

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



Eighteenth meeting of the Conference of the Parties  
Colombo (Sri Lanka), 23 May – 3 June 2019

Interpretation and implementation matters

Regulation of trade

GUIDANCE FOR MAKING LEGAL ACQUISITION FINDINGS

1. This document has been submitted by the Standing Committee.\*

Definition of Legal Acquisition Finding

2. According to Article III, paragraph 2 (b), Article IV, paragraph 2 (b), and Article V, paragraph 2 (a) of the Convention, an export permit shall only be granted when a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora. With regard to export permits authorizing export of specimens of species included in Appendix III, this obligation only applies to the State or States that included the species in that Appendix. In order to be satisfied, the Management Authority shall conduct what is referred to as a 'legal acquisition finding' (LAF)

Mandate

3. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted Decisions 17.65 to 17.68 as follows:

**17.65 Directed to Parties**

*Parties are encouraged to provide to the Secretariat with: any examples and relevant information regarding methodologies, practical tools, legislative information, forensic expertise and other resources used to monitor compliance with the Convention and to verify the legal acquisition of specimens of CITES-listed species to be exported in accordance with Article III, paragraph 2(b), Article IV, paragraph 2(b), and Article V, paragraph 2(a) of the Convention (referred to as a 'legal acquisition finding').*

**17.66 Directed to the Standing Committee**

*The Standing Committee shall, with the assistance of the Secretariat:*

- a) *consider whether a Compliance Assistance Programme (CAP) should be established to assist countries with difficulties in achieving compliance, including how such a CAP would be funded;*
- b) *consider further guidance for verifying the legal acquisition of specimens of CITES-listed species to be exported;*
- c) *provide guidance on verifying the legal acquisition of founder stock of captive-bred CITES listed species to be exported; and*

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\* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

- d) *make appropriate recommendations for consideration at the 18th meeting of the Conference of the Parties.*

**17.67 Directed to the Secretariat**

*Subject to the availability of external funding, the Secretariat, in collaboration with other relevant institutions, cooperation agencies and potential donors, shall:*

- a) *organize an international workshop on guiding principles, methodologies, practical tools, information, forensic expertise, compliance risk assessments and other legal resources needed by Management Authorities to verify the legal acquisition of specimens of CITES-listed species to be exported; and*
- b) *prepare and submit for consideration by the Standing Committee, a proposal for further guidance for verifying the legal acquisition of specimens of CITES-listed species to be exported.*

**17.68 Directed to the Secretariat**

*The Secretariat shall assist the Standing Committee in the preparation of its findings and recommendations with regard to the implementation of Decision 17.66.*

4. In fulfilment of Decision 17.67, on 20 February 2018, the Secretariat circulated Notification to the Parties [No. 2018/020](#) on “International Workshop on Legal Acquisition Findings”, informing them of a forthcoming workshop and including a questionnaire regarding their practices in fulfilling the requirement to make legal acquisition findings (LAF). In response to the questionnaire, 25 Parties submitted information regarding their LAF practices and four non-governmental organizations (NGOs) shared their views.
5. As instructed in Decision 17.67, paragraph a), the Secretariat organized an international workshop on guiding principles, methodologies, practical tools, information systems, and forensic expertise used by the Management Authorities in verifying the legality of acquisition of specimens. The workshop took place in Brussels from 13 to 15 June 2018. Over 80 participants representing 31 Parties<sup>1</sup>, six intergovernmental organizations<sup>2</sup> and more than ten non-governmental organizations and academic institutions<sup>3</sup> from Africa, Asia, Europe, Oceania and the Americas were represented at the workshop. The Standing Committee is grateful for the financial, technical and excellent logistical support provided by the European Union in hosting the workshop.
6. The Secretariat prepared and submitted, for consideration by the Standing Committee at its 70th meeting (SC70, Sochi, October 2018), a proposal for further guidance for verifying the legal acquisition of specimens of CITES-listed species to be exported, contained in document [SC70 Doc. 27.1](#). This proposal is based on the findings and recommendations from the workshop; the responses to the questionnaire; written inputs sent by the Parties and NGOs on preliminary drafts; and discussions held at a side event during the joint sessions of the 30th meeting of the Animals Committee and 24th meeting of the Plants Committee.
7. At SC70, Committee Members and Parties generally supported the proposal of adopting a draft resolution with several suggested amendments. The Committee also discussed whether the paragraph of the draft resolution on due diligence should remain; some Parties believed it should be deleted and moved to another Resolution, whereas others argued it was important for the draft resolution to explicitly recognize the obligations of importing Parties.
8. Some NGO observers agreed with the need for explicit recognition of obligations of importers, and further noted that the requirements of the new resolution should ensure that legal trade would not be unnecessarily delayed.

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<sup>1</sup> *Austria, Belgium, Belize, Bolivia (Plurinational State of), Cameroon, China, Colombia, Costa Rica, Cuba, Democratic Republic of the Congo, Dominican Republic, Equatorial Guinea, European Union, Germany, Israel, Italy, Madagascar, Malawi, Mozambique, Namibia, Montenegro, Netherlands, Peru, Senegal, Slovakia, Spain, Thailand, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America and Zambia.*

<sup>2</sup> *The Food and Agriculture Organization of the United Nations (FAO), the International Tropical Timber Organization (ITTO), the United Nations Economic Commission for Europe (UNECE) /UNCEFACT, the UN Environment World Conservation Monitoring Centre (UNEP-WCMC) and the World Customs Organization (WCO).*

<sup>3</sup> *Center for International Environmental Law (CIEL), Chambre Syndicale de la Façure Instrumentale / Confederation of European Music Industries (CSFI/CAFIM), Defenders of Wildlife, Durrell Institute of Conservation, European Association of Zoos and Aquariums (EAZA), Environmental Investigation Agency (EIA), FACE, Natural Resources Defence Council, Pro Wildlife, Wildlife Conservation Society, World Wildlife Fund (WWF) and a researcher from the University of Adelaide.*

9. The Standing Committee requested Canada, Hungary and the United States of America to prepare revisions to the draft resolution in Annex 1 of document SC70 Doc. 27.1 by ensuring that the language remains non-binding and that the draft resolution focuses on Article III, paragraph 2 (b), Article IV, paragraph 2 (b), and Article V, paragraph 2 (a) of the Convention. Canada introduced document SC70 Com. 16 containing a revised draft resolution on Verification of legal acquisition of CITES specimens. The United States of America noted that consensus was not reached regarding the changes and deletions in paragraphs on due diligence of the Resolution regarding the responsibilities of importing Parties.
10. The Standing Committee agreed to submit to the Conference of the Parties a draft resolution on legal acquisition findings based on the text included in document SC70 Com. 16 with further amendments agreed in Plenary, noting that the Secretariat, in consultation with the Chair of the Standing Committee, would review the text of the draft resolution for editorial issues.

#### Guidance for making legal acquisition findings (draft resolution in Annex 1)

11. The draft guidance submitted for the consideration of the Conference of the Parties is non-binding in nature and builds upon the existing practice reported by Parties, the recommendations of the international workshop and additional inputs received from Parties and other stakeholders during the 70th meeting of the Standing Committee.
12. The aim of the guidance for verifying legal acquisition is to provide a common ground for the understanding and application of this key requirement to the Management Authorities and other relevant actors, including enforcement authorities, e.g. customs and permit applicants. The draft resolution in Annex 1 reflects the guiding principles (flexibility, proportionality and transparency) in an attempt to balance the responsibility of demonstrating the legality of acquisition attributed to the applicant of CITES permits with minimum elements that any verification of legal acquisition should observe.
13. The draft resolution suggests applying a risk assessment approach as part of the legal acquisition finding. It also reflects the most commonly used approaches to LAF and aims to address the challenges identified by Parties and the Secretariat. In particular, the draft resolution suggests provisions to strengthen the basis for inter-agency cooperation within the State Parties, as well as between Management Authorities of CITES Parties.
14. With regard to the guidance on verifying the legal acquisition of founder stock of captive-bred CITES-listed species to be exported, a number of Parties and NGOs expressed concern that it is not always possible to identify the origin of the breeding stock of captive-bred animal specimens, especially where it was acquired many years ago. The work related to the implementation of Resolution Conf. 17.7 on *Review of trade in animal specimens reported as produced in captivity* appears to be the most relevant place to discuss this matter. As a provisional solution, it is suggested in paragraph 1 c) of the draft resolution and paragraph 1 of Annex 2 to the draft resolution that common approaches to LAF are applicable to the verification of legal acquisition of breeding stock.

#### Recommendations

15. In fulfilment of Decision 17.66, the Conference of the Parties is invited to adopt the draft resolution on *Legal Acquisition Findings* in Annex 1 to the present document.

## COMMENTS OF THE SECRETARIAT

- A. The Secretariat welcomes this document and recommends the adoption of the resolution on legal acquisition findings contained in Annex 1 to this document.
- B. Although legal verification is one of the key requirements for the issuance of the CITES export permit, the Convention and relevant Resolutions of the Conference of the Parties leave it to the Parties to decide how to determine whether the specimen was acquired legally. Given the need to prevent the use of CITES permits for fraudulent purposes and to ensure that legal certainty is maintained, the Conference of the Parties may wish to adopt further guidance for the verification of legal acquisition of CITES specimens. The absence of such guidance may seriously undermine the reliability of the CITES permit system as a proof of legality and sustainability.
- C. The Secretariat recognizes that the draft resolution is focused on the mandate that was provided by CoP17 in Decision 17.65 for undertaking this specific work intersessionally on Article III, paragraph 2(b), Article IV, paragraph 2(b), and Article V, paragraph 2(a). The Secretariat also recognizes that Parties can already find authority and duty for the State of import to exercise due diligence in several provisions of the Convention, including Article II (4); Article VIII; Resolutions Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement* and 12.3 (Rev. CoP17) on *Permits and certificates*. Those resolutions are cross-referenced in this proposed resolution. However, the Secretariat considers that international cooperation is at the heart of the Convention and the LAF process. The Conference of the Parties may wish to reflect on the need to mention the shared responsibility of importing Parties in the verification of legality (including due diligence) in the new resolution or otherwise consider the potential utility in further work on such matters through a new CoP decision.
- D. In principle and where appropriate, the Secretariat understands that it should be considered that the determination of whether a specimen was obtained in accordance with relevant laws and regulations refers to the series of steps – and not only to the last of these – by which a specimen is brought from its source and becomes the possession of the exporter. Modern information systems and traceability technologies could assist Management Authorities in tracing transactions at the national level for which the legality should be verified before the issuance of a CITES document.
- E. The Secretariat has proposed a budget for the activities in Annex 3 to the present document.
- F. The Conference of the Parties is further invited to note the main results of the international workshop held in Brussels and hosted by the European Union from 13 to 15 June 2018 contained in document SC70 Doc. 27.1.
- G. The Secretariat takes the opportunity to express its thanks for the fruitful, constructive and open exchanges during the process of elaboration of the guidance which is meant to provide options for the Parties to consider when verifying legal acquisition, rather than any rigid or prescriptive framework.
- H. The Secretariat considers that Decisions 17.65 to 17.68 have been implemented and recommends that they be deleted.
- I. The Secretariat considers that some of the activities related to the implementation of the Resolution would require the adoption of a set of Decisions directed to the Parties, the Standing Committee and the Secretariat. The Conference of the Parties may wish to adopt the following draft decisions:

### **Draft decisions on Legal Acquisition Findings**

#### **18.AA**

##### **Decision directed to the Parties**

Parties are invited to:

- a) provide to the Secretariat any relevant information, experiences, or examples regarding the use of guidance in Annex 1 to Resolution Conf. 18.XX for verifying legal acquisition of CITES specimens to be exported and any relevant information regarding the applicability of the guidance in Annex 1 to the additional circumstances in Annex 2 to Resolution Conf. 18.XX; and

- b) offer, on request, assistance to developing countries, for the improvement of their capacity to verify legal acquisition, based on nationally identified needs.

## **18.BB**

### **Decision directed to the Secretariat**

The Secretariat shall:

- a) issue a notification to the Parties requesting input pursuant to paragraph b) of Decision 18.AA;
- b) report to the Standing Committee on the progress made in the implementation of Resolution Conf. 18.XX on the basis of information, experiences and examples submitted by the Parties;
- c) subject to external funding, maintain a dedicated webpage regarding the verification of legal acquisition on the CITES website and update it regularly;
- d) request feedback from the regulated public/applicants to identify challenges in demonstrating legal acquisition of specimens; and
- e) subject to external funding, organize workshops and other capacity-building activities related to the implementation of Resolution Conf. 18.XX and disseminate training material for the verification of the legal acquisition of CITES specimens.

## **18.CC**

### **Decision directed to the Standing Committee**

The Standing Committee shall monitor progress in the implementation of Resolution Conf. 18.XX, and, assess the report submitted by the Secretariat regarding the implementation of the Resolution by the Parties and where appropriate, make recommendations for improving the verification of legal acquisition by the Parties for submission to the 19th meeting of the Conference of the Parties.

## Draft Resolution

### Legal acquisition findings

RECALLING the provisions of Article III, paragraph 2 (b), Article IV, paragraph 2 (b), and Article V, paragraph 2 (a) of the Convention, which require a Management Authority of the State of export to establish that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora;

RECALLING the provisions of Article III, paragraph 4 (a), and Article IV, paragraph 5 (a) which require a Management Authority of the State of re-export to establish that the specimen was imported into that State in accordance with the provisions of the Convention;

RECALLING the provisions of Article II, paragraph 4, which states that Parties shall not allow trade in specimens of species included in Appendices I, II, and III except in accordance with the provisions of the Convention;

RECALLING ALSO the provisions of Article VIII, paragraph 1, of the Convention, which requires the Parties to take appropriate measures to enforce the provisions of the Convention and to prohibit trade in specimens in violation thereof and Resolution Conf. 8.4 (Rev. CoP15) on *National laws for implementation of the Convention*, paragraph 2, which urges all Parties to adopt appropriate measures for effective implementation of the Convention;

RECALLING FURTHER Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates*, paragraph 5 j) and i), which recommend that “Parties not authorize the import of any specimen if they have reason to believe that it was not legally acquired in the country of origin” and that “no export permit or re-export certificate be issued for a specimen known to have been acquired illegally, even if it has been imported in accordance with the national legislation unless the specimen has previously been confiscated”;

CONSIDERING Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement*, paragraph 2 e), which recommends that “if an importing country has reason to believe that specimens of an Appendix-II or -III species are traded in contravention of the laws of any country involved in the transaction, it i) immediately inform the country whose laws were thought to have been violated and, to the extent possible, provide that country with copies of all documentation relating to the transaction; and ii) where possible, apply stricter domestic measures to that transaction as provided for in Article XIV of the Convention”;

RECOGNIZING FURTHER that the Convention places considerable responsibility upon the CITES Management Authorities to ensure that specimens of listed species entering international trade are of legal origin; and

EMPHASIZING that this Resolution is aimed at supporting Management Authorities in verifying the legal acquisition of specimens of CITES-listed species prior to the issuance of CITES documents authorizing their export;

### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

#### 1. RECOMMENDS that:

- a) for the purposes of Article III, paragraph 2 (b), Article IV, paragraph 2 (b), and Article V, paragraph 2 (a) of the Convention, the term “Legal Acquisition Finding” be used by Parties when referring to the examination conducted by a Management Authority prior to issuing a CITES export permit to satisfy itself that the specimen was not obtained in contravention with the laws and regulations of that State for the protection of fauna and flora (in other words, legally acquired);
- b) to the extent possible, the determination of whether a specimen was not obtained in contravention with the laws and regulations of that State for the protection of fauna and flora should take into account the

whole series of actions through which the specimen is brought from its source into the possession of an exporter; and

- c) depending on the context, the term defined above should also be used when considering exemptions and other special provisions mentioned in Annex II, on a case-by-case basis;

2. AGREES that:

- a) "Applicant" means a person who applies for a CITES document required to export, import, re-export or introduce from the sea a specimen of a CITES-listed species;
- b) "Chain of custody" means chronological documentation, to the extent practicable and in accordance with national laws and records, of the transactions pertaining to the removal from the wild of a specimen and the subsequent ownership of that specimen; and
- c) "Risk assessment" means the evaluation of the likelihood that a specimen of a CITES-listed species was not legally acquired;

**Guiding principles**

3. RECOMMENDS that the following general principles be used by Parties for verifying the legal acquisition of specimens to be exported:

- a) procedures to conduct the verification of legal acquisition should be sufficiently flexible to allow for a risk assessment approach;
- b) to the extent possible, procedures used by a Management Authority for verifying the legal acquisition of specimens to be exported should be publicly available to facilitate the collection of required information and provide clarity to applicants requesting export permits;
- c) the applicant is responsible for providing sufficient information for the Management Authority to determine that the specimen was legally acquired, such as statements or affidavits made under oath and carrying a penalty of perjury, relevant licenses or permits, invoices and receipts, forestry concession numbers, hunting permits or tags, or other documentary evidence;
- d) the information that the Management Authority requires of an applicant for verifying the legality of acquisition should be proportionate with the likelihood that a specimen of a CITES-listed species was not legally acquired; and
- e) Management Authorities are encouraged to maintain records of permits issued, including the information provided by the applicant regarding the legality of acquisition;

4. RECOMMENDS that Management Authorities be guided by the recommendations in Resolution Conf. 11.3 (Rev. CoP. 17) on *Compliance and enforcement*, paragraph 2 e), including with respect to specimens of Appendix-I species, and Resolution 12.3 (Rev. CoP17) on *Permits and certificates*, paragraph 5 j) and paragraph 22 k) to m);

5. RECOMMENDS that Parties use the guidance contained in Annex 1 of this Resolution, when verifying the legal acquisition of CITES specimens traded under Article III, paragraph 2 (b), Article IV paragraph 2 (b) and Article V, paragraph 2 (a) and the legal acquisition of founder stock of specimens traded under Article VII paragraph 4 and 5;

6. RECOMMENDS FURTHER that Parties take note of the additional circumstances listed in Annex 2 of this Resolution where verification of legal acquisition and other legal findings are required and utilize the guidance in Annex 1 of this Resolution to the extent that is applicable; and

7. INVITES all Parties, governmental, intergovernmental and non-governmental organizations and other sources to provide financial and/or technical assistance for the development of training material on the verification of legal acquisition, maintaining a dedicated up-to-date webpage on the CITES website, and the organization of workshops and other capacity-building activities related to the implementation of this Resolution.

## **Annex 1 [to the Resolution]**

### **Guidance for making legal acquisition findings**

#### **1. General recommendations for the making of legal acquisition findings by the State of export for specimens of CITES-listed species to be exported in accordance with Article III, paragraph 2 b), Article IV, paragraph 2 b), and Article V, paragraph 2 a) of the Convention**

- a. Parties are recommended to include in their national regulatory framework the obligation of a Management Authority to verify, prior to issuing any CITES export permit, whether a specimen of CITES-listed species to be exported was legally acquired.
- b. To ensure due process and assist applicants in providing information demonstrating legal acquisition, each Party may, where appropriate and possible, prepare general written instructions regarding the information required of an applicant and make that information publicly available. The instructions may specify that a Management Authority may require additional information depending on the nature of a specific transaction.
- c. Management Authorities may choose to verify legal acquisition based on a risk assessment approach, which may include the consideration and balancing of the following factors to the extent that they may be relevant to a particular CITES document request (the order of listing of the factors does not indicate any priority):
  - i. the Appendix in which the species is listed;
  - ii. the source of the specimen (considering whether the specimen is wild-collected, ranched, bred in captivity or artificially propagated, or of unknown origin);
  - iii. occurrence of the species in a controlled environment in the Party dealing with the application;
  - iv. geographical factors (e.g. whether the territory from which the specimen originated is affected by armed conflicts or other factors that may increase the likelihood of illegal acquisition);
  - v. documented illegal harvest or illegal trade;
  - vi. purpose of trade (commercial or non-commercial);
  - vii. history of applications from the applicant, including any history of non-compliance;
  - viii. monetary value of the specimens; and
  - ix. existence of look-alike species.
- d. Where, after considering and balancing the above factors, a Management Authority concludes that there is a high risk that the specimen to be exported was not legally acquired, it may choose to require additional information and engage in further scrutiny of the chain of custody. Where a Management Authority concludes that the risk of illegal acquisition is low, it may choose to engage in less scrutiny and require less information of the applicant.

#### **2. Practical steps for the verification of legal acquisition by the State of export**

- a) To verify legal acquisition, a Management Authority must first be aware of and understand their relevant laws for the protection of fauna and flora.
- b) To verify legal acquisition, the Management Authority should review all the documentary and other information presented by the applicant. The documentation should, to the extent practicable, provide information on the entire chain of custody back to the source of the specimen. Such information may include records demonstrating that the specimen or parental stock was removed from the wild in accordance with relevant laws (licenses, collections permits, etc.), records identifying the specific specimen (band numbers or other marks, etc.) and documenting the history of transfers of ownership (sales, receipts, invoices, etc.),



and records showing that the specimen was reared at a particular facility, for example. Where a Management Authority considers that the evidence is incomplete, it should provide the applicant with an opportunity to produce additional information.

- c) If upon the review of the documentation and taking into account all other relevant elements, a Management Authority is satisfied that the specimen was legally acquired, the requirement of verification of legal acquisition is fulfilled.
- d) Where a Management Authority is not satisfied that the specimen was legally acquired, it should not issue the requested CITES document.
- e) A Management Authority may choose to share relevant information about the legal acquisition of the specimen on the CITES document. Such information may be included in Box 5 of the standard CITES document and may include import or export permit numbers, forestry concession numbers, hunting permit or tag numbers, for example.

### **3. Cooperation between relevant agencies and CITES Management Authorities**

- a) To ensure effective cooperation between domestic authorities (national, provincial, local, tribal) involved in the process of regulating the acquisition of specimens of CITES-listed species, the Parties may consider establishing mechanisms of inter-agency cooperation.
- b) Where necessary, CITES Management Authorities should consult competent intergovernmental bodies regarding the verification of legal acquisition and the fulfilment of due diligence requirements.
- c) When an exporting or re-exporting State receives a request from an importing State to verify the authenticity and validity of a CITES permit or certificate, it should make every effort to respond as indicated in Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates* in paragraph 22 l) and m).

### **4. Practical tools**

- a) For the purpose of establishing the chain of custody, the Parties may make use of information systems and traceability tools.
- b) In verifying legal acquisition, Parties may wish to consult existing international legal databases such as ECOLEX, FAOLEX, and the World Legal Information Institute.
- c) Where Parties consider that more certainty is required to establish that a specimen was legally acquired, Parties may have recourse to request verification by the applicant using forensic tools such as DNA testing, stable isotope analysis, and radiocarbon dating.
- d) Management Authorities may use for their convenience the rapid guide for verifying legal acquisition below.

### **5. Rapid guide for the verification of legal acquisition**

Whenever a Management Authority receives a request to authorize the export of a specimen of a CITES-listed species, the Management Authority may ask itself several questions to verify legal acquisition:

1. Is there a requirement to verify legal acquisition under CITES?

Yes, where the specimen is exported under Article III, paragraph 2 (b), Article IV, paragraph 2 (b), or Article V, paragraph 2 (a) of the Convention, see also Annex 2 to the present resolution.

2. Is there a high risk the specimen may have been acquired illegally?

See paragraphs 1 c) and d) to the present Annex.

3. Depending on the risk assessment and circumstances, is it necessary and practicable for the applicant to provide documentation of the entire chain of custody?

4. Is the information submitted by the applicant sufficient to demonstrate legal acquisition? If not, what additional information should be required?

See the present resolution, paragraph 3 c).

5. If the Management Authority is satisfied that the specimen has been legally acquired, what kind of information if any, is it practicable to share in Box 5 of the standard CITES document?

See paragraph 2 e) in the present Annex.

6. If the Management Authority is satisfied that the specimen has been legally acquired, what documents / other information is it practicable to keep for the record?

See the present resolution, paragraph 3 e)

## **Annex 2 [to the Resolution]**

### **Additional circumstances requiring the verification of legal acquisition or other legal findings**

The Conference of the Parties has recommended that verification of legal acquisition and other legal findings, such as verifying the date of acquisition, be made in the following circumstances.

### **Breeding/parental stock of specimens bred in captivity or artificially propagated**

1. Pursuant to Resolution Conf. 10.16 (Rev.) on *Specimens of animal species bred in captivity*, paragraph 2 b ii), and Resolution Conf. 11.11 (Rev. CoP17) on *Regulation of trade in plants*, paragraph 1 b i), a Management Authority of the State of export should verify legal acquisition of the breeding/parental stock of specimens bred in captivity or artificially propagated to be exported under Article VII, paragraphs 4 and 5 of the Convention.

### **'Pre-Convention' specimens**

2. In accordance with Article VII, paragraph 2 of the Convention and pursuant to Resolution Conf. 13.6 (Rev. CoP16) on *Implementation of Article VII, paragraph 2, concerning 'pre-Convention' specimens*, to authorize the export of a 'pre-Convention specimen', a Management Authority shall be satisfied that a specimen was acquired before the provisions of the Convention applied to it and should therefore establish the date of acquisition or the earliest provable date on which it was first possessed by any person.

### **Specimens of Appendix I and II species taken in the marine environment not under the jurisdiction of any State**

3. Pursuant to Resolution Conf.14.6 (Rev. CoP16) on *Introduction from the sea*, paragraph 2 b), "whenever any specimen of a species included in Appendix I or II is taken in the marine environment not under the jurisdiction of any State by a vessel registered in one State and is transported into a different State, the provisions of Article III, paragraphs 2 and 3, or Article IV, paragraphs 2, 3 and 4, respectively, should be applied, with the State in which the vessel that took the specimen is registered being the State of export and the State into which the specimen is transported being the State of import". Under those circumstances, the State of export shall verify the legal acquisition of the specimen.
4. In the case of chartering operations, where the provisions of Article III, paragraphs 2 and 3, or Article IV, paragraphs 2, 3 and 4 apply pursuant to Resolution Conf.14.6 (Rev. CoP16), paragraph 2 c), the State of export shall verify the legal acquisition of the specimen taken in the marine environment not under the jurisdiction of any State.
5. Pursuant to Resolution Conf.14.6 (Rev. CoP16), paragraph 3, the State of introduction, the State of export and the State of import should "take into account whether or not the specimen was or will be acquired and landed:
  - i) in a manner consistent with applicable measures under international law for the conservation and management of living marine resources, including those of any other treaty, convention or agreement with conservation and management measures for the marine species in question; and
  - ii) through any illegal, unreported or unregulated (IUU) fishing activity".

### **Other exemptions and special provisions**

6. Pursuant to Resolution Conf. 13.7 (Rev. CoP17) on *Control of trade in personal and household effects*, paragraph 1 b), 'personal or household effects' within the meaning of Article VII, paragraph 3 of the Convention, means specimens that are legally acquired (among other requirements).
7. Pursuant to Resolution Conf. 10.20 on *Frequent cross-border movements of personally owned live animals*, paragraph 1 b), a certificate of ownership for a live animal of a species listed in the Appendices may be issued to the personal owner of a legally acquired live animal (among other requirements).
8. Pursuant to Resolution Conf. 11.15 (Rev. CoP12) on *Non-commercial loan, donation or exchange of museum and herbarium specimens*, paragraph 3 e) iv), specimens exported under Article VII, paragraph 6 of the

Convention as part of non-commercial loan, donation or exchange between scientists or scientific institutions should be legally obtained specimens (among other requirements).

9. Pursuant to Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates*, paragraph 12 b), a Party should only issue a Travelling Exhibition Certificate for CITES specimens belonging to a travelling exhibition based in its State, registered with the Management Authority, and wishing to transport specimens of CITES species to other States for exhibition purpose only, on the condition that they were legally acquired and will be returned to the State in which the exhibition is based (among other requirements).
10. Pursuant to Resolution Conf. 16.8 (Rev. CoP17) on *Frequent cross-border non-commercial movements of musical instruments*, paragraph 1 b), a musical instrument certificate should be issued when a CITES competent Authority is satisfied that the CITES specimens used in the manufacture of the musical instrument have not been acquired in contravention of the provisions of the Convention (among other requirements).
11. Pursuant to Resolution Conf. 17.9 on *Trade in hunting trophies of species listed in Appendix I or II*, paragraph 2 a), the export of hunting trophies of species listed in Appendix I or II should only be authorized when a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that country for the protection of fauna (among other requirements).

**TENTATIVE BUDGET AND SOURCE OF FUNDING  
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS**

According to Resolution Conf. 4.6 (Rev. CoP16) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding.

The Secretariat considers that the implementation of the new proposed resolution has implications for the work load of the Secretariat and the Standing Committee that can be absorbed within the existing allocated budgetary and human resources. Additionally, the Secretariat proposes the following tentative budget for the implementation of some associated activities subject to the availability of external funds.

<b>Activity</b>	<b>Budget</b>
Development of training material on the verification of legal acquisition	USD 40,000
Development and update of a dedicated webpage on the CITES website	USD 20,000
Organization of workshops and other capacity-building activities related to the implementation of this Resolution	USD 80,000