

## Interpretation and Implementation of the Convention

## Captive Breeding

## IMPLEMENTATION OF ARTICLE VII, PARAGRAPHS 4 AND 5

Introduction

1. This document has been prepared by the Secretariat.
2. For many years the special provisions of Article VII, paragraphs 4 and 5, of the Convention have been implemented in different ways by different Parties. This inconsistency of approach was brought to the attention of the Conference of the Parties at its ninth meeting (Fort Lauderdale, 1994). Consequently the Conference adopted the following decision (Decision No. 22 directed to the Secretariat):
3. In consultation with the Animals Committee, a draft resolution shall be prepared that will resolve problems regarding the exemptions under Article VII, paragraphs 4 and 5, for specimens bred in captivity, including:
  - a) different interpretations by Parties of the term "for commercial purposes" when referring to the breeding of specimens of Appendix-I species in captivity, in particular regarding the sale of specimens that often results in income which, although perhaps not essential to the breeder's livelihood, may be significant; and
  - b) different interpretations by Parties of the criteria in Resolution Conf. 2.12 (Rev.) to determine whether a captive-breeding operation is "managed in a manner which has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment".

Consultations with the Animals Committee

4. Consultations were initiated at the 12th meeting of the Animals Committee (Antigua, Guatemala, 11-14 September 1995), where it established a working group on specimens bred in captivity, under the chairmanship of Dr Charles Dauphiné. A sub-group was established, under the chairmanship of Mr Tonny Soehartono, to discuss the definition of "commercial purposes".
5. The Secretariat then undertook the preparation of a draft resolution on this subject for consideration by the working group. In conducting this work, the Secretariat took into account: existing inconsistencies in Resolutions dealing with this subject; known difficulties in the interpretation or application of these Resolutions; and the wish of the Conference of the Parties that Resolutions dealing with a single subject should be consolidated to facilitate their implementation.
6. The Secretariat's first draft resolution was sent to the chairman of the working group in December 1995 and he undertook wide consultations. The preliminary results of his consultations were provided to the Secretariat in May 1996 and the final results in July 1996. Comments were also received from the chairman of the sub-group and from other sources, including the Management Authority of the United States of America.
7. The Secretariat revised its draft resolution, taking into account the comments received, and presented its second draft for consideration at the 13th meeting of the Animals Committee (Pruhonice, Czech Republic, 23-27 September 1996). The document was discussed in an extremely large working group, where the chairman (C. Dauphiné) and the Secretariat noted the points

of concern. The chairman then gave the participants until 18 October 1996 to make further comments to him in writing.

8. Comments were received in writing from the Management Authorities of the Czech Republic, El Salvador and the United States of America and from the following bodies: Akin, Gump, Strauss, Hauer and Feld; American Federation of Aviculture; American Association of Zoos and Aquariums; Biodiversity Forum; Born Free Foundation; Busch Gardens, Tampa; Environmental Investigation Agency; Federation of Field Sports Associations of the European Union; Humane Society of the United States; International Association for Falconry and Conservation of Birds of Prey; North American Falconers Association; Ringling Brothers; Royal Society for the Prevention of Cruelty to Animals.
9. The chairman of the Animals Committee's working group on the subject then summarized these comments and provided his conclusions and recommendations to the Secretariat on 21 November 1996. The Secretariat would like to express its sincere appreciation of the work done by Dr Dauphiné, which was clearly far from easy.

Presentation of the draft resolution*Introduction*

10. The Secretariat has prepared a further (third) draft resolution, which is annexed to the present document for consideration.
11. This draft was prepared taking into account all the comments received by the Secretariat, and especially the conclusions and recommendations emanating from the working group of the Animals Committee. It must be said from the outset, however, that having carefully considered the comments received, the Secretariat did not agree with a number of them. In the Annex, it has provided explanatory notes on its proposal, and indicated the issues of greatest concern. A number of points however will require further discussion by the Conference of the Parties.

*One resolution or two?*

12. As the Conference of the Parties has agreed to a process of consolidation of Resolutions, the Secretariat has taken the opportunity to propose a consolidation and simplification of the Resolutions dealing with captive-bred specimens (as is indicated in paragraph 5 above). The United States of America has objected to this approach, stating that the definition of "bred in captivity", which applies to specimens of all species in the appendices should be in a resolution separate from the one that specifies the procedure for registering operations that breed Appendix-I species in captivity for commercial purposes. Since the Secretariat does not share this view, the attached draft resolution has been prepared in a consolidated form but the definitions can easily be separated from the rest if the Conference decides that this is necessary.

*Registration of captive-breeding operations*

13. The Secretariat is concerned about the issue of the registration of operations breeding Appendix-I species of animals in captivity for commercial purposes. In its first draft resolution, it suggested that, as the responsi-

bility for controlling the activities of captive-breeding operations lay at the national level, registers of captive-breeding operations should also be maintained at the national level and there was no need for a central register to be maintained by the Secretariat. During the consultations, there was strong opposition to the deletion of the Secretariat's register. Consequently it was reintroduced in the second draft and is retained in the current draft.

14. Currently, the operations that may be registered are those breeding Appendix-I species in captivity for commercial purposes, referred to in Article VII, paragraph 4, of the Convention. The Conference of the Parties has already adopted a definition of "commercial purposes" in relation to Article III, paragraph 3, of the Convention and it has been adapted for application to Article VII, since there should not be more than one definition of the same term. However, the effect is that

a large number of captive-breeding operations will be considered to be producing specimens that are covered by Article VII, paragraph 4.

15. This is not a problem unless they all must be registered by the Secretariat. The Secretariat has sought a way to reduce the number that need to be registered. This requires further discussion. If the number is not reduced, then there will be budgetary implications since the Secretariat has not the resources to deal with a very large number of registrations.
16. Moreover, the Secretariat is concerned that if captive-breeding operations are going to be required to register before being allowed to export, the process should not be made difficult. In the existing Resolutions it is difficult. The Secretariat has attempted to simplify it in the proposed draft resolution. If it is made more onerous, this will be a disincentive to register and implementation problems can be expected.

**Doc. 10.67 Annex**

**DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES**  
Specimens of Animal Species Bred in Captivity with Explanatory Notes

**Draft Resolution**

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), and Resolutions Conf. 5.10, Conf. 8.15, Conf. 8.22 and Conf. 9.5 adopted by the Conference of the Parties at its fifth meeting (Buenos Aires, 1985), eighth meeting (Kyoto, 1992) and 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 should 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;

RECOGNIZING also the need to apply these provisions in a way that will not be detrimental to the survival of wild populations of the species concerned;

**Explanatory Notes**

Reference is made here to the Resolutions that are to be replaced as well as to the Resolutions from which text is taken or adapted in the present draft resolution.

Reference is made to the relevant part of the Convention.

Some Parties have indicated that they apply the provisions of Article III to the trade in these specimens. It is clarified here that the applicable provisions are those in Article IV.

There has been confusion about whether the provisions of Article VII, paragraph 5, remove the need for an import permit. This makes clear that it does.

Concern has been expressed that this paragraph is contrary to a statement made in Notification to the Parties No. 913, which explains the provisions deriving from current Resolutions, in this case paragraph j) of Resolution Conf. 8.15. This paragraph says that if a specimen is bred for non-commercial purposes, it may not be imported for commercial purposes. For example, a specimen produced in a non-commercial zoo could not be imported into another country for sale or for use in a commercial breeding operation. This is more strict than the Convention and the Secretariat sees no reason for such a restriction.

This is the problem identified by the Conference of the Parties and the reason for the present exercise.

Text from Resolution Conf. 2.12 (Rev.).

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**Draft Resolution**

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CONCERNED 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 remains contrary to the Convention and to Resolutions of the Conference of the Parties, and may be detrimental to the survival of wild populations of the species concerned;

CONCERNED also that a number of animals bred in captivity that are traded are descended from animals that were traded illegally;

AWARE that each Management Authority must establish and enforce a policy and procedure for managing, monitoring and inspecting captive-breeding operations within its jurisdiction;

CONSIDERING that each Management Authority is responsible for deciding whether a captive-breeding operation is legitimate and meets the conditions established for registration, and for seeking its registration with the Secretariat; and

CONSIDERING also that each Management Authority is responsible for determining whether registered captive-breeding operations in its jurisdiction continue to meet the requirements for registration;

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**Explanatory Notes**

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Self-explanatory.

Reference is made to a problem identified in Resolution Conf. 8.15, the possible illegality of founder stock.

Adapted from the preamble of Annex 2 of Resolution Conf. 8.15.

From the preamble of Annex 2 of Resolution Conf. 8.15.

Adapted from the preamble of Annex 2 of Resolution Conf. 8.15.

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

ADOPTS the following definitions of terms used in this Resolution:

- a) "first-generation offspring (F1)" are specimens 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 produced in a controlled environment from parents that were also produced in a controlled environment;
- c) the "breeding stock" of an operation means the ensemble of the animals in the operation that 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 include but are not limited to: artificial housing; waste removal; health care; protection from predators; and artificially supplied food;

This is simple clarification of terminology, without using the term "bred in captivity", which has a special meaning, defined below.

*ditto*

Adapted from Resolution Conf. 2.12 (Rev.). It has been suggested that the word "intensively" should be inserted before "manipulated" as in Resolution Conf. 2.12. However, the term "intensively manipulated" is open to interpretation and the remaining words might provide an adequate definition. If they do not, the definition should be amended.

Regarding the term "bred in captivity"

DECIDES:

- a) that 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;

It has been suggested that the definition of "bred in captivity" should be different in some respects for specimens of Appendix-I species than for those in Appendices II and III. The Secretariat believes that to make such a distinction would create confusion as well as practical problems. If a specimen is considered to be bred in captivity and the species concerned is transferred from one appendix to another, this transfer should not change the view that the specimen was bred in captivity (and vice versa). Moreover, it should be recalled that populations of a species can be included in different appendices. But a breeding stock can comprise animals from more than one population.

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**Draft Resolution**

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- b) that the term "bred in captivity" shall be interpreted to refer only to specimens born or otherwise produced in a controlled environment, and shall apply only if:
- i) the parents mated or otherwise transferred gametes 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 breeding stock, to the satisfaction of the competent government authorities of the exporting country:
    - A. was established in accordance with the domestic laws and in a manner not detrimental to the survival of the species in the wild;
    - B. is maintained without the introduction of specimens from the wild, except for the occasional addition of animals, eggs or gametes:
      - 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. 9.11; or
      - 3. to dispose of nuisance animals that are removed from the wild because they endanger human life or property; or
      - 4. exceptionally, to increase the breeding stock in accordance with the domestic laws and in a manner not detrimental to the survival of the species in the wild; and
    - C.
      - 1. has produced offspring of second generation (F2) or subsequent generation (F3, F4, etc.) in a controlled environment; or
      - 2. belongs to a species included in a list of commonly bred species, established and amended by the Conference of the Parties on the basis of proposals submitted by the Animals Committee after consultation with experts in captive breeding and in the species in question;

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**Explanatory Notes**

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Adapted from Resolution Conf. 2.12 (Rev.), which refers to "offspring including eggs" rather than to specimens. It has been suggested that the original words should be used but these would be inadequate since the term "bred in captivity" must be applicable not only to live specimens but also to parts and derivatives. It is therefore appropriate to use the term "specimens", which is defined in the Convention.

From Resolution Conf. 2.12 (Rev.).

Adapted from Resolution Conf. 2.12 (Rev.), which referred to the "relevant country".

Adapted from Resolution Conf. 2.12 (Rev.), which does not mention domestic laws. The United States has suggested that the text should refer also to foreign laws. This could be done but the question of where the burden of proof should lie would need to be clarified. Another possibility would be to refer to the provisions of CITES but this might not be sufficient in cases where a breeding stock was established in a country before it became a Party.

Adapted from Resolution Conf. 2.12 (Rev.).

Adapted from Resolution Conf. 2.12 (Rev.). The reference to alleviation was suggested by the United States.

The possibility of using confiscated animals in commercial captive-breeding operations is discussed in Resolution Conf. 9.11, where it is one of the options suggested.

It is preferable to use nuisance animals for breeding than to destroy them.

This idea in this paragraph is contentious. It covers all other cases where specimens may be legally acquired *without detriment to the wild population*, this being the most important condition. As wild specimens may be used to *establish* any number of breeding operations, it would not be logical to exclude their use for augmenting existing operations. It has been suggested that this paragraph could undermine the principle that captive-breeding operations should be self-sustaining. For this reason, it is indicated that the acquisition of specimens in accordance with this paragraph must be exceptional. It should not be forgotten, however, that *wild-taken specimens of Appendix-I species may not be imported for commercial purposes*.

Resolution Conf. 2.12 (Rev.) refers to the parental breeding stock being managed in a manner that has been demonstrated to be capable of reliably producing second-generation offspring. This is interpreted in different ways, which is one of the main reasons why the Conference of the Parties instructed the Secretariat to draft a new resolution. It has been suggested that the words in Resolution Conf. 2.12 (Rev.) should simply be more clearly defined in relation to the husbandry methods that have been successful elsewhere. The Secretariat believes that this approach underplays the problem of finding out what methods have been successful elsewhere in the world.

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**Draft Resolution**

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**Explanatory Notes**

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The proposed solution is to decide that a specimen produced in a breeding operation may be considered as bred in captivity only if *either*:

- the breeding operation itself has produced second-generation offspring; *or*
- the species concerned is on a list of commonly bred species agreed by the Conference of the Parties.

If necessary, the first alternative could easily be made stricter, for example by specifying the number of times, or the number of breeding seasons in which, F2 specimens must be produced.

It would in any case be clear that, if a captive-breeding operation had not itself produced second-generation offspring, none of the specimens it produced could be considered as bred in captivity unless they were of a species on a list established by the Conference of the Parties. For species on the list, even F1 specimens would be considered as bred in captivity.

Concern has been expressed about which species would be on the list. But there seems no reason for concern because the Conference need not include any species for which adequate justification is not provided. The United States has expressed doubt that any species would ever qualify for inclusion. If this is the case, then the text would be stricter than Resolution Conf. 2.12 (Rev.), which does not require a captive-breeding operation to produce F2 specimens itself before the animals it produces can be considered as bred in captivity.

Regarding the establishment of captive-breeding operations for Appendix-I species of crocodylians

RECOMMENDS that Parties allowing the establishment of commercial captive-breeding operations for Appendix-I crocodylians not allow wild-caught animals to form the breeding stock unless justified in a national management plan demonstrating conservation value;

This is taken from the first paragraph of Resolution Conf. 8.22.

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

DECIDES that a specimen bred in captivity shall be considered as bred in captivity for commercial purposes, in accordance with Article VII, paragraph 4, of the Convention, if it was bred to obtain economic benefit, whether in cash or in kind, with the intention of sale, exchange, provision of a service or another form of economic use or benefit; and

It should be noted that 'commercial purposes' are not mentioned in the title because some paragraphs relate to *all* specimens of Appendix-I species bred in captivity.

One of the main problems to be solved is the varying interpretations of the term "commercial purposes" in Article VII, paragraph 4. The Conference of the Parties has already defined this term in Resolution Conf. 5.10 in relation to Article III. There should not be two definitions of the same term. The text opposite is adapted from Resolution Conf. 5.10.

If the proposed text were adopted, even zoos or hobbyists who breed animals with the intention of selling or exchanging them would be considered as breeding them for commercial purposes. In terms of the text of the Convention, this would simply mean that the specimens of Appendix-I species produced would be treated as if they were of Appendix-II species.

There would not be any real problem unless the Secretariat were required to establish a register of all such breeding operations. It has been suggested that this should be done and that all registered operations should pay a registration fee. The Secretariat considers this impractical. The work would certainly require at least one full-time employee, but a UN employee could not be taken on without the ready availability of funds.

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**Draft Resolution**

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**Explanatory Notes**

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RECOMMENDS that:

- a) operations breeding specimens in captivity for commercial purposes be included in the Secretariat's Register of such operations if more than two specimens from the breeding operation are exported annually;
- b) no trade be permitted in specimens that have been produced in a breeding operation that is eligible to be included in the Secretariat's Register but has not been;
- c) the export of a specimen bred in captivity not be permitted if one or more of the animals in [the preceding two generations of] its lineage were imported and/or exported in contravention of the provisions of the Convention or of the laws of the country of export, whether or not the countries of export and/or import were party to CITES at the time of the transaction;
- d) 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
- e) comparable documentation granted for specimens of Appendix-I species by States that are not party to the Convention not be accepted by the Parties without favourable advice from the Secretariat;

It has also been suggested that the possibility should be left for Management Authorities to decide, in special cases (e.g. occasional breeding by hobbyists), that an operation is non-commercial. However, since the Secretariat was specifically instructed to address the problem of different interpretations by Parties, this is not an option.

The Secretariat originally suggested to the Animals Committee that no central register of breeding operations should be maintained. In view of strong opposition to this idea, the Secretariat's Register was reintroduced. If a large number of breeding operations are considered to be breeding Appendix-I species in captivity for commercial purposes, there is a need to keep the number of operations eligible to be registered to a reasonable level. The text opposite suggests a way of eliminating some operations, along lines suggested by the chairman of the working group. But the Secretariat is concerned that the workload might still be very heavy and that it will need assistance to manage the registration, which will have budgetary implications. *The Secretariat itself is not convinced of the need for a central register.*

The Register serves no use if operations eligible to be registered are not registered but can still trade in captive-bred specimens.

There is a strong feeling that breeders should not be allowed to benefit from breeding animals that have been illegally traded, since these are 'stolen resources'. In the text opposite, this principle has been extended to the 'grandparents'. It has been suggested that it should extend to all animals in the lineage of each captive-bred animal. This could easily be done by deletion of the words in square brackets opposite, although such deletion might introduce problems of implementation.

This is repeated from Resolution Conf. 9.5, to ensure that all relevant texts are included in this draft resolution.

Regarding the registration of operations breeding specimens of Appendix-I species in captivity for commercial purposes

DECIDES that the Secretariat shall maintain its Register of Operations Breeding Appendix-I Specimens in Captivity for Commercial Purposes;

RECOMMENDS:

- a) that, before a Management Authority approves the application of a captive-breeding operation for registration, it obtain sufficient information about the establishment and functioning of the operation:
  - i) to satisfy itself that the operation was established in accordance with the domestic laws and without detriment to the wild population; and
  - ii) to enable it to provide the information specified in the sub-paragraph b) below; and

This is supported by the working group.

As the Conference of the Parties recognized in Resolution Conf. 8.15 Annex 2, the Management Authorities are responsible for deciding whether a captive-breeding operation is legitimate and meets the conditions established for registration. The text opposite reflects this. There is no need to specify the information that has to be provided by the breeding operation. The information required for registration is clear and it is up to the relevant Management Authority to obtain it before requesting registration.

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**Draft Resolution**

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- b) that each Management Authority that has approved the application of a captive-breeding operation to be registered apply to the Secretariat for the registration of the operation and provide:
- i) the following information about the operation:
- A. name and address (and name and address of the owner and manager of the operation, if it is different);
  - B. date of establishment;
  - C. the species bred in captivity for which registration is sought, including the subspecies where applicable;
  - D. a description of the founder stock including the following information where appropriate:
    - 1. age and identification (band or tag numbers, transponders, distinguishing marks, etc.) of each male and each female; and
    - 2. evidence of legal acquisition of each male and each female (e.g. receipts, CITES documents, capture permits, etc.); and
    - 3. the known or likely genetic relationships of the animals in the breeding stock;
  - E. current stock (number, by sex and age, of all specimens held);
  - F. current and expected annual production of young;
  - G. documentation showing whether the species has been bred to second generation at the operation;
  - H. a description of the strategy to avoid deleterious inbreeding and to identify and correct it should it occur;
  - I. a description of the management of the breeding stock and the offspring, including:
    - 1. a description of the breeding performance of each generation produced in captivity, including an indication of the percentage of animals in the operation that are of breeding-age and have produced viable offspring;
    - 2. a description of the strategy to increase the breeding stock in future or to replace existing animals in the stock using offspring produced in the operation; and
    - 3. an assessment of the perceived need for augmentation of the breeding stock using captive-bred or wild-taken specimens;
  - J. type of product exported (e.g. live animals, skins, hides, etc.); and
  - K. a description of the marking methods to be used for the breeding stock and offspring and for specimens to be exported; and
- ii) a description of the inspection procedures to be used by the CITES Management Authority to confirm the identity of the breeding-stock and offspring and to detect the presence of unauthorized specimens held at the operation or provided for export;

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**Explanatory Notes**

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Adapted from Resolution Conf. 8.15 Annex 2.

The information specified is from Annex 1 of Resolution Conf. 8.15. Points A, B, C, E, H, J and K are not different in substance from the equivalent paragraphs in the existing Resolution. In point D the words "founder stock" have been used rather than "parental breeding-stock". Point F has been amended to indicate that data on annual production should include the present and expected future production. In point G, documentation is requested to show *whether* the species has been bred to second generation at the operation as it might not have been. Point I is derived from para. 11.b) and c) and para. 12 of Resolution Conf. 8.15 Annex 1.

The points in Resolution Conf. 8.15 Annex 1, relating to the housing facilities, security measures and measures for disposal of stock if the operation is closed have been omitted as they should not be required for registration by the Secretariat. A Management Authority might require the information but that is a national matter.

This is from Annex 2 of Resolution Conf. 8.15.

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**Draft Resolution**

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DIRECTS the Secretariat to:

- a) review applications for registration from Management Authorities;
- b) in the case of the first application by a Party relating to a particular species:
  - i) refer the applications to appropriate experts for advice on their suitability;
  - ii) notify the Parties of the application, supply copies to Parties that request them, and allow 120 days for the receipt of comments from Parties;
  - iii) if a Party objects to the registration of an operation within the period for comments, encourage a dialogue between the Party making the application and the Party objecting, and allow a further 60 days for an exchange of views; and
  - iv) if the objection is not withdrawn before the end of this period, submit the application for a decision by two-thirds majority vote at the following meeting of the Conference of the Parties, or by postal procedures similar to those set forth in Article XV of the Convention;
- c) in the case of second or subsequent applications by the same Party relating to the same species, implement the procedure specified in sub-paragraph b) above only if it believes that:
  - i) there are significant new aspects;
  - ii) the breeding operation may not meet the criteria for registration; or
  - iii) some Parties may have reason to object to the registration;
- d) register an operation for which an application has been received, when it is satisfied that the provisions of paragraphs a) and b) under the second RECOMMENDS above have been implemented;
- e) when an operation is not accepted for registration, provide the relevant Management Authority with a full explanation of the reasons and indicate the specific conditions that must be met before it can be accepted;
- f) delete the name of a breeding operation from its Register when requested to do so, in writing, by the responsible Management Authority;
- g) review any information received on the failure of any registered breeding operation to meet the conditions for registration and, if convinced that such information is well-founded, communicate it to the Management Authority concerned for comments and, if appropriate, remedial action; and
- h) if a registered operation appears no longer to meet the conditions for registration, recommend its deletion from the Register to the Management Authority concerned and, if necessary, to the Conference of the Parties, which may delete the operation from the Register by a two-thirds majority vote of the Parties at a meeting of the Conference of the Parties or by postal procedures similar to those set forth in Article XV of the Convention; and

RECOMMENDS that, after a captive-breeding operation is registered, the Management Authority concerned, with assistance from the Scientific Authority, monitor the performance of the operation by inspection and by requiring and examining annual reports from the operation; and

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**Explanatory Notes**

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From Annex 3 of Resolution Conf. 8.15.

This represents a significant change from the system in Resolution Conf. 8.15, which refers only to species rather than to species in relation to Parties. Although the change was not supported by the working group, the Secretariat believes it is justified because the systems of control and administration can be quite different from one Party to another.

Another important change is that the opportunity is given for consultation between the Party proposing registration and a Party that objects. The proposed registration will only be put to the Conference of the Parties for a decision if the objection persists after the consultation.

This too is a change from the existing system regarding applications for the second registration relating to a species, which speaks only about reference to experts if there are new aspects or other reasons for concern. The Secretariat believes that there is a need to consider the species in relation to the country and that there may sometimes be reasons for going through the full consultation process. In addition, it should be noted that the principles in points ii) and iii) were endorsed by the Standing Committee at its 35th meeting (1995).

This is self-explanatory.

From Resolution Conf. 8.15 Annex 3.

From Resolution Conf. 8.15 Annex 3.

Adapted from Resolution Conf. 8.15 Annex 3, which does not refer to comments or remedial action.

Adapted from Resolution Conf. 8.15.

Adapted from Resolution Conf. 8.15 Annex 2.



Regarding Resolutions of the Conference of the Parties

REPEALS the Resolutions, or parts thereof, listed hereunder:

- a) Resolution Conf. 2.12 (Rev.) (San José, 1979, as amended in Fort Lauderdale, 1994) – Specimens Bred in Captivity or Artificially Propagated;
- b) Resolution Conf. 8.15 (Kyoto, 1992) – Guidelines for a Procedure to Register and Monitor Operations Breeding Appendix-I Animal Species for Commercial Purposes; and
- c) Resolution Conf. 8.22 (Kyoto, 1992) – Additional Criteria for the Establishment of Captive-breeding Operations and for the Assessment of Ranching Proposals for Crocodylians – first and second operative paragraphs.

**Interpretation and Implementation of the Convention**

**Captive Breeding**

**IMPLEMENTATION OF ARTICLE VII, PARAGRAPHS 4 AND 5**

**SPECIMENS OF ANIMAL SPECIES IN APPENDIX I, II OR III BRED IN CAPTIVITY**

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| <p>1. This document has been submitted by the United States of America. It contains a proposed revision of</p> | <p>Resolution Conf. 2.12 (Rev.) based on discussions in the Animals Committee.</p> |
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**COMMENTS OF THE SECRETARIAT**

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| <p>2. Decision No. 22 directed to the Secretariat adopted at the ninth meeting of the Conference of the Parties instructs the Secretariat, in consultation with the Animals Committee, to prepare a draft resolution to resolve problems regarding the application of Article VII, paragraphs 4 and 5, of the Convention, including:</p> <p>3. – <i>different interpretations by Parties of the term "for commercial purposes" when referring to the breeding of specimens of Appendix-I species in captivity, in particular regarding the sale of specimens that often results in income which, although perhaps not essential to the breeder's livelihood, may be significant; and</i></p> <p>4. – <i>different interpretations by Parties of the criteria in Resolution Conf. 2.12 to determine whether a captive-breeding operation is "managed in a manner which has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment".</i></p> | <p>5. An explanation of the activities of the Secretariat in this connection is provided in document Doc. 10.67.</p> <p>6. The United States of America expressed dissatisfaction about a number of the elements in a previous version of the draft resolution prepared by the Secretariat and therefore put forward the draft resolutions in the present document and document Doc. 10.68.2.</p> <p>7. The draft resolutions from the United States of America do not address the first of the two problems that the Conference of the Parties decided should be solved (paragraph 3. above).</p> <p>8. The second of the two problems (paragraph 4. above) is addressed in the attached draft resolution. The Secretariat believes that the proposed solution is more complicated than it needs to be and would not facilitate the task of Management Authorities. Paragraphs d) and e) of the draft might provide useful criteria for establishing a list of species for which even F1 specimens may be considered as "bred in captivity".</p> |
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**Doc. 10.68.1 (Rev.) Annex**

**DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES**

**Specimens of Animal Species in Appendix I, II or III Bred in Captivity**

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

RECOGNIZING the need for the Parties to agree on a standard interpretation of these provisions;

RECOGNIZING also the need to apply these provisions in a way that will not be detrimental to the survival of wild populations; and

RECALLING that in the case of wild animals these provisions were intended to apply only to captive populations sustained without augmentation from the wild;

**THE CONFERENCE OF THE PARTIES TO THE CONVENTION**

ADOPTS the following definitions as a basis for a determination, which shall be made exclusively by the exporting country, as to whether an animal specimen can be considered to be bred in captivity:

- a) *Parental breeding stock* does not refer to the specific parent or parents of an individual specimen; it is all breeding stock in the captive breeding population under consideration. A captive breeding population may be limited to those specimens held by one breeding operation or may include the stock held by multiple breeding operations considered jointly. Parental breeding stock may include original founder stock obtained from the wild or other sources, stock obtained

for augmentation, or offspring retained to expand or sustain the breeding stock;

- b) *First-generation offspring (F1)* are specimens bred in captivity from parents of which at least one was conceived in or taken from the wild;
- c) *Second-generation or subsequent offspring (F2, F3, etc.)* are specimens bred in captivity from parents of which both were also bred in captivity (F1 or subsequent generation). An offspring of a first-generation animal and a wild animal would not be considered second generation;
- d) *Reliable production of second-generation offspring* is that which would be expected to result in sufficient survival of second-generation offspring to sustain the population and would be indicated by, but is not limited to:
- i) second-generation offspring produced by multiple parents (at least two parents of each sex, if reproduction is sexual);
  - ii) second-generation offspring produced at multiple facilities;
  - iii) a tendency for the majority of F1 animals to mate with each other and produce viable second-generation offspring; and
  - iv) production and survival of second-generation offspring that equals or exceeds mortality of adult breeding stock;

- e) *Capable of reliably producing second-generation offspring* would be indicated by:
- i) the use of husbandry methods that have been demonstrated elsewhere to result in a sustainable captive population through the reliable production of second-generation offspring of the same species;
  - ii) actual production of offspring, though not necessarily to the second generation; and
- f) *A controlled environment* for animals is an environment that is intensively manipulated by man for the purpose of producing the species in question, and that has boundaries designed to prevent animals, eggs or gametes of the selected species from entering or leaving the controlled environment. General characteristics of a controlled environment may include but are not limited to artificial housing, waste removal, health care, protection from predators and artificially supplied food;

DECIDES:

- a) that the term "bred in captivity" be interpreted to refer only to offspring, including eggs, born or otherwise produced in a controlled environment, either of parents that mated or otherwise transferred gametes in a controlled environment, if reproduction is sexual, or of parents that were in a controlled environment when development of the offspring began, if reproduction is asexual;
- b) that the interpretation of the term "bred in captivity" contained in the previous paragraph shall apply whether the specimens are of species included in Appendix I, II or III, and whether or not they were bred for commercial purposes;
- c) that a specimen shall be considered as bred in captivity only if the parental breeding stock, to the satisfaction of the competent government authorities of the relevant country:

- i) is established in a manner not detrimental to the survival of the species in the wild;
- ii) is maintained without augmentation from the wild, except for the occasional addition of animals, eggs or gametes from wild populations:
  - A. to prevent or alleviate deleterious inbreeding, with the magnitude of such addition determined by the need for new genetic material and not by other factors;
  - B. to dispose of confiscated animals (in accordance with Resolutions Conf. 9.10 and Conf. 9.11); and
  - C. when such augmentation will not be detrimental to the survival of the species in the wild;
- iii) managed in a manner designed to maintain the breeding stock indefinitely, which requires that the stock is managed in a manner which has been demonstrated to:
  - A. for Appendix-I species, reliably produce second-generation offspring in a controlled environment;
  - B. for Appendix-II and -III species, be capable of reliably producing second-generation offspring in a controlled environment; and
- d) that the competent government authorities of countries exporting live animals, parts and derivatives of specimens bred in captivity of species listed in Appendix I endeavour, where possible, to ensure that these be made identifiable by means other than documentation alone;

RECOMMENDS that the Parties refer to the Annex to this Resolution for specific examples of specimens that qualify or do not qualify as bred in captivity.

**Annex**

Examples of Determinations as to Whether Animal Specimens Qualify as Bred in Captivity

Specimens that do not qualify to be certified as bred in captivity

Snake eggs are removed from the wild and hatched in captivity.

The snakes hatched from these eggs cannot be considered to be bred in captivity because the exchange of gametes between their parents occurred in the wild and not in a controlled environment.

A pair of birds is removed from the wild and produces first-generation (F1) offspring in captivity. Each of the F1 offspring is mated to a wild-caught bird, and several offspring are produced by each of these pairs. Again these offspring are mated to wild-caught birds.

These specimens cannot be certified as bred in captivity, even though several offspring have been produced by each pair, because (a) the parental stock has not been maintained without augmentation from the wild and (b) there has been no demonstration that the parental stock is managed in a manner that is capable of reliably producing F2 offspring. The offspring of the captive-bred birds and their wild-caught mates are not considered to be second-generation (F2) offspring because both parents were not themselves bred in captivity.

A group of 20 breeding-age animals of an extremely rare species is removed from the wild for captive breeding. These animals are mated and produce F1 offspring in a

controlled environment. The first-generation offspring are then mated to each other, and F2 offspring are produced by several pairs. The operator of the breeding facility has marked all the animals, carefully records the pedigree of each specimen, and plans all matings to minimize inbreeding and avoid the need for further augmentation with wild stock.

Specimens produced at this facility do not qualify to be certified as bred in captivity because the parental stock was not established in a manner that was not detrimental to the survival of the species in the wild.

Specimens that do qualify to be certified as bred in captivity

Captive-bred specimens of an Appendix-II species are obtained to establish a new breeding operation. This species is commonly bred in captivity and the operator of the new breeding operation uses methods shown to be successful in producing the species to the fourth generation at two other captive-breeding facilities. He produces 10 offspring from five pairs of animals in the first year. The operator of the breeding facility has marked all the animals, carefully records the pedigree of each specimen, and plans all matings to minimize inbreeding; however, if additional stock is required, unrelated captive-bred stock is available, so the operator of the facility has stated that there is no need for augmentation with wild stock.

Specimens produced at this facility can be certified as bred in captivity because they meet all of the criteria:

(i) establishment of the parental stock had no effect on the wild population; (ii) there will be no augmentation of the breeding stock from the wild; and (iii) offspring have been

produced using methods that are known to result in the reliable production of second-generation offspring.

Interpretation and Implementation of the Convention

Captive Breeding

IMPLEMENTATION OF ARTICLE VII, PARAGRAPHS 4 AND 5

PROCEDURES FOR REGISTERING AND MONITORING OPERATIONS BREEDING  
APPENDIX-I ANIMAL SPECIES FOR COMMERCIAL PURPOSES

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| <p>1. This document has been submitted by the United States of America. It contains a proposed revision of</p> | <p>Resolution Conf. 8.15 based on discussions in the Animals Committee.</p> |
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Doc. 10.68.2 Annex

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Procedures for Registering and Monitoring Operations Breeding Appendix-I Animal Species for Commercial Purposes

RECOGNIZING that Article VII, paragraph 4, of the Convention provides that specimens of Appendix-I animal species bred in captivity for commercial purposes shall be deemed to be specimens of species included in Appendix II;

NOTING that import of wild-caught specimens of Appendix-I species for purposes of establishing a commercial captive-breeding operation is precluded by Article III, paragraph 3(c), of the Convention, as explained further in Resolution Conf. 5.10 adopted at the fifth meeting of the Conference of the Parties (Buenos Aires, 1985);

RECALLING that Resolution Conf. 2.12, adopted at the second meeting of the Conference of the Parties (San José, 1979), establishes the definition of "bred in captivity" and specifies that the parental breeding stock must be: 1) established in a manner not detrimental to the survival of the species in the wild; 2) maintained without augmentation from the wild, except for the occasional addition of animals, eggs or gametes from wild populations to prevent deleterious inbreeding; and 3) managed in a manner designed to maintain the breeding stock indefinitely;

RECALLING that subsequent Resolutions request the Secretariat to compile and update a register of operations breeding specimens of Appendix-I species in captivity for commercial purposes [Resolution Conf. 4.15 adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983)] and recommends: that the Parties provide the Secretariat with "any appropriate information" on these operations (Resolution Conf. 4.15); that breeding operations use a uniform marking system for captive-bred specimens, with closed rings for birds [Resolution Conf. 6.21 adopted at the sixth meeting of the Conference of the Parties (Ottawa, 1987)]; that the first commercial captive-breeding operation to breed an Appendix-I species be included in the Secretariat's Register only by a two-thirds majority vote of the Parties (Resolution Conf. 6.21); and that the proposal submitted by a Party to register the first commercial operation breeding an Appendix I species follows a specific format [Resolution Conf. 7.10 adopted at the seventh meeting of the Conference of the Parties (Lausanne, 1989)];

AWARE that as of 13 March 1992 the Secretariat had notified the Parties of the registration of approximately 60 operations, breeding a total of 14 species in captivity for commercial purposes; and

NOTING that the demand for captive breeding for commercial and conservation purposes is growing, that the art and science of captive-breeding are becoming increasingly complex, and that the Parties have not yet instituted standardized procedures for the registration and

subsequent monitoring of captive-breeding operations for Appendix-I species for commercial purposes;

THE CONFERENCE OF THE PARTIES TO THE  
CONVENTION

AGREES to describe a clear and comprehensive procedure for qualifying, registering and monitoring commercial captive-breeding operations for Appendix-I species;

RESOLVES:

- a) that the principles set forth in Resolution Conf. 2.12 shall remain the basis of this procedure;
- b) that the first major responsibility for approving captive-breeding operations under Article VII, paragraph 4, shall rest with the Management Authority of each Party, in consultation with the Scientific Authority of that Party;
- c) that the sponsoring Party's Management Authority shall provide the Secretariat with appropriate information to obtain, and to maintain, the registration, on a species-by-species basis, of each captive-breeding operation;
- d) that, in the case of a first application by a Party to have an operation registered for a particular species (regardless of whether registered operations for the same species exist in other countries), the Secretariat shall notify all Parties and shall provide full information on the operation to all range states and to any other Party that requests it; in such cases, the Secretariat shall include the new operation in its Register only if no range state or other Party has objected to the registration within a period of 120 days after the Secretariat's notification;
- e) that, in the case of subsequent applications by a Party to have an operation registered for a particular species, the Secretariat shall include the new operation for that species in its Register only if it is satisfied that the operation meets the requirements of Resolution Conf. 2.12 and additional requirements of Annex 2 below<sup>1</sup>;
- f) that, if any Party opposes the registration of an operation breeding a species new to the Secretariat's Register within the 120-day period referred to in subparagraph g), the decision to register the operation shall be postponed until the following meeting of the Conference of the Parties, where it shall be decided by a two-thirds majority vote, or until a decision is made by postal procedures set forth in Article XV of the Convention;

<sup>1</sup> Reference to Annex 2 here is redundant if "new" Resolution Conf. 2.12 adopted.

- g) that the captive-breeding operations included in the Secretariat's Register on 13 March 1992 that wish to acquire additional wild specimens of Appendix-I species shall comply with the requirements of this Resolution;
- h) that Parties may import specimens of species included in Appendix I for primarily commercial purposes only under the provisions of Article VII paragraph 4 or, if applicable, Article VII, paragraph 5) (imports of Appendix I species for primarily commercial purposes under Article III are prohibited by the Treaty);
- i) that registered captive-breeding operations shall continue to use a uniform marking system for their specimens in trade, and adopt superior marking methods as they become available;
- j) that any Party believing that a registered operation does not meet the requirements of Resolution Conf. 2.12 (Rev.) may, after consultation with the Secretariat and the Party concerned, propose that the Conference of the Parties delete the operation from the Register by a two-thirds vote of the Parties as described in Article XV of the Convention; and that, once deleted, such an operation may only be reinstated

- in the Register by satisfying the procedure outlined in sub-paragraphs f), g) and h) above;
- k) that any Party within whose jurisdiction an operation is registered may unilaterally request the removal of that operation from the Register without reference to other Parties by so notifying the Secretariat;
- l) that where the conservation needs of the species warrant, the Management Authority shall satisfy itself that the captive-breeding operation will make a continuing meaningful contribution to the conservation of the species; and
- m) that the Parties and the Secretariat may establish additional special criteria for the registration of operations intending to breed specimens of species known to be difficult to breed in captivity, or known to have specific requirements for successful breeding in captivity, or the captive-bred specimens of which are known to be difficult to distinguish from wild-taken specimens when in trade; and

DECIDES that Resolution 8.15 (Kyoto, 1992) – Guidelines for a Procedure to Register and Monitor Operations Breeding Appendix-I Animal Species for Commercial Purposes – be repealed.

## Annex 1

### Role of the Commercial Captive-breeding Operation

REALIZING that the captive-breeding process begins with a breeder becoming interested in a species, developing expertise in husbandry, obtaining appropriate permits from the competent Management Authority, acquiring breeding-stock, building facilities to house specimens and successfully breeding the species;

ACKNOWLEDGING that commercial opportunity with Appendix-I species may provide an incentive for developing better techniques for husbandry and captive-breeding and for creating a source of specimens to relieve pressure on wild populations;

RECOGNIZING that the success of commercial captive breeding as an activity beneficial or at least neutral to conservation interests largely depends on the skill, concern and integrity of the operator; and

RECOGNIZING that operations breeding specimens in captivity for commercial purposes are defined as those which comply with the criteria set forth in Resolution Conf. 2.12 and the products of which are commercially traded, exchanged, or exhibited whether from native or non-native species;

#### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that the owner/manager of any commercial captive-breeding operation seeking inclusion in the Secretariat's Register shall be responsible for providing to the Management Authority of the country in which it is located the following information, where appropriate for the species concerned:

- a) Name and address of the owner and manager of the captive-breeding operation;
- b) Date of establishment;
- c) Species bred (Appendix I only);
- d) Description of parental breeding-stock including the following information where appropriate:
  - i) age and identification (band or tag numbers, transponders, distinguishing marks, etc.) of each male and each female;

- ii) evidence of legal acquisition of each male and each female (e.g. receipts, CITES documents, capture permits, etc.); and
- iii) the known or likely genetic relationship within and between breeding pairs;
- e) Current stock (number, by sex and age, of specimens held in addition to parental breeding-stock above);
- f) Annual production of young;
- g) Assessment of any perceived need for augmentation of the breeding-stock with specimens from captive-bred or wild source; and a description of the operation's strategy to avoid deleterious inbreeding, and to identify and correct it should it occur;
- h) Description of the facilities being used to house and care for the current and expected captive stock;
- i) Description of the security measures provided to safeguard against escape of the captive stock into the wild and contingency measures for the safe disposal of captive stock in the event that the operation is closed;
- j) Description of the management of the breeding-stock and offspring, specifically:
  - i) expected future production of offspring;
  - ii) description of strategy to add offspring to the breeding-stock as future replacement stock and/or to expand the breeding-stock;
  - iii) description of breeding performance of each generation produced in captivity, including records that describe the percentage of the breeding-age portion of the operation's specimens that have bred and produced viable offspring; and
  - iv) documentation that the species has been reliably bred to the second generation at the facility and a description of the husbandry methods used.
- k) Type of product exported (e.g. live specimens, skins, hides, other body parts);

- l) Description of the marking methods to be used for the breeding-stock and offspring and for specimens furnished for export;
- m) Once the captive-breeding operation in question has been registered, the operation should provide annually, or as required by the Management Authority, information on any changes made concerning items 4, 5, 6, 8, 9, 10, and 11 above during the preceding year; and
- n) The captive-breeding operation may avail itself of the exemption afforded by Article VII, Paragraph 4, ONLY to export specimens bred at that operation or at another registered breeding operation. Export of any specimens of species listed in Appendix I and NOT bred at that operation or at another registered operation are subject to the stricter provisions of Article III.

## Annex 2

### Role of the Management Authority

RECOGNIZING that the Management Authority of each Party, in consultation with the Scientific Authority, is responsible for deciding whether a captive-breeding operation is legitimate and meets the conditions established for registration, and for seeking its registration with the Secretariat;

AWARE that the Management Authority must establish and enforce a policy and procedure for managing and inspecting registered captive-breeding operations within its jurisdiction;

RECOGNIZING that the Management Authority is responsible for providing sufficient information to the Secretariat to support the captive-breeding operation's acceptance on the Secretariat's Register;

RECOGNIZING that the Management Authority is responsible for ensuring that registered captive-breeding operations continue to meet the requirements after they become registered;

#### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES:

- a) that each Management Authority that has approved the application of a captive-breeding operation (Annex 1) on the basis of criteria established in Resolution Conf. 2.12 and in the Procedures for Registering and Monitoring Operations Breeding Appendix-I Animal Species for Commercial Purposes shall apply to the Secretariat for the registration of the operation and provide the following information:

#### A. Biological Data on the Species to be Registered:

##### 1. Taxonomy

- class;
- order;
- family;
- genus, species, and subspecies, when applicable, including author and year;
- common name(s), when applicable; and
- code number (e.g. ISIS), when applicable;

#### 2. Status in the Wild

- distribution (current and historical); and
- population size, trend, and degree of endangerment;

#### 3. Status in Captivity

- description of founder stock in the country concerned (including source and likely genetic relationship);
- general breeding performance in captivity;
- general breeding techniques successfully used; and
- documentation of reliable breeding to the second generation;

#### B. Specific Biological and Other Data on the Captive-breeding Operation to Be Registered:

- including all of the information received from the operation, referred to in Annex 1;

#### C. A description of the inspection procedures to be used by the CITES Management Authority to confirm the identity of the breeding-stock and offspring and to detect the presence of unauthorized specimens held at the operation or provided for export;

- b) that after a captive-breeding operation is registered, the Management Authority, with assistance from the Scientific Authority, shall continue to monitor the performance of the operation by inspection and by examining the information provided in annual reports from the operation; and
- c) that if a captive-breeding operation no longer wishes to remain registered, or if the Management Authority receives information that leads it to believe that an operation no longer qualifies for registration, then the Management Authority within whose jurisdiction that operation is registered may unilaterally request its removal from the Register without reference to other Parties by so notifying the Secretariat.

## Annex 3

### Role of the Secretariat

RECOGNIZING that the Secretariat maintains a Register of Commercial Captive-Breeding Operations, and will admit new operations to its Register only after it is satisfied that these operations meet the requirements set forth in Resolution Conf. 2.12 and in the Guidelines for a Procedure to Register and Monitor Operations Breeding Appendix-I Animal Species for Commercial Purposes;

AGREEING further that the Secretariat should have a stronger "oversight" role in screening applications from Management Authorities for the registration of captive-breeding operations, and that it may reject applications that it believes do not meet the criteria of Resolution Conf. 2.12

concerning conservation needs of the particular species involved;

#### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that the Secretariat shall perform the following functions:

- a) receive and review applications for registration from Management Authorities;
- b) in the case of a first application by a Party to have an operation registered for a particular species (regardless

of whether registered operations for the same species exist in other countries):

- i) refer such applications to appropriate experts for advice on their suitability;
  - ii) notify the Parties of the applications, supply copies to Parties that enquire about them, and receive comments from Parties within a 120-day period; and
  - iii) when a Party has concerns about aspects of an application within the aforementioned period, encourage dialogue between the concerned and applying Parties in an effort to seek resolution of the concerns; and
  - iv) when a Party objects to the registration of an operation within the aforementioned period, postpone the application until it is decided by a two-thirds majority vote at the following meeting of the Conference of the Parties, or by postal procedures set forth in Article XV of the Convention;
- c) in the case of subsequent applications by a Party to have an operation registered for a particular species, refer such applications to appropriate experts for

advice on their suitability only in cases where there are significant new aspects or other reasons for concern;

- d) when satisfied that an application meets all the requirements in Annexes 1 and 2, publish the name of the operation and other particulars in its Register, following the format described in Annex 1;
- e) when an operation is not accepted for registration, provide the relevant Management Authority with a full explanation of the reasons for rejection and indicate the specific conditions that must be met before it can be accepted;
- f) delete the name of a breeding operation from its Register when requested to do so, in writing, by the responsible Management Authority; and
- g) receive from any person information on the lack of performance of any breeding operation and, if convinced such information is valid, make it available to the relevant Management Authority. If a registered operation appears no longer to meet the required criteria, the Secretariat may recommend its deletion from the Register to the Management Authority and to the Conference of the Parties.

#### Annex 4

##### Role of the Parties and of the Conference of the Parties

RECOGNIZING that a registration system for commercial captive-breeding operations can not function successfully without the co-operation and scrutiny of all Parties;

##### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES:

- a) that Parties shall strictly implement the provisions of Article IV of the Convention with respect to specimens of species included in Appendix I originating from operations that breed such specimens in captivity for commercial purposes;
- b) that Parties shall reject any document granted under Article VII, paragraph 4, of the Convention, if the specimens concerned do not originate from an operation duly registered by the Secretariat and if the document does not describe specific identifying marks applied to each specimen;
- c) that comparable documentation granted under Article VII, paragraph 4, of the Convention by States that are not Parties to the Convention shall not be accepted by the Parties without consultation with the Secretariat;
- d) that Parties shall continue to develop suitable measures to ensure that already registered captive-breeding operations, and the processors and manufacturers of products, adopt a marking system for products of the operations that meets as a minimum the requirements

of the most current marking system adopted by the Parties, and that they shall inform the Secretariat thereof;

- e) that, where any Party believes that an operation applying for registration to breed a species new to the Secretariat's Register does not meet the requirements of Resolution Conf. 2.12, that Party may, within a 120-day period after the notification of the application to the Parties, request the Secretariat to postpone acceptance and have the application put to the vote of the Conference of the Parties;
- f) that, where any Party becomes aware of and can demonstrate the failure of an operation to comply satisfactorily with the requirements for a registered captive-breeding operation, that Party may, after an effort to rectify the problem through consultation with the Secretariat and the Party concerned, propose that the Conference of the Parties delete the operation from the Register by a two-thirds majority vote of the Parties at a meeting of the Conference of the Parties or by postal procedures set forth in Article XV of the Convention; and
- g) that once an operation has been deleted from the Register, it may be reinstated only by satisfying Resolution Conf. 2.12 and the procedure outlined in Annexes 1, 2 and 3 above.