

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



Seventy-fourth meeting of the Standing Committee
Lyon (France), 7 - 11 March 2022

Interpretation and implementation matters

Exemptions and special trade provisions

REVIEW OF CITES PROVISIONS RELATED TO TRADE
IN SPECIMENS OF ANIMALS AND PLANTS NOT OF WILD SOURCE:
REPORT OF THE WORKING GROUP

1. This document has been submitted by Spain as Chair of the working group on captive-bred and ranched specimens.*
2. At the 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decision 18.173 on *Review of CITES provisions related to trade in specimens of animals and plants not of wild source*, as follows:

18.173 Directed to the Standing Committee

The Standing Committee shall:

- a) *consider at SC73 the Secretariat's update of the review of CITES provisions related to trade in specimens of animals and plants not of wild source in Annex 7 of document SC70 Doc. 31.1 and Parties' comments and recommendations in document SC70 Doc. 31.1 Annex 8; the underlying CITES policy assumptions that may have contributed to the uneven application of Article VII, paragraphs 4 and 5; the Secretariat's recommendations in the Annexes to SC70 Doc. 31.1; and the recommendations of the Animals and Plants Committees under Decision 18.172; and*
 - b) *review the key issues and challenges in the application of the Convention to non-wild specimens and make appropriate recommendations, including amendments to existing Resolutions or development of a new Resolution or Decisions, to address these issues and challenges for consideration at the 19th meeting of the Conference of the Parties.*
3. At the 72nd meeting (SC72, Geneva, August 2019), the Standing Committee established an intersessional working group on captive-bred and ranched specimens with a mandate to:
 - a) consider at SC73 the Secretariat's update of the review of CITES provisions related to trade in specimens of animals and plants not of wild source in Annex 7 of document SC70 Doc. 31.1 and Parties' comments and recommendations in document SC70 Doc. 31.1 Annex 8; the underlying CITES policy assumptions that may have contributed to the uneven application of Article VII, paragraphs 4 and 5; the

* *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.*

Secretariat's recommendations in the Annexes to SC70 Doc. 31.1; and the recommendations of the Animals and Plants Committees under Decision 18.172; and

- b) review the key issues and challenges in the application of the Convention to non-wild specimens and draft appropriate recommendations, including amendments to existing Resolutions or development of a new Resolution or Decisions, to address these issues and challenges, for consideration at the 19th meeting of the Conference of the Parties.
4. The membership of the working group was agreed at SC72 and through a call for participation in Notification to the Parties No. 2019/062 as follows (27 Parties; 26 Observers): Bahamas, Belgium, Canada, China, Cuba, Democratic Republic of the Congo, European Union, France, Georgia, Germany, Indonesia, Israel, Japan, Kenya, Malaysia, Mexico, Morocco, Mozambique, Peru, Russian Federation, South Africa, Spain (Chair), Thailand, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America and Zimbabwe; United Nations Environment Programme-World Conservation Monitoring Centre; International Union for Conservation of Nature; Americas Fur Resource Council, Association of Zoos and Aquariums, China Biodiversity Conservation and Green Development Foundation, China Wildlife Conservation Association, Conservation Analytics Pty Ltd, European Pet Organisation, Indonesian Agarwood Association, Indonesian Tortoise and Freshwater Turtle Trade Association, Ivory Education Institute, IWMC-World Conservation Trust, Jonathan Barzdo, Lewis and Clark – International Environmental Law Project, Long Kuan Hung Crocodile Farm Pte Ltd, Organization of Professional Aviculturists, Ornamental Fish International, Pet Industry Joint Advisory Council (PIJAC), Parrot Breeders Association of Southern Africa (PASA), Private Rhino Owners Association (PROA), South African Predator Association, Species Survival Network, TRAFFIC, Wildlife Conservation Society, World Association of Zoos and Aquariums (WAZA) and World Wildlife Fund.

Results

5. In April 2020, the chair of the working group circulated two documents to initiate the discussions. Regarding element a) of the mandate, the supporting document consisted of a tabled compilation of all the comments contained in document SC70 Doc. 31.1, Annex 8. Regarding element b) of the mandate, the supporting document consisted of a list of six areas and issues for discussion, with for each an indication of the tasks the IWG would have to consider [i.e. (i) Application of Article VII paragraphs 4 and 5; (ii) Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates*; (iii) Resolution Conf. 5.10 (Rev. CoP15) on *Definition of 'primarily commercial purposes'*; (iv) Resolution Conf. 10.16 (Rev.) on *Specimens of animal species bred in captivity*; (v) Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*; and (vi) Resolution Conf. 9.19 (Rev. CoP15) on *Registration of nurseries that artificially propagated specimens of Appendix-I plant species for export purposes*].
6. With regard to element a) of the mandate, there were important contributions to the analysis of CITES policy assumptions.
7. In view of time limits and the complexity of the mandate, the working group focused its discussions on amendments to Resolution Conf. 10.16 (Rev.) and Resolution Conf. 12.3 (Rev. CoP18), and it did not consider plants.
8. With regard to Resolution Conf. 10.16 (Rev.), the working group agreed on the amendments as presented in Annex 1. The working group did not have sufficient time to reach an agreement on paragraph 3 of the Resolution and on suggestions for incorporating three Annexes (stemming from other Resolutions).
9. With regard to Resolution Conf. 12.3 (Rev. CoP18), while the working group did not have sufficient time to discuss all the elements of the Resolution, it agreed to the following considerations regarding source code definitions in section I., paragraph 3, j) of the Resolution (amended text shown in ~~strikeout~~ and underline):

W retain the original definition, i.e. "Specimens taken from the wild"

D adopt the following amendments but refer the text in brackets to the Plants Committee for further discussion:

"Appendix-I animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.) that are produced for commercial purposes in operations included in the Secretariat's Register, in accordance with Resolution Conf. 12.10 (Rev. CoP15), and [Appendix-I plants artificially propagated in accordance with Resolution 11.11 (Rev. CoP18) that are produced by operations included in the Secretariat's Register

in accordance with Resolution Conf. 9.19 (Rev. CoP18) ~~for commercial purposes~~, as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 4, of the Convention or under stricter domestic requirements under Article III"

C propose the following three alternative definitions for consideration by the Standing Committee:

"Animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof ~~exported under the provisions of Article VII, paragraph 5.~~" or

"Animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof, exported under the provisions of ~~Article VII, paragraph 5~~ the Convention." or

"Animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5 or under stricter domestic requirements under Articles III, IV, or V."

F propose the need for the Standing Committee to examine the definition of source code F.

10. The comments to amendments to Resolution Conf. 12.3 (Rev. CoP18) that have not been discussed are shown in Annex 2.
11. In order to continue the revisions of Resolutions Conf. 10.16 (Rev) and Conf. 12.3 (Rev. CoP18), and further consider issues related to applying the Convention for trade in non-wild specimens of CITES-listed species, the working group agreed to propose to the Conference of the Parties at its 19th meeting the draft decisions below:

19.AA Directed to the Standing Committee

The Standing Committee shall:

- a) consider amendments to Resolution Conf. 10.16 (Rev.) and Resolution Conf. 12.3 (Rev. CoP18) concerning provisions on trade in specimens of 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;
- b) review issues and challenges in the application of the Convention for trade in non-wild specimens of CITES-listed animal and plant species and communicate to the Animals and Plants Committees any matters that may require scientific advice and guidance, as appropriate; and
- c) make recommendations for addressing these issues and challenges for consideration at the 20th meeting of the Conference of the Parties.

19.BB Directed to the Animals and Plants Committees

In support of the Standing Committee's implementation of Decision 19.AA, the Animals and Plants Committees shall provide scientific advice and guidance on CITES provisions concerning trade in non-wild specimens of CITES-listed animal and plant species to the Standing Committee upon request and as appropriate.

Recommendations

12. The Standing Committee is invited to:

- a) consider the results and recommendations of the working group as presented in paragraphs 7-9, and Annexes 1 and 2; and
- b) consider the draft decisions proposed in paragraph 11 for submission at the 19th meeting of the Conference of the Parties.

PROPOSED AMENDMENTS TO RESOLUTION CONF. 10.16 (REV)

Proposed new text is underline; proposed deletions of text are shown in ~~strike through~~.

Conf. 10.16 (Rev.)*

Specimens of animal species bred in captivity

RECALLING Resolution Conf. 2.12 (Rev.), adopted by the Conference of the Parties at its second meeting (San José, 1979) and amended at its ninth meeting (Fort Lauderdale, 1994);

CONSIDERING that the Convention provides, in Article VII, paragraphs 4 and 5, for special treatment of animal specimens that are bred in captivity;

NOTING that, in accordance with Article VII, paragraph 4, 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 import of specimens of Appendix-I species bred in captivity not for commercial purposes that are covered by a certificate of captive breeding does not require the issuance of an import permit and may therefore be authorized whether or not the purpose is commercial;

RECOGNIZING the need for the Parties to agree on a standard interpretation of the provisions of Article VII, paragraphs 4 and 5;

~~CONCERNED~~ CONSIDERING however that, ~~in spite of the adoption of several Resolutions at various meetings of the Conference of the Parties, much trade in specimens declared as bred in captivity~~ has increased over the years and concerned that this trade may in some instances be ~~remains~~ contrary to the Convention and to Resolutions of the Conference of the Parties, and in those cases may be detrimental to the survival of wild populations of the species concerned;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

Regarding terminology

1. ADOPTS the following definitions of terms used in this Resolution:

- a) “first-generation offspring (F1)” are specimens conceived ~~produced~~ in a controlled environment from parents at least one of which was conceived in or taken from the wild;
- b) “offspring of second generation (F2) or subsequent generation (F3, F4, etc.)” are specimens conceived ~~produced~~ in a controlled environment from parents that were also conceived ~~produced~~ in a controlled environment;
- c) the “breeding stock” of an operation means the ensemble of the animals in the operation that were or are used for reproduction; and
- d) “a controlled environment” is an environment that is manipulated for the purpose of producing animals of a particular species, that has boundaries designed to prevent animals, eggs or gametes of the species from entering or leaving the controlled environment, and the general characteristics of which may

* Amended at the 11th meeting of the Conference of the Parties and corrected by the Secretariat following the 15th meeting..

include but are not limited to: artificial housing; waste removal; health care; protection from predators; and artificially supplied food;

Regarding the term 'bred in captivity'

2. DECIDES that:

- a) the definition provided below shall apply to the specimens bred in captivity of species included in Appendix I, II or III, whether or not they were bred for commercial purposes; and
- b) the term 'bred in captivity' shall be interpreted to refer only to specimens, as defined in Article I, paragraph (b), of the Convention, born or otherwise produced in a controlled environment, and shall apply only if:
 - i) the parents mated or gametes were otherwise transferred in a controlled environment, if reproduction is sexual, or the parents were in a controlled environment when development of the offspring began, if reproduction is asexual; and
 - ii) the specimens of the breeding stock from any source (D, C, F, R, I, O or W), to the satisfaction of the competent government Management and Scientific Authorities of the exporting country:
 - A. ~~were~~ ~~was~~ ~~acquired~~ ~~established~~ in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild;
 - B. ~~is~~ ~~are~~ maintained without the introduction of specimens from the wild, except for the occasional addition of animals, eggs or gametes, in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild as advised by the Scientific Authority:
 1. to prevent or alleviate deleterious inbreeding, with the magnitude of such addition determined by the need for new genetic material; or
 2. to dispose of confiscated animals in accordance with Resolution Conf. 17.8¹; or
 3. exceptionally, for use as breeding stock when appropriate specimens for other sources are not available; and
 - iii) the breeding operation, to the satisfaction of the competent Management and Scientific Authorities of the exporting country:
 - A. has produced offspring of second generation (F2) or subsequent generation (F3, F4, etc.) in a controlled environment; or
 - B. is managed in a manner that has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment; and

Regarding the trade in specimens of Appendix-I species bred in captivity

3. RECOMMENDS that the trade in a specimen bred in captivity be permitted only if it is marked in accordance with the provisions on marking in the Resolutions adopted by the Conference of the Parties and if the type and number of the mark are indicated on the document authorizing the trade; and
4. REPEALS Resolution Conf. 2.12 (Rev.) (San José, 1979, as amended at Fort Lauderdale, 1994) – *Specimens Bred in Captivity or Artificially Propagated*.

¹ Corrected by the Secretariat following the 15th and 17th meetings of the Conference of the Parties: originally referred to Resolution Conf. 10.7, replaced by Resolution Conf. 17.8.

COMMENTS TO DRAFT AMENDMENTS TO RESOLUTION CONF. 12.3 (REV. COP18)

Original resolution	Proposed amendments	Comments: Original resolution	Comments: proposed amendments
<p>A Plants that are artificially propagated in accordance with Resolution Conf. 11.11 (Rev. CoP18)¹, as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5 (specimens of species included in Appendix I that have been propagated artificially for non-commercial purposes and specimens of species included in Appendices II and III)</p>	<p>A Plants that are artificially propagated in accordance with Resolution Conf. 11.11 (Rev. CoP18), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5 (specimens of species included in Appendix I that have been propagated artificially for non-commercial purposes and specimens of species included in Appendices II and III);</p>	<p>US: Certificate of ap. Although we agree with the UK comments below, we thought that the WG agreed not to discuss art prop plants since Resolution Conf. 11.11 (Rev. CoP18) is being looked at by the Plants Committee. Non-detriment and Legal acquisition finding needed? We think that these answers require more nuance. Legal acquisition findings should be made, particularly in the context of re-export to ensure that the specimens re-entering international trade have previously been traded in compliance with the Convention. Legal acquisition findings and NDFs are also made in the context of determining whether a specimen qualifies as bred-in-captivity/artificially propagated to ensure that the establishment of the breeding/parental stock of specimens bred in captivity or artificially propagated is in accordance with the provisions of CITES and relevant national laws and not detrimental to the survival of the species in the wild. See Resolution Conf. 18.7, para. 6, Annex 2, para. 1.</p>	<p>CA: Amended to align with source code C. Note that source code A would now be used for artificially propagated Appendix I plants that are produced by commercial nurseries that are not CITES registered and exported as source code D. US: This deletion was not agreed by the WG and we do not agree. WCS: Supports the comments of USA MX: It is not clear how code A will be used.</p>

Original resolution	Proposed amendments	Comments: Original resolution	Comments: proposed amendments
		<p>WCS: Supports the comments of USA.</p> <p>MX: Non-detriment finding needed? No. Only for the breeding stock or the occasional addition of animals, eggs or gametes, not in a case by case basis.</p> <p>Legal acquisition finding needed? We consider LAFs should be done in all cases and should back up captive breeding Certificates. Otherwise, there is a risk of “laundering specimens” through captive breeding facilities. The LAF in this cases can be based in the periodic reports of the captive breeding operations so that traded specimens match with the number of specimens naturally added to the operation every year, as well as the mortality rate.</p>	
<p>F Animals born in captivity (F1 or subsequent generations) that do not fulfil the definition of ‘bred in captivity’ in Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof</p>	<p>F Animals born in captivity (F1 or subsequent generations) that do not fulfil the definition of ‘bred in captivity’ in Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof;</p>		<p>CA: As “born in captivity” also implies that the offspring of animals taken from the wild when gravid, and Canada has proposed a correction for this loophole in Resolution Conf. 10.16, should “born in captivity” be changed to something else to avoid confusion?</p>
Other sections of Resolution Conf. 12.3 that may need to be amended:			
<p>Paragraph 5. k) Parties verify the origin of Appendix-I specimens to avoid issuing export permits when the use is for primarily commercial</p>	<p>Paragraph 5. k) Parties verify the origin of Appendix-I specimens to avoid issuing export permits when the use is for primarily commercial</p>		<p>CA: Would need to be deleted to implement new interpretation recommended by Canada.</p>

Original resolution	Proposed amendments	Comments: Original resolution	Comments: proposed amendments
purposes and the specimens did not originate in a CITES-registered breeding operation; and	purposes and the specimens did not originate in a CITES-registered breeding operation; and		US: This deletion was not agreed by the WG and we do not agree. WCS: Supports the comments of USA
22. RECOMMENDS that: a) Parties use simplified procedures to issue permits and certificates to facilitate and expedite trade that will have a negligible impact, or none, on the conservation of the species concerned, e.g.:	22. RECOMMENDS that: a) Parties use simplified procedures to issue permits and certificates to facilitate and expedite trade that will have a negligible impact, or none, on the conservation of the species concerned, e.g.:		
iii) for the issuance of certificates of captive breeding or artificial propagation in accordance with Article VII, paragraph 5, or for the issuance of export permits or re-export certificates in accordance with Article IV for specimens referred to in Article VII, paragraph 4; and	iii) for the issuance of certificates of captive breeding or artificial propagation in accordance with Article VII, paragraph 5, or for the issuance of export permits or re-export certificates in accordance with Article IV for specimens referred to in Article VII, paragraph 4; and		CA: There is no one size fits all for implementation of Article VII.5. Note that this is how Canada implements Article VII.5. There are probably other tools that Parties use to implement Article VII.5. It would be useful for Parties to share experiences.
26. URGES the Parties to check with the Secretariat: a) when they have serious doubts about the validity of permits accompanying suspect shipments; and b) before they accept imports of live specimens of Appendix-I species declared as bred in captivity or artificially propagated; and	26. URGES the Parties to check with the Secretariat: a) when they have serious doubts about the validity of permits accompanying suspect shipments; and b) before they accept imports of live specimens of Appendix-I species declared as bred in captivity or artificially propagated; and		CA: Is 26 b) necessary? This suggests that all import of Appendix I specimens are still considered suspect regardless of the current resolutions. It is also not clear why we are checking with the Secretariat and how they can assist, so suggest deletion. US: We see no important need to amend this provision and

Original resolution	Proposed amendments	Comments: Original resolution	Comments: proposed amendments
			<p>believe it to provide a prudent safeguard for Appendix-I species, which are to be authorized for trade only in exceptional circumstances</p> <p>WCS: Supports the comments of USA</p>