

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

Twelfth meeting of the Conference of the Parties
Santiago (Chile), 3-15 November 2002

Interpretation and implementation of the Convention

Exemptions and special trade provisions

Operations that breed Appendix-I species in captivity for commercial purposes

REVISION OF RESOLUTIONS CONF. 8.15 AND CONF. 11.14
ON GUIDELINES FOR A PROCEDURE TO REGISTER AND MONITOR OPERATIONS
THAT BREED APPENDIX-I ANIMAL SPECIES FOR COMMERCIAL PURPOSES

1. This document has been prepared by the Secretariat.
2. Article VII, paragraph 4, of the Convention provides that:

Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in Appendix I artificially propagated for commercial purposes, shall be deemed to be specimens of species included in Appendix II.

3. At its 4th meeting (Gaborone, 1983), the Conference of the Parties adopted Resolution Conf. 4.15 on Control of captive-breeding operations. It recommended that the Parties inform the Secretariat of the "operations occurring in their territories that regularly breed in captivity, for commercial purposes, specimens of species included in Appendix I to which Article VII, paragraph 4, of the Convention applies". It requested the Secretariat to compile and maintain a Register of such operations on the basis of information from the Parties and other sources, and to communicate it to the Parties.
4. The Conference of the Parties agreed to additional details regarding the maintenance of the register with the adoption, at its sixth meeting (Ottawa, 1987), of Resolution Conf. 6.21 on Control procedures for commercial captive-breeding operations.
5. Further details were added in Resolution Conf. 7.10, adopted at the seventh meeting (Lausanne, 1989), on the Format and criteria for proposals to register the first commercial captive-breeding operation for an Appendix-I animal species.
6. At its eighth meeting (Kyoto, 1992), the Conference adopted Resolution Conf. 8.15 on Guidelines for a procedure to register and monitor operations breeding Appendix-I animal species for commercial purposes. It repealed the previous three Resolutions and established a comprehensive procedure for registering and monitoring commercial captive-breeding operations for Appendix-I species of animals.
7. The Secretariat is among those who believe that the procedure created was unnecessarily complicated and who doubt the utility of registering commercial captive-breeding operations. The fact that 10 years later only 18 Parties have registered such operations only feeds this doubt.
8. At its 11th meeting (Gigiri, 2000), the Conference of the Parties adopted Resolution Conf. 11.14 on exactly the same subject, without repealing the existing Resolution, although to do so was contrary to

Decision 10.16 (now numbered 11.12). Resolution Conf. 11.14 contains a definition of the term 'bred in captivity for commercial purposes' used in Article VII, paragraph 4, of the Convention. It simplifies slightly the procedure for registering captive-breeding operations. Importantly, it also indicates that the only captive-breeding operations that should be registered are those breeding species included in a "list of species that are critically endangered in the wild and/or known to be difficult to keep or breed in captivity". The Animals Committee was charged (in Decision 11.101) with preparing such a list for consideration at the 12th meeting of the Conference of the Parties. The Secretariat was charged (in Decision 11.163) with seeking nominations from Parties of species for inclusion in the list, for consideration by the Animals Committee and approval by the Standing Committee. When the list is approved by the Standing Committee, it will form Annex 3 to Resolution Conf. 11.14, at which time Resolution Conf. 8.15 will be formally considered repealed.

9. Meanwhile there are two Resolutions on the same subject and there is some disagreement as to which should apply. In Notification to the Parties No. 2001/006 of 9 February 2001, the Secretariat expressed the following view.

Resolution Conf. 11.14 was designed to repeal and replace Resolution Conf. 8.15 but the latter will be formally repealed only when the Standing Committee has approved a list of species for which commercial captive-breeding operations should be registered. The procedure for registration described in these two Resolutions however is different, the procedure in Resolution Conf. 11.14 being slightly simplified. Since this Resolution is the most recent one on this subject, it is taken as expressing the current intention of the Conference of the Parties. Consequently, the Secretariat is now applying the procedure for registration that is specified in Resolution Conf. 11.14. However, until the list of species to be included in Annex 3 to that Resolution is approved by the Standing Committee, it will continue to be possible to include in the Register breeding operations for any Appendix-I species.

10. Some Parties have expressed an opposing view, that the procedure in Resolution Conf. 11.14 should not be implemented until the list of species that will form Annex 3 to the Resolution has been approved by the Standing Committee. The Secretariat acknowledges the legitimacy of this view, but does not share it. If the Conference of the Parties has agreed to a slightly simplified registration procedure and has agreed that this should apply to the most endangered species and to those that are most difficult to breed, the Secretariat sees no logic in delaying the application of this procedure not only to these species but also to all others included in Appendix I. The only thing that remains to be done is to determine for which species registration should be required.
11. The list of species to be included in Annex 3 of Resolution Conf. 11.14 has however not been presented to the Standing Committee because the Animals Committee has been unable to agree on a list and is recommending to the Conference of the Parties that all Appendix-I species should be subject to registration (see the report of the Chairman of the Animals Committee in document CoP12 Doc. 10.1).
12. Consequently the Conference of the Parties needs to decide on what approach should be followed for the registration of operations breeding specimens of Appendix-I animal species in captivity for commercial purposes. In particular it needs to decide whether the appropriate approach is that in Resolution Conf. 8.15, that in Resolution Conf. 11.14 or another approach.
13. At its ninth meeting (Fort Lauderdale, 1994), the Conference of the Parties adopted Resolution Conf. 9.19 on Guidelines for the registration of nurseries exporting artificially propagated specimens of Appendix-I species. This provides a simple basis for the registration of such nurseries with the Secretariat so that they may be accorded the exemption provided for in Article VII, paragraph 4, of the Convention. The system has operated well for eight years and is much simpler than the systems adopted for the registration of commercial captive-breeding operations for animals.

14. If there must be systems for the registration of captive-breeding operations and for the registration of nurseries producing specimens of Appendix-I species in captivity for commercial purposes, the Secretariat knows of no compelling reason why there should be two separate and different systems. It therefore suggests that the successful system for the registration of nurseries be used as a model and has prepared a draft resolution, based on Resolution Conf. 9.19 but adapted to make it applicable to both animals and plants.
15. Annex 1 contains a copy of Resolution Conf. 9.19 with the proposed changes marked; text to be deleted is ~~crossed out~~, proposed new text is marked in **bold**.
16. Annex 2 contains the clean version of the draft resolution for consideration by the Conference of the Parties.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Revision of Resolution Conf. 9.19

Guidelines for the registration of **commercial production operations for nurseries exporting artificially propagated specimens of Appendix-I species**

RECALLING Resolution Conf. 8.15, adopted by the Conference of the Parties at its eighth meeting (Kyoto, 1992), Resolution Conf. 9.19, adopted by the Conference at its ninth meeting (Fort Lauderdale, 1994) and Resolution Conf. 11.14, adopted by the Conference at its 11th meeting (Gigiri, 2000);

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

RECOGNIZING that the provisions of Article III of the Convention remain the basis for permitting trade in specimens of Appendix-I species that do not qualify for the exemptions of paragraphs 4 and 5 of Article VII *(based on second paragraph of the preamble of Conf. 11.14)*;

NOTING that import of wild-taken specimens of Appendix-I species for purposes of establishing commercial captive-breeding or artificial-propagation operations is precluded by Article III, paragraph 3 (c), of the Convention, as explained further in Resolution Conf. 5.10, adopted by the Conference of the Parties at its fifth meeting (Buenos Aires, 1985) *(based on third paragraph of the preamble of Conf. 11.14)*;

RECALLING Resolution Conf. 10.16 (Rev.), adopted by the Conference of the Parties at its 10th meeting (Harare, 1997) and amended at its 11th meeting (Gigiri, 2000), which establishes the definition of 'bred in captivity', and Resolution Conf. 11.11, adopted by the Conference of the Parties at its 11th meeting, which establishes the definition of 'artificially propagated';

~~RECOGNIZING that the artificial propagation of plants is essentially different from captive breeding of animals, in particular with regard to the number of specimens produced, as well as, in most cases, with regard to the time span between generations, and therefore requires a different approach;~~

~~RECOGNIZING the rights that each Party holds over its own natural phytogenetic resources;~~

~~RECOGNIZING that the transfer of germplasm is regulated under the Global System for the Conservation and Utilization of Plant Genetic Resources (FAO);~~

~~RECOGNIZING that the artificial propagation of specimens of species included in Appendix I could form an economic alternative to traditional agriculture in countries of origin, and could also increase conservation interest in the areas of natural distribution;~~

~~RECOGNIZING that the artificial propagation of specimens of species included in Appendix I, by making specimens readily available to all those interested, has a positive effect on the conservation status of the wild populations because it reduces the collecting pressure;~~

~~NOTING that Resolution 5.15¹, adopted at the fifth meeting of the Conference of the Parties (Buenos Aires, 1985), provided an initiative for plant nursery registration but that no Party has ever informed the CITES Secretariat that it has implemented such registration;~~

~~RECALLING that a number of Resolutions have been adopted to facilitate the trade in artificially propagated specimens of species included in Appendix II and in hybrids of species included in Appendix I;~~

~~OBSERVING that such facilitation may also be necessary to ensure that the artificial propagation of species included in Appendix I will continue or be initiated;~~

~~RECOGNIZING that nurseries which are not registered may still continue exporting artificially propagated specimens of Appendix I species using the standard procedures for obtaining export permits;~~

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that:

- a) **for the purposes of this Resolution, the term 'commercial production operation' means a place or company that is for commercial purposes producing specimens of Appendix-I animal species that are bred in captivity as defined in Resolution Conf. 10.16 (Rev.) or of Appendix-I plant species that are artificially propagated as defined in Resolution Conf. 11.11, where the specimens are produced for export;**
- ba) ~~the responsibility for the registration of commercial production operations nurseries that, for export purposes, artificially propagate specimens of Appendix I plant species shall rest with the Management Authority of each Party, in consultation with the Scientific Authority of that Party;~~
- cb) ~~any Management Authority that wishes to register any commercial production operation nursery artificially propagating specimens of species included in Appendix I for export purposes shall provide to the Secretariat, for inclusion in its Register, all appropriate information to obtain and maintain the registration of each such operation nursery;~~
- de) ~~artificially propagated specimens of Appendix-I species produced in registered commercial production operations nurseries may only be exported only when:~~
 - i) ~~they are packed and labelled in such a way that they are clearly separated from artificially propagated or wild collected Appendix-II and/or Appendix-III plants specimens in the same consignment; and~~
 - ii) ~~the CITES export permit clearly states the registration number attributed by the Secretariat and the name of the commercial production operation nursery of origin if it is not the exporter; and~~
- ee) ~~notwithstanding the right of each Party to remove a commercial production operation nursery within its jurisdiction from the Register, any Party that becomes aware of, and can demonstrate, a failure of a registered commercial production operation exporting nursery to comply satisfactorily with the requirements for registration may propose to the Secretariat that it this nursery be deleted from the Register, but the Secretariat will only make the deletion after consultation with the Management Authority of the Party in which the operation nursery is located; and~~

DIRECTS the Secretariat to review any application for registration, and to compile and update a Register of commercial **production operations nurseries** ~~that, for export purposes, artificially propagate specimens of~~

¹ Replaced by Resolution 9.18 (Rev.) adopted at the ninth meeting of the Conference of the Parties and amended at the 10th meeting, which was replaced by Resolution 11.11

~~plant species included in Appendix I, on the basis of information received from the Parties, and to communicate this Register to the Parties; and~~

REPEALS the Resolutions listed hereunder:

- a) **Resolution Conf. 8.15 (Kyoto, 1992) – Guidelines for a procedure to register and monitor operations breeding Appendix-I animal species for commercial purposes;**
- b) **Resolution Conf. 9.19 (Fort Lauderdale, 1994) – Guidelines for the registration of nurseries exporting artificially propagated specimens of Appendix-I species; and**
- c) **Resolution Conf. 11.14 (Gigiri, 2000) – Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes.**

Annex 1

Role of the commercial ~~production operation nursery~~

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that the owner/manager of any commercial ~~production operation nursery~~ 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:

1. name and address of the owner, manager or technical director of the ~~operation nursery~~;
2. date of establishment;
3. description of the facilities and the **breeding or** propagation techniques;
4. description of the historical background of the ~~operation nursery~~, in particular information about which species or ~~plant~~ groups **of species** have been **commercially produced** ~~propagated~~ in the past;
5. taxa currently in ~~production propagation~~ (Appendix I only);
6. description of the Appendix-I parental stock ~~of wild origin~~, including quantities and evidence of legal acquisition; and
7. quantities of specimens expected to be exported in the near future.

Annex 2

Role of the Management Authority

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that each Management Authority shall perform the following functions:

- a) ~~request notify to~~ the Secretariat to register a ~~nursery artificially propagating commercial~~ **production operation that breeds or propagates** and exporting specimens of Appendix-I species and provide the following:
 - i) information about the scientific names (and full synonymy) of the taxa concerned;

- ii) a description of the facilities and **breeding or propagation techniques of the nursery, as provided by the nursery that it provides** in accordance with Annex 1;
 - iii) a description of the inspection procedures used by the Management Authority to confirm the identity and the legal origin of the parental stock; and
 - iv) evidence of the legal origin of any other specimens of Appendix-I species of wild origin present in the **operation nursery** concerned, or adequate assurance that such specimens are controlled under existing national legislation;
- b) ensure that the number of specimens of wild origin in a registered **commercial production operation nursery** designated as parental stock of species in Appendix I is not depleted by the disposal of specimens other than through natural causes, unless the Management Authority consents, on the request of the registered **operation nursery**, to the transfer of the parental stock (or of part thereof) to another registered **operation-exporting nursery**;
 - c) ensure that the registered **commercial production operations exporting nurseries** are reviewed on a regular basis by a specialist from the Management or Scientific Authority or other qualified entity appointed by the Management Authority, to certify the size of the parental stock of wild origin and that the **operation nursery** holds no other specimens of wild origin of Appendix-I species, and communicate the results of these reviews to the Secretariat; and
 - d) design a simple procedure for the issuance of export permits to each registered **commercial production operation nursery**, in accordance with Article VII, paragraph 4, of the Convention, and with Resolution Conf. 9.3¹~~10.2~~ **(Rev.)**. Such a procedure could involve the pre-issuance of CITES export permits on which:
 - i) in box 12b, the registration number of the **nursery operation** is included; and
 - ii) in box 5, at least the following information is included:

Permit valid only for **animals bred in captivity or** artificially propagated plants
as defined by CITES Resolution Conf. 9.18²~~(rev.)~~ **10.16 (Rev.) or 11.11**.
Valid only for the following taxa.

Annex 3

Role of the Secretariat

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that the Secretariat shall perform the following functions:

- a) receive from Management Authorities and review applications for registration of **commercial production operations nurseries that breed or artificially propagate specimens of Appendix-I plant species for export**;
- b) when satisfied that a **commercial production operation nursery** meets all requirements, publish the name, the registration number and other particulars in its Register within 30 days after receipt of the report;

¹ ~~Replaced by Resolution Conf. 10.2 (Rev.) adopted at the 10th meeting of the Conference of the Parties and amended at the 11th meeting~~

² ~~Amended at the 10th meeting of the Conference of the Parties and replaced by Resolution Conf. 11.11~~

- c) when not satisfied that a **commercial production operation nursery** meets all the requirements, provide the relevant Management Authority with a full explanation and indicate the specific conditions that must be met;
- d) receive and review reports on registered **commercial production operations nurseries**, provided by the Parties, and present summary conclusions to the **Animals Committee or Plants Committee as appropriate**;
- e) delete the name of a **commercial production operation nursery** from its Register when requested to do so, in writing, by the responsible Management Authority; and
- f) receive and review information from Parties or other sources regarding failure of a registered **commercial production operation nursery** to comply satisfactorily with the requirements for registration and, after consultation with the Management Authority of the Party in which the **operation nursery** is located, delete ~~it the operation~~ from the Register if appropriate.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Revision of Resolution Conf. 9.19

Guidelines for the registration of commercial production operations for specimens of Appendix-I species

RECALLING Resolution Conf. 8.15, adopted by the Conference of the Parties at its eighth meeting (Kyoto, 1992), Resolution Conf. 9.19, adopted by the Conference at its ninth meeting (Fort Lauderdale, 1994) and Resolution Conf. 11.14, adopted by the Conference at its 11th meeting (Gigiri, 2000);

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

RECOGNIZING that the provisions of Article III of the Convention remain the basis for permitting trade in specimens of Appendix-I species that do not qualify for the exemptions of paragraphs 4 and 5 of Article VII (*based on second paragraph of the preamble of Conf. 11.14*);

NOTING that import of wild-taken specimens of Appendix-I species for purposes of establishing commercial captive-breeding or artificial-propagation operations is precluded by Article III, paragraph 3 (c), of the Convention, as explained further in Resolution Conf. 5.10, adopted by the Conference of the Parties at its fifth meeting (Buenos Aires, 1985) (*based on third paragraph of the preamble of Conf. 11.14*);

RECALLING Resolution Conf. 10.16 (Rev.), adopted by the Conference of the Parties at its 10th meeting (Harare, 1997) and amended at its 11th meeting (Gigiri, 2000), which establishes the definition of 'bred in captivity', and Resolution Conf. 11.11, adopted by the Conference of the Parties at its 11th meeting, which establishes the definition of 'artificially propagated';

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that:

- a) for the purposes of this Resolution, the term 'commercial production operation' means a place or company that is for commercial purposes producing specimens of Appendix-I animal species that are bred in captivity as defined in Resolution Conf. 10.16 (Rev.) or of Appendix-I plant species that are artificially propagated as defined in Resolution Conf. 11.11, where the specimens are produced for export;
- b) the responsibility for the registration of commercial production operations shall rest with the Management Authority of each Party, in consultation with the Scientific Authority of that Party;
- c) any Management Authority that wishes to register a commercial production operation shall provide to the Secretariat, for inclusion in its Register, all appropriate information to obtain and maintain the registration of each such operation;
- d) specimens of Appendix-I species produced in registered commercial production operations may be exported only when:
 - i) they are packed and labelled in such a way that they are clearly separated from Appendix-II and Appendix-III specimens in the same consignment; and

- ii) the CITES export permit clearly states the registration number attributed by the Secretariat and the name of the commercial production operation of origin if it is not the exporter; and
- e) notwithstanding the right of each Party to remove a commercial production operation within its jurisdiction from the Register, any Party that becomes aware of, and can demonstrate, a failure of a registered commercial production operation to comply satisfactorily with the requirements for registration may propose to the Secretariat that it be deleted from the Register, but the Secretariat will only make the deletion after consultation with the Management Authority of the Party in which the operation is located;

DIRECTS the Secretariat to review any application for registration, and to compile and update a Register of commercial production operations on the basis of information received from the Parties, and to communicate this Register to the Parties; and

REPEALS the Resolutions listed hereunder:

- a) Resolution Conf. 8.15 (Kyoto, 1992) – Guidelines for a procedure to register and monitor operations breeding Appendix-I animal species for commercial purposes;
- b) Resolution Conf. 9.19 (Fort Lauderdale, 1994) – Guidelines for the registration of nurseries exporting artificially propagated specimens of Appendix-I species; and
- c) Resolution Conf. 11.14 (Gigiri, 2000) – Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes.

Annex 1

Role of the commercial production operation

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that the owner/manager of any commercial production 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:

1. name and address of the owner, manager or technical director of the operation;
2. date of establishment;
3. description of the facilities and the breeding or propagation techniques;
4. description of the historical background of the operation, in particular information about which species or groups of species have been commercially produced in the past;
5. taxa currently in production (Appendix I only);
6. description of the Appendix-I parental stock, including quantities and evidence of legal acquisition; and
7. quantities of specimens expected to be exported in the near future.

Annex 2

Role of the Management Authority

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that each Management Authority shall perform the following functions:

- a) request the Secretariat to register a commercial production operation that breeds or propagates and exports specimens of Appendix-I species and provide the following:
 - i) information about the scientific names (and full synonymy) of the taxa concerned;
 - ii) a description of the facilities and breeding or propagation techniques that it provides in accordance with Annex 1;
 - iii) a description of the inspection procedures used by the Management Authority to confirm the identity and the legal origin of the parental stock; and
 - iv) evidence of the legal origin of any other specimens of Appendix-I species of wild origin present in the operation concerned, or adequate assurance that such specimens are controlled under existing national legislation;
- b) ensure that the number of specimens of wild origin in a registered commercial production operation designated as parental stock of species in Appendix I is not depleted by the disposal of specimens other than through natural causes, unless the Management Authority consents, on the request of the registered operation, to the transfer of the parental stock (or of part thereof) to another registered operation;
- c) ensure that the registered commercial production operations are reviewed on a regular basis by a specialist from the Management or Scientific Authority or other qualified entity appointed by the Management Authority, to certify the size of the parental stock of wild origin and that the operation holds no other specimens of wild origin of Appendix-I species, and communicate the results of these reviews to the Secretariat; and
- d) design a simple procedure for the issuance of export permits to each registered commercial production operation, in accordance with Article VII, paragraph 4, of the Convention, and with Resolution Conf. 10.2 (Rev.). Such a procedure could involve the pre-issuance of CITES export permits on which:
 - i) in box 12b, the registration number of the operation is included; and
 - ii) in box 5, at least the following information is included:

Permit valid only for animals bred in captivity or artificially propagated plants
as defined by CITES Resolution Conf. 10.16 (Rev.) or 11.11.

Valid only for the following taxa.

Annex 3

Role of the Secretariat

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that the Secretariat shall perform the following functions:

- a) receive from Management Authorities and review applications for registration of commercial production operations that breed or propagate specimens of Appendix-I species for export;
- b) when satisfied that a commercial production operation meets all requirements, publish the name, the registration number and other particulars in its Register within 30 days after receipt of the report;
- c) when not satisfied that a commercial production operation meets all the requirements, provide the relevant Management Authority with a full explanation and indicate the specific conditions that must be met;
- d) receive and review reports on registered commercial production operations, provided by the Parties, and present summary conclusions to the Animals Committee or Plants Committee as appropriate;
- e) delete the name of a commercial production operation from its Register when requested to do so, in writing, by the responsible Management Authority; and
- f) receive and review information from Parties or other sources regarding failure of a registered commercial production operation to comply satisfactorily with the requirements for registration and, after consultation with the Management Authority of the Party in which the operation is located, delete it from the Register if appropriate.