicate engagement with the country concerned over the use of source codes C, D, F or R under another compliance process.