

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



Seventeenth meeting of the Conference of the Parties
Johannesburg (South Africa), 24 September -5 October 2016

Committee II

IMPLEMENTATION OF THE CONVENTION RELATING TO
CAPTIVE-BRED AND RANCHED SPECIMENS

This document has been prepared by the European Union as chair of the Working Group on this matter established at the eighth session of Committee II. It is based on matters arising from the discussion of document CoP17 Doc. 32 at the eighth session of Committee II (See document CoP17 Com. II Rec. 8).

DRAFT RESOLUTION

REVIEW OF TRADE IN ANIMAL SPECIMENS REPORTED AS PRODUCED IN CAPTIVITY

CONSIDERING that the Convention provides, in Article VII, paragraphs 4 and 5, for special treatment of animal specimens that are bred in captivity as defined in Resolution Conf. 10.16 (Rev) on *Specimens of animal species bred in captivity*;

NOTING that, in accordance with Article VII, paragraph 4, animal specimens of Appendix-I species bred in captivity for commercial purposes shall be deemed to be specimens of species included in Appendix II and that therefore they shall be traded in accordance with the provisions of Article IV;

NOTING ALSO that, in accordance with Article VII, paragraph 5, the certification from the Management Authority of the State of export that it is satisfied that the specimen of an animal species was bred in captivity or is part of such an animal or was derived therefrom shall be accepted in lieu of any of the permits or certificates required under the provisions of Article III, IV or V;

RECOGNISING that specimens in trade are derived from a variety of captive production systems, which are attributed to different source codes as defined by Resolution Conf. 12.3 (Rev. CoP16) on *Permits and certificates*;

RECOGNISING that captive breeding, and other captive production systems, can have a number of benefits compared with direct harvests from the wild;

CONCERNED that the incorrect application of source codes and/or misuse or false declaration of source codes can reduce or negate such benefits where they exist, have negative implications for conservation and undermine the purpose and effective implementation of the Convention;

FURTHER CONCERNED that in addition to inadvertent misuse of source codes, there is growing evidence of cases of illegal trade in wild-caught specimens of CITES-listed species, through fraudulent claims that wild-caught specimens are captive bred;

FURTHER CONCERNED that in some cases there are doubts as to the legal origin of the parental stocks of captive bred specimens including specimens that are bred outside their natural range;

ACKNOWLEDGING that the intent of the Review Of Trade In Animal Specimens Reported As Produced In Captivity is to ensure that such trade is conducted in accordance with provisions of the Convention and to identify

remedial actions where needed to ensure trade is not detrimental to the survival of wild species and to advance the purpose and effective implementation of the Convention;

EXPECTING that the implementation of recommendations and actions resulting from the Review Of Trade In Animal Specimens Reported As Produced In Captivity will improve the capacity of the Parties to properly assess that specimens are genuinely produced by the captive production system claimed;

AFFIRMING that the Review of Trade in Animal Specimens Reported as Produced in Captivity should be transparent, timely and simple;

NOTING the Guide to CITES compliance procedures found in Resolution Conf. 14.3 on *CITES compliance procedures*;

NOTING FURTHER that there are existing mechanisms to address urgent issues of non-compliance with the Convention, including Article XIII and Resolution Conf. 11.3 (Rev. CoP16) on *Compliance and enforcement*, and that this resolution complements these existing mechanisms;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DIRECTS the Secretariat to implement the present Resolution subject to available resources;

DIRECTS the Animals and Standing Committees, in cooperation with the Secretariat, relevant experts and in consultation with Parties, to review biological, trade and other relevant information regarding animal species subject to significant levels of trade using source codes C, D, F or R, to identify problems associated with the implementation of the Convention and to develop solutions in accordance with the following procedure.

Stage 1 – Identification of species-country combinations for review

- a) The Secretariat shall produce a summary from the CITES Trade Database of annual report statistics of species traded, derived from the five most recent years, under source codes C, D, F or R and will undertake, or appoint consultants to undertake, an analysis of such data to identify species-country combinations for review using the following criteria:
 - i) significant increases in trade in specimens declared as captive-produced (source codes C, D, F and R);
 - ii) trade in significant numbers of specimens declared as produced in captivity;
 - iii) shifts and fluctuations between different captive-production source codes;
 - iv) inconsistencies between source codes reported by exporting and importing Parties for specimens declared as produced in captivity;
 - v) apparent incorrect application of captive production codes such as: 'A' for animal species or 'D' for Appendix-I species that have not been registered in compliance with the provisions of Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*; and
 - vi) trade from non-range States of specimens declared as produced in captivity with no evidence of lawful acquisition of parental breeding stock (i.e. no recorded imports);
- b) The Secretariat shall also compile any other relevant information made available to it, with respect to concerns about captive production, including any cases identified from the Review of Significant Trade under Resolution Conf. 12.8 (Rev. CoP17) on *Review of Significant Trade in specimens of Appendix-II species*, referred to it by Parties or available in relevant reports, including the global conservation status by species published in the IUCN Red List of threatened species or noted as not evaluated;
- c) The Secretariat shall provide the outcome of the analyses in a) and a compilation of information from b) to the first regular meeting of the Animals Committee following a meeting of the Conference of the Parties. The Animals Committee may select a limited number of species-country combinations for review, taking into account the biology of the species, for which it should draft general or specific questions and a brief explanation of the selection, to be addressed by the Secretariat to the Parties concerned in accordance with Stage 2, paragraph e). The Animals Committee will determine for which species the short reviews provided

for in Stage 2, paragraph f) are required; urgent enforcement matters identified at this stage should be referred to the Secretariat and the country concerned and subsequently reported to the Standing Committee; and

- d) In exceptional cases, outside steps a)-c) above, and where new information provided to the Secretariat indicates that urgent action may be needed concerning problems relating to the implementation of provisions under the Convention for captive production of specimens, the Secretariat:
- i) shall verify that the proponent has provided a justification for the exceptional case, including supporting information;
 - ii) shall produce a summary and analysis of trade from the CITES Trade Database in relation to the species-country combination; and
 - iii) provide the information from i) and ii) above, as soon as possible to the Animals Committee or Standing Committee, as appropriate, for their intersessional review and decision on whether to include the species-country combination in the next stage of the review process.

Stage 2 – Consultation with countries and compilation of information

- e) The Secretariat shall, within 30 days after the relevant meeting of the Animals Committee, notify the country or countries concerned that species produced in captivity in their country have been selected for review, and provide them with an overview of the review process and an explanation for the selection provided by the Animals Committee. The Secretariat shall ask the country or countries to provide information, within 60 days, in response to general or specific questions, developed by the Animals Committee, to determine if the correct source codes have been used, under the applicable Resolutions, for specimens claimed to be produced in captivity; and
- f) The Secretariat shall also commission, if requested by the Animals Committee, a short review of the species concerned, in consultation with relevant countries and specialists, to compile and summarise known information relating to the breeding biology and captive husbandry and any impacts, if relevant, of removal of founder stock from the wild.

Stage 3 – Review and recommendation by the Animals and Standing Committee

- g) The Animals Committee shall, at their second meeting following a regular meeting of the Conference of the Parties, review the responses from countries, any review commissioned by the Secretariat and any additional relevant information, and determine if trade is in compliance with Article III and Article IV of the Convention, as well as Article VII, paragraphs 4 and 5. If trade is in compliance, the species-country combination will be excluded from the review and the Secretariat will inform the country or countries of this outcome within 60 days; and
- h) Where a species-country combination is retained within the review and the Animals Committee identifies concerns appropriately within its remit, the Animals Committee shall, in consultation with the Secretariat, formulate draft recommendations directed to the relevant country which are time-bound, feasible, measurable, proportionate, transparent and aimed at ensuring long-term compliance which, where appropriate, aim to promote capacity building and enhance the ability of the country to implement relevant provisions of the Convention.

The Secretariat shall transmit these draft recommendations and supporting information, from the Animals Committee to the next meeting of the Standing Committee for their review, revision if necessary, and endorsement;

- i) Where a species-country combination is retained within the review and the Animals Committee identifies concerns that are more appropriately considered by the Standing Committee, the Secretariat shall refer the issue to the next meeting of the Standing Committee, including any observations from the Animals Committee;
- j) The Standing Committee shall review the draft recommendations and supporting information from the Animals Committee and prepare any required recommendations for the country or the countries concerned; and

- k) The Secretariat shall, within 30 days of the meeting of the Standing Committee in h) and j), transmit the combined recommendations of the Standing and Animals Committees to the country or countries concerned and also provide the country or countries with relevant guidance, such as on the correct application of source codes, and means by which their capacity to deal with captive production issues might be enhanced.

Stage 4: Measures to be taken regarding the implementation of recommendations

- l) The Secretariat shall monitor progress against the recommendations, taking account of the different deadlines, and, following timely intersessional consultation with the members of the Standing and Animals Committees through their Chairs, determine whether the recommendations referred to above have been implemented:
- i) where the recommendations have been met, the Secretariat shall, following consultation with the Chair of the Standing Committee, notify the Parties that the species-country combination was removed from the review process; or
 - ii) when the recommendations are not deemed to have been met, the Secretariat shall, in consultation with the members of the Standing and Animals Committees through their Chairs, recommend to the Standing Committee appropriate action, which may include, as a last resort, a recommendation to suspend trade in the affected species with that State;
- m) The Secretariat shall report to the Standing Committee on its evaluation of the implementation of the recommendations, including the rationale for its evaluation, and a summary of the views expressed by the Animals Committee;
- n) For countries where recommendations are not deemed to have been met, the Standing Committee shall decide on appropriate actions and make recommendations to the country or countries concerned, keeping in mind that these recommendations should be time-bound, feasible, measurable, proportionate, transparent, and should, if appropriate, promote capacity building. In exceptional circumstances, where the country under consideration provides new information on the implementation of the recommendations to the Standing Committee, the Standing Committee shall consult intersessionally with the Animals Committee through the Chair prior to making a decision on appropriate action;
- o) The Secretariat shall notify the Parties of any recommendations or actions taken by the Standing Committee;
- p) Any recommendation by the Standing Committee to suspend trade in the affected species with the country concerned should be withdrawn only when that country demonstrates to the satisfaction of the Standing Committee, through the Secretariat, in consultation, where appropriate, with the members of the Animals Committee through their Chair, compliance with the provisions of the Convention with respect to the captive production of specimens; and
- q) The Standing Committee, in consultation with the Secretariat and the Chair of the Animals Committee, shall, where appropriate, review recommendations to suspend trade that have been in place for longer than two years, consult with the relevant country, evaluate the reasons why this is the case, and, if appropriate, take measures to address the situation.

Regarding capacity building, monitoring, reporting, and evaluating the review process

DIRECTS the Secretariat, for the purpose of monitoring and facilitating the implementation of this Resolution and the relevant provisions of the Convention:

- a) To report to the Standing on the implementation, by the countries concerned, of the recommendations made by the Standing and Animals Committee; and
- b) To maintain a record of species-country combinations that are included in the review process set out in this Resolution, including a record of progress with implementation of recommendations;

DIRECTS the Secretariat to include training on this review process of specimens produced through captive production as part of its capacity-building activities related to the implementation of the Convention;

DIRECTS the Standing and Animals Committees, in consultation with the Secretariat, to periodically evaluate the outcomes of this Review by, for example, examining a sample of past species-country combinations to assess

whether the desired result was achieved. Based on these evaluations, the Standing and Animals Committees should propose revisions to the review process as necessary. In these periodic evaluations, feedback should be sought from countries that have been through the review process.

DRAFT DECISIONS ON IMPLEMENTATION OF THE CONVENTION
RELATING TO CAPTIVE-BRED AND RANCHED SPECIMENS

Directed to the Secretariat

- 17.AA Subject to available resources, the Secretariat shall review ambiguities and inconsistencies in the application of Article VII paragraphs 4 and 5, Resolution Conf. 10.16 (Rev.), Resolution Conf. 12.10 (Rev. CoP15), Resolution Conf. 11.11 (Rev. CoP15), Resolution Conf. 9.19 (Rev. CoP15), Resolution Conf. 5.10 (Rev. CoP15) and Resolution Conf. 12.3 (Rev. CoP16) as it relates to the use of source codes R, F, D, A and C, including the underlying CITES policy assumptions and differing national interpretations that may have contributed to uneven application of these provisions, as well as the captive breeding issues presented in document SC66 Doc. 17 and legal acquisition issues, including founder stock, as presented in Document SC66 Doc. 32.4, submit the review to Parties and stakeholders for comments through a notification, and submit its conclusions and recommendations along with the comments of Parties and stakeholders to the Standing Committee.
- 17.BB The Secretariat shall, subject to external funding, engage in a capacity-building project using materials prepared under Decisions 16.63 a) vii) and 15.52 a). This project should involve all regions and a variety of taxa. The Secretariat shall report to the Standing Committee on the work undertaken under the present Decision.
- 17.CC The Secretariat shall provide its preliminary observations and recommendations regarding the first iteration of the Resolution 17.XX on captive breeding, including opportunities for harmonisation with the process in the Review of Significant Trade Resolution Conf. 12.8 (Rev. CoP17), and other opportunities to achieve the aims of the Resolution most effectively and cost efficiently, to the 30th meeting of the Animals Committee and to the 70th meeting of the Standing Committee.

Directed to the Animals Committee

- 17.DD Subject to available resources, the Animals Committee shall review the differences in the nature of non-detriment findings made for specimens with source code W, R and F and provide guidance for Parties, to be sent to the Secretariat for inclusion in the section for non-detriment findings on the CITES website referred to in Resolution Conf. 16.7.
- 17.EE At its 30th meeting, the Animals Committee shall prepare a report of its observations and recommendations regarding the first iteration of the Resolution on captive breeding, including opportunities for harmonisation with the process in the Review of Significant Trade Resolution Conf. 12.8 (Rev. CoP17) and other opportunities to achieve the aims of the Resolution most effectively and cost efficiently, taking into account the recommendations of the Secretariat arising from Decision 17.CC, and transmit the report to the Standing Committee.

Directed to the Standing Committee

- 17.FF The Standing Committee shall review the conclusions and recommendations of the Secretariat under Decision 17.AA and make recommendations to the Conference of the Parties as appropriate.
- 17.GG At its 70th meeting, the Standing Committee shall prepare a report of its preliminary observations and recommendations regarding the first iteration of the Resolution on captive breeding, including opportunities for harmonisation with the process in the Review of Significant Trade Resolution Conf. 12.8 (Rev. CoP17), and other opportunities to achieve the aims of the Resolution most effectively and cost efficiently, and taking into consideration the report of the Animals Committee and the observations of the Secretariat. The Standing Committee will transmit its recommendations to the 18th meeting of the Conference of the Parties.