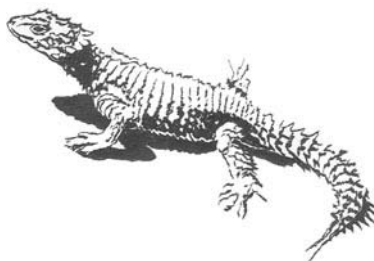


CONVENCIÓN SOBRE EL COMERCIO INTERNACIONAL DE ESPECIES
AMENAZADAS DE FAUNA Y FLORA SILVESTRES



Vigésima reunión del Comité de Fauna
Johannesburgo (Sudáfrica), 29 de marzo-2 de abril de 2004

PROCESO PARA REGISTRAR ESTABLECIMIENTOS QUE CRÍAN EN CAUTIVIDAD CON FINES
COMERCIALES, ESPECIES ANIMALES INCLUIDAS EN EL APÉNDICE I
(RESOLUCIÓN CONF. 12.10 Y DECISIÓN 12.78) –
INFORME DEL GRUPO DE TRABAJO

1. Este documento ha sido preparado por el presidente del grupo de trabajo.
2. En la Decisión 12.78, adoptada en la CdP12, se estipula lo siguiente:

El Comité de Fauna estudiará y evaluará el proceso para registrar establecimientos que crían con fines comerciales especies animales incluidas en el Apéndice I y presentará un informe a la 13a. reunión de la Conferencia de las Partes en el que:

- a) se describan y analicen los problemas específicos que restringen la amplia utilización del procedimiento de registro;*
 - b) se formulen recomendaciones para resolver esos problemas; y*
 - c) se estudie y evalúe la manera en que la cría en cautividad con fines comerciales de especies incluidas en el Apéndice I y el correspondiente proceso de registro de los establecimientos contribuyen a la conservación de las especies incluidas en el Apéndice I.*
3. En noviembre de 2003, la Secretaría CITES publicó la Notificación a las Partes No. 2003/071 sobre el procedimiento para registrar establecimientos que crían en cautividad con fines comerciales, especies animales incluidas en el Apéndice I (véase el Anexo a este documento). En la Notificación se invita a las Partes y a las organizaciones no gubernamentales a que presenten información y comentarios a la Secretaría sobre los procesos para registrar establecimientos que crían en cautividad con fines comerciales, especies animales incluidas en el Apéndice I, en particular en relación con:
 - a) los problemas reales o posibles que podrían limitar o evitar el uso del procedimiento de registro a escala nacional (esos problemas pueden ser administrativos, legales, de gestión, económicos o científicos);
 - b) las experiencias en la aplicación del proceso de registro y los consiguientes requisitos de control (incumbiría por ejemplo a las Autoridades Administrativas y Científicas de las Partes con establecimientos registrados, de las Partes que se han opuesto a los registros o de las Partes cuyas solicitudes de registro se han visto rechazadas, y a los representantes de los establecimientos de cría en cautividad concernidos); y

- c) los establecimientos no registrados que crían especies animales del Apéndice I para el comercio internacional (incluidas las especies concernidas y los números producidos).
4. En el momento de redactar este documento, el grupo de trabajo había recibido respuestas de 12 Partes, a saber, Alemania, Canadá, Costa Rica, España, Estados Unidos, Israel, India, Myanmar, Nueva Zelandia, Reino Unido y República Checa, que se resumen a continuación. Los textos completos de las respuestas recibidas por la Secretaría se presentan en el Anexo 2 al presente documento
- a) el Reino Unido y la República Checa declararon que el requisito de presentar pruebas sobre la adquisición legal es demasiado gravoso. El Reino Unido declaró que el problema es que algunas Partes y ONG tienen expectativas poco realistas sobre las pruebas que deben presentarse respecto de la legalidad del plantel fundador y luego son capaces de bloquear el registro;
- b) Estados Unidos comentó que muchas especies del Apéndice I se importaron en Estados Unidos antes de que la Convención entrara en vigor el 1 de julio de 1975 y, por ende, sería muy difícil documentar el origen legal del plantel parental reproductor;
- c) el Reino Unido puso en tela de juicio el hecho de que una sola Parte que formule una objeción pueda lograr que se retrase el proceso de registro, e incluso exigir que la solicitud se presente a la consideración de la Conferencia de las Partes;
- d) la República Checa y Estados Unidos señalaron problemas de aplicación debido a las incoherencias entre las leyes nacionales. Por ejemplo, en la República Checa algunas especies del Apéndice I están exentas del registro según la legislación checa. Estados Unidos ha autorizado la exportación de especímenes del Apéndice I que han sido criados con fines comerciales cuando la Autoridad Administrativa del país de importación había declarado que los especímenes no se utilizarían con fines primordialmente comerciales. Estados Unidos indicó que la legislación nacional de algunos países prohíbe a sus Autoridades Administrativas que identifiquen el propósito de la importación como comercial;
- e) Estados Unidos expresó preocupación por el hecho de que muchos pequeños establecimientos que crían especies del Apéndice I no puedan cumplir los requisitos de la Resolución Conf. 12.10 sin disponer de los datos de producción de otros criadores y ello exigiría un nivel de cooperación que no se observa actualmente entre los criadores. La República Checa declaró que el proceso (y no solo el proceso, sino todas las obligaciones y requisitos sobre la continua existencia de ese proceso) es demasiado complicado para los criadores y los comerciantes;
- f) Estados Unidos y España expresaron inquietud por el hecho de que muchos países siguen autorizando importaciones de especies del Apéndice I al amparo del Artículo III de la Convención, y que si los criadores pueden exportar sus especímenes del Apéndice I sin registro, no tienen ningún incentivo en registrarse;
- g) India e Israel apoyaron el sistema de registro en curso. A la India le preocupa que la cría en cautividad de ciertas especies ofrezca la oportunidad de blanquear especímenes silvestres ilegalmente adquiridos. Israel expresó las mismas inquietudes, destacando la necesidad de evitar el "blanqueo" de especímenes capturados en la naturaleza y recomendado mayor supervisión, por ejemplo, desarrollando directrices sobre el marcado y/o el etiquetado;
- h) Alemania declaró que debido a que el proceso era complicado y lento, muchos propietarios se abstendrían de iniciar el proceso de registro. Vendían sus especímenes criados en cautividad en la Unión Europea, ya que no se requería registro;
- i) Myanmar y Nueva Zelandia declararon que como no tenían establecimientos registrados, no podían formular comentarios;
- j) Canadá declaró que aunque tenía nueve establecimientos registrados (todos ellos para halcones), la mayoría de los criadores percibían el proceso de registro como demasiado complicado y, por ende, se resistían a registrarlos y, a menudo, decidían no hacerlo. Canadá indicó que no había problemas o limitaciones de índole científica sobre el uso del procedimiento de registro;

- k) Estados Unidos presentó los comentarios de varios criadores según los cuales era muy difícil o imposible recuperar información sobre el origen del plantel fundador, de que el registro prohibía a los criadores comerciales y no comerciales trabajar conjuntamente y que los registros de muchos criadores eran deficientes; y
 - l) la República Checa y el Reino Unido presentaron información sobre las exportaciones de especímenes de Falconiformes y Psittaciformes que están incluidos en el Apéndice I que no procedían de establecimientos de cría en cautividad registrados.
5. Asimismo, se recibieron comentarios de una ONG [Red para la Supervivencia de las Especies (SSN)] y de un establecimiento de cría registrado (*Birds International Inc.*). La SSN apoyó el proceso de registro en vigor y propuso que se ampliase para incluir contribuciones de los Estados del área de distribución sobre el riesgo de que un establecimiento de cría pudiese socavar la aplicación de la ley o los esfuerzos de conservación *in-situ* para la especie.
6. *Birds International Inc.* propuso que la Autoridad Administrativa de la Parte en que se encuentre el establecimiento sea responsable de aprobar la adquisición legal del plantel fundador, que se adopte un proceso simple para las especies adicionales de un establecimiento ya registrado por la Secretaría, que sólo los Estados del área de distribución puedan formular objeciones y que se establezca un grupo de apoyo integrado por representantes de los establecimientos registrados y sus correspondientes gobiernos a fin de ayudar a los establecimientos a obtener su registro.

Recomendaciones del presidente del grupo de trabajo

- 7. Las respuestas que se reciban después de la redacción de este documento se examinarán en la 20ª reunión del Comité de Fauna.
- 8. Es preciso centrar las deliberaciones sobre la información que debe remitir el establecimiento y sobre los requisitos de información que pueden suprimirse o reducirse considerablemente.
- 9. Asimismo, será preciso examinar los cambios en el proceso relativo a las objeciones al registro, de modo que solo los Estados del área de distribución puedan objetar al registro de un establecimiento y se someta a votación antes de la Conferencia de las Partes. En este sentido sería posible resolver algunos problemas planteados por diversas Partes.

NOTIFICACIÓN A LAS PARTES

No. 2003/071

Ginebra, 12 de noviembre de 2003

ASUNTO:

Procedimiento para registrar establecimientos que crían en cautividad con fines comerciales, especies animales incluidas en el Apéndice I

1. En la Resolución Conf. 4.15, aprobada en su cuarta reunión (Gaborone, 1983), la Conferencia de las Partes solicita a la Secretaría "que establezca y mantenga actualizado, sobre la base de las informaciones recibidas de las Partes, un registro de los establecimientos que realizan cría en cautividad para fines comerciales, de especímenes de especies incluidas en el Apéndice I...". Tras una serie de revisiones del procedimiento, en la 12.^a reunión de la Conferencia de las Partes (Santiago, 2002) se aprobó la Resolución Conf. 12.10, Directrices relativas a un procedimiento de registro y control de los establecimientos que crían en cautividad con fines comerciales, especies animales incluidas en el Apéndice I.
2. Sin embargo, la Secretaría ha registrado un escaso número de esos establecimientos (99 establecimientos para 20 taxa en junio de 2003). Solamente 21 Partes han registrado establecimientos, la mayoría de las cuales crían especies de cocodrilos, halcones o peces lengüihueso malayos. La mayor parte de los establecimientos registrados se encuentran en países de Asia sudoriental.
3. En la Decisión 12.78 se encarga al Comité de Fauna que estudie y evalúe el proceso para registrar establecimientos que crían con fines comerciales especies animales incluidas en el Apéndice I y presente un informe a la 13.^a reunión de la Conferencia de las Partes en el que:
 - a) *se describan y analicen los problemas específicos que restringen la amplia utilización del procedimiento de registro;*
 - b) *se formulen recomendaciones para resolver esos problemas; y*
 - c) *se estudie y evalúe la manera en que la cría en cautividad con fines comerciales de especies incluidas en el Apéndice I y el correspondiente proceso de registro de los establecimientos contribuyen a la conservación de las especies incluidas en el Apéndice I.*
4. Se invita a las Partes y a las organizaciones no gubernamentales a que presenten información y comentarios a la Secretaría sobre los procesos para registrar establecimientos que crían en cautividad con fines comerciales, especies animales incluidas en el Apéndice I, en particular en relación con:
 - a) los problemas reales o posibles que podrían limitar o evitar el uso del procedimiento de registro a escala nacional (esos problemas pueden ser administrativos, legales, de gestión, económicos o científicos);
 - b) las experiencias en la aplicación del proceso de registro y los consiguientes requisitos de control (incumbiría por ejemplo a las Autoridades Administrativas y Científicas de las Partes con establecimientos registrados, de las Partes que se han opuesto a los registros o de las Partes cuyas solicitudes de registro se han visto rechazadas, y a los representantes de los establecimientos de cría en cautividad concernidos); y
 - c) los establecimientos no registrados que crían especies animales del Apéndice I para el comercio internacional (incluidas las especies concernidas y los números producidos).

5. Asimismo, se alienta a las Partes y a las organizaciones a que obtengan esta información de otras fuentes (por ejemplo, asociaciones de aficionados o de cría comercial).
6. La Secretaría espera que la información a que se hace alusión en esta notificación obre en su poder a más tardar el 31 de enero de 2004, a fin de que pueda presentarla a la consideración de la 20.^a reunión del Comité de Fauna (prevista en marzo de 2004).

Repuesta de Canadá

Ottawa, Ontario
K1A 0H3

Fax: 011-41-22-7973417

March 2, 2004

Mr. Willem Wijnstekers
Secretary General
CITES Secretariat
International Environment House
15, chemin des Anémones
CH-1219 Châtelaine
Genève, Switzerland

9083-3

Dear Mr. Wijnstekers:

Canada's Response to CITES Notification 2003/071 Procedure to register operations that breed Appendix-I animal species for commercial purposes

Please find attached Canada's response to the above-noted notification.

We are providing information regarding the perceived or actual problems that would limit or prevent the use of the registration procedure at its national level, and our experience with implementation of the registration process and in dealing with unregistered operations breeding for international trade.

Please contact Ms. Véronique Brondex at (819) 956-9327 if you have any questions.

Yours sincerely,

Lynda Maltby
Director
Species at Risk Branch
Canadian Wildlife Service

c.c. Ms. Eleanor Zurbrigg, Chief, Wildlife Trade and International Coordination
Mr. Jean Robillard, CITES Management Authority, Canadian Wildlife Service

Canada's response to CITES Notification 2003/071

Notification 2003/071: Procedure to register operations that breed Appendix I animal species for commercial purposes.

The following outlines Canada's information and comments on the process for registering operations that breed Appendix-I animal species for commercial purposes, as invited by the Secretariat.

a) Perceived or actual problems that would limit or prevent the use of the registration procedure at national level (these problems may for instance be of an administrative, legal, management, economic or scientific nature);

- **Legal**

Canada does not implement by way of regulation the exemption (Article VII, paragraph 4 of the Convention: *Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, shall be deemed to be specimens of species included in Appendix II.*). This means that to import any Appendix I specimen to Canada, the importer must be in possession of not only a CITES export permit, but also of a Canadian CITES import permit even if the specimen originates from a registered commercial captive breeding operation. However, Canada implements this exemption administratively on export only in that Canadian CITES-Registered Commercial Breeders can export specimens with a Canadian CITES Captive-Bred Certificate only.

The present lack of this exemption is considered a limitation in Canada from an administration and enforcement perspective. With respect to administration, it means increased paperwork and validation of documents. With respect to enforcement, the requirement of an additional import permit by Canada but not by other Parties, often results in Canada Customs detaining shipments originating from these other Parties and subsequent unnecessary administrative burden related to release of shipments. To correct this situation, Canada plans to seek regulatory amendment in order to implement by way of regulation this exemption in a near future.

- **Administrative**

The breeders initially perceive the registration process as too complicated and therefore are reluctant to register and often decide not to register. Thus, introduction to the program requires specifically tailored information and instructions to demonstrate the simplicity and the benefits of the program, as well as more general information about CITES and the broader conservation issues. This will require an education, training, or public awareness program. Increased awareness and concise instructions will foster participation and appreciation for the program.

Canada is aware of the requirements of the Resolutions pertaining to registration of captive breeding operations, specifically that all operations breeding Appendix I species in captivity for commercial purposes be registered. However, this will be an ongoing process for some time and a significant work load. To date, Canada has registered nine operations breeding falcons, and it is intended to continue to increase registration of breeders for falcons and other species.

The use of the CITES registration program is limited in Canada by the low number of registrants worldwide. The program will become increasingly effective as more Parties register more operations. Canada frequently receives applications from registered breeders to import stock from non-registered breeders in other countries. This is permitted in most cases, even when new genetic stock is not required, since there are few or no registered operations from which they can obtain new stock. In general, permit issuance is more complex when Canada is dealing with a country that does not have a captive breeding registration program in place for Appendix I species.

- **Scientific**

Canada has no problems or limitations of a scientific nature with respect to use of the registration procedure.

b) any experiences with the implementation of the registration process and the subsequent monitoring requirements (this would for instance concern Management and Scientific Authorities of Parties with registered operations, of Parties that objected to registrations or of Parties that had requests for registration rejected, and representatives of the relevant captive-breeding operations):

- In 1987, the first captive breeding operation in Canada was registered by CITES.
- From 1987 to 2002, 12 captive breeding operations were registered by Canada.
- In 2002, the Management and Scientific Authorities received information that led to the conclusion that three operations no longer qualified for registration. The Management Authority requested their removal by notifying the Secretariat.
- In 2003, nine captive breeding operations were registered by Canada : four in Ontario, three in British Columbia, and two in Alberta. Eight of them breed *Falco peregrines* and/or *Falco rusticolus* and one of them breeds *Tragopan caboti*.
- The 2003 annual reports are currently under review for re-registration in 2004.

The demand for captive breeding for commercial and conservation purposes is growing in Canada. The Scientific and Management Authorities are providing information and registration forms to interested breeders. However, since 2001, no additional breeders have pursued registration.

In Canada there is a registration procedure with a defined schedule to monitor all the CITES captive breeding operations. The Scientific Authority has created a database for each breeder to track all the changes in current stock and all offspring. An application form is also available on the website for breeders that would like to be registered. Canada also plans to add a section on captive breeding to the Canadian CITES website (www.cites.ca).

c) Unregistered operations that are breeding Appendix-I animal species for international trade (including the species concerned and the numbers produced).

There are many hobbyists or breeders in Canada that breed Appendix I species. Without in-depth study and analysis, it is difficult to provide an accurate number but our records indicate that the following species are part of the trade (see tables 1 and 2 below).

Table 1. Species involved in international trade in Canada (import and export) for breeding purposes since the year 2000. Please note that international trade involving zoos and scientific institutions are not included.

Export	Import
<i>Mustela nigripes</i> (14)	<i>Falco rusticolus</i> (6)
<i>Haliaeetus leucocephalus</i> (2)	<i>Tragopan caboti</i> (2)
<i>Falco rusticolus</i> (7)	<i>Aratinga garouba</i> (2)
<i>Falco peregrinus</i> (4)	<i>Pyrrhura cruentata</i> (5)
<i>Tragopan caboti</i> (1)	<i>Falco peregrinus</i> (2)
<i>Acipenser transmontanus</i> (2)	<i>Grus japonensis</i> (4)
	<i>Vultur gryphus</i> (2)
	<i>Cyanoramphus novaezelandiae</i> (2)
	<i>Ara glaucogularis</i> (1)
	<i>Ara maracana</i> (1)
	<i>Pelecanus crispus</i> (1)
	<i>Leucopsar rothschildi</i> (1)
	<i>Haliaeetus leucocephalus</i> (2)

Export	Import
	<i>Acrantophis dumerili</i> (9)
	<i>Sanzinia madagascariensis</i> (6)
	<i>Epicrates inornatus</i> (4)
	<i>Boa constrictor</i> (1)
	<i>Varanus komodoensis</i> (2)
	<i>Scleropages formosus</i> (173)

Table 2. Species involved in international trade in Canada (import and export) for personal purposes (purpose codes P with source codes C or F) since the year 2000.

Export	Import
<i>Accipiter gentilis</i> (1)	<i>Falco rusticolus</i> (23)
<i>Amazona viridigenalis</i> (1)	<i>Falco peregrinus</i> (30)
<i>Amazona ochrocephala</i> (2)	<i>Psephotus chrysopterygius</i> (2)
<i>Anodorhynchus hyacinthinus</i> (1)	<i>Cacatua moluccensis</i> (10)
<i>Ara militaris</i> (1)	<i>Cacatua goffini</i> (7)
<i>Ara macao</i> (4)	<i>Cacatua sanguinea</i> (1)
<i>Aratinga acuticaudata</i> (1)	<i>Ara militaris</i> (2)
<i>Cacatua moluccensis</i> (5)	<i>Anodorhynchus hyacinthinus</i> (2)
<i>Cacatua goffini</i> (2)	<i>Pyrrhura cruentata</i> (7)
<i>Eclectus roratus</i> (3)	<i>Acrantophis madagascarensis</i> (2)
<i>Falco rusticolus</i> (10)	<i>Acrantophis dumerili</i> (3)
<i>Falco perigrinus</i> (6)	<i>Ara macao</i> (5)
<i>Haliaeetus leucocephalus</i> (1)	<i>Ara maracana</i> (2)
<i>Prionailurus bengalensis</i> (1)	<i>Amazona ochrocephala</i> (3)
<i>Scleropages formosus</i> (20)	<i>Amazona viridigenalis</i> (1)
<i>Tragopan caboti</i> (1)	<i>Eos histrio</i> (1)
	<i>Psephotus chrysopterygius</i> (1)
	<i>Sanzia madagascariensis</i> (1)



MINISTERIO DEL AMBIENTE Y ENERGÍA
SISTEMA NACIONAL DE AREAS DE CONSERVACIÓN
Autoridad Administrativa CITES
Costa Rica



Señores
Secretaria CITES
Fax: 00 4122 797-3417
Ginebra, Suiza

ACTION FOR COPY 007

30. Jan. 2004

REPLY . . . FILE

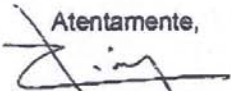
Estimados señores:

En respuesta a la notificación No. 71 del 12 de noviembre de 2003, Costa Rica comparte el criterio emitido por la Secretaria de la importancia y necesidad de registrar los establecimientos que crían en cautividad especies animales incluidas en los apendices con fines comerciales.

Es de esencial importancia que los interesados presenten a las Autoridades Administrativas pruebas contundentes y claras de que el origen del plantel reproductor parental fue obtenido en forma legal cuando vayan a inscribir los establecimientos. Un criterio indispensable en el registro de estos establecimientos es la demostración de que los individuos a comercializar son de segunda generación (F2).

Sin mas por el momento quedo a sus ordenes para cualquier información.

Atentamente,


Raúl Solorzano Soto
Director Superior
Punto Focal
Autoridad Administrativa CITES



JJCD

C: Gilbert Canet Brenes, Gerente GMRN
José Joaquín Calvo Domingo, Autoridad Administrativa CITES
Juan Rodríguez R., Autoridad Administrativa CITES
CRACCITES
Bruno Bustos, Coordinador Comité Técnico CITES – CCAD
Autoridades Administrativas CITES de Centroamerica y Mexico

Dear colleagues,

Concerning the Notification No. 71/2003 we would like to apologize for our late response. We have collected data from the Czech CITES Management Authority (the Ministry of the Environment) on the export of CITES I species from 1997 to September 2003 to evaluate the international trade in CITES I species bred in captivity in the Czech Republic. As far as registering operations that breed Appendix I animal species for commercial purposes we can summarise the following:

- 1) There are no such registered operations that breed Appendix I species for commercial purposes in the Czech Republic.
- 2) We have had no applications for such a registration so far.
- 3) There was only one question from the breeders side – how to register a breeding facility for *Amazona leucocephala* – after explaining them the whole process – the group of breeders decided to leave the idea.
- 4) The main problems with the registration process we can see are as follows
 - The process (and not only the process, but also all the obligations and duties of the further existence of such a facility) is too complicated for breeders and traders
 - Very problematic might have been the proof of the legal origin of a founder stock
 - The process of registration is “undermined” by the fact, that captive bred “C” CITES I specimens are recognised as CITES II - they can be traded without any difficulties
 - Some of the species (e.g. *Cyanoramphus novaezelandiae*, pheasants) bred and traded for commercial purposes are very easy to breed and are exempted from the obligatory registration according to the Czech CITES Act (No. 16/1997 Gazette).
- 5) **From 1997 to September 2003** the following species were exported (enter the international trade) by private persons (breeders) and traders (export made by ZOOs themselves is not included):

Cyanoramphus novaezelandiae – hundreds (1,600 specimens totally, export has been growing in recent years)

Falco peregrinus x *F. rusticolus* – individual specimens exported for breeding, trade, falconry (totally 30)

Falco cherrug x *F. rusticolus* – dozens of specimens for the whole period, for breeding, trade, falconry (120)

***Falco peregrinus* – 29 specimens totally, for falconry, breeding, trade**

Falco rusticolus – 11 specimens totally, for falconry, breeding, trade

***Lophophorus impejanus* – 17 specimens totally, for trade, breeding**

Syrnaticus ellioti – 2 specimens for trade

Crossoptilon mantchuricum – 2 specimens for breeding

Amazona leucocephala – 29 specimens for breeding

Ara macao – 2 specimens for breeding

Ara maracana – 6 specimens for breeding

Ara couloni – 6 specimens for breeding

Saguinus oedipus – 3 specimens for breeding

Pantera onca – 3 specimens for trade

Leopardus pardalis – 1 specimen for breeding

Oryx leucoryx – 4 specimens for trade

- 6) We suppose, that there are mostly hobbyists and amateur societies that breed the above mentioned species, they are not huge in numbers (dozens), who export the captive bred CITES I specimens.
- 7) We think the registration is not considered as a meaningful tool by the breeders and traders to trade and protect the species, because it is easy to prove the second generation (sometimes by DNA as well – mostly at big parrots and falcons) and then it is easy to export and trade the specimens.

With my best regards

Dr. Jan Plesnik
Deputy Director

ACTION T.O.N COPY

21. Jan. 2004

REPLY . . . FILE

Federal Agency for Nature Conservation, Mallwitzstr. 1-3, D-53177 Bonn

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Irina.Sprotte@bfn.de
Information: www.cites-online.de
Reference: Ms. Irina Sprotte

Bonn, 2004-01-19

**Ref.: CITES Notification No. 2003/071 - Procedure to register operations
that breed Appendix-I animal species for commercial purposes**

Dear Sirs,

the subject – registration of operations which breed Appendix-I animals species for commercial purposes – is very complex. Notification No. 2003/071 refers to this issue and raises 6 specific questions referring to procedure, problems and recommendations respectively.

With this note the Federal Agency for Nature Conservation which is the responsible authority in Germany for the registration procedure would like to offer some ideas which are based on our experiences over the years with the registration of commercial breeding facilities. We have tried to sort our comments to the respective paragraphs of the Notification. Nevertheless there is some overlapping.

Ref. to paragraph 3a)

- Each Management Authority which deals with offspring produced in a breeding operation must decide on its own whether this operation breeds for commercial purposes or not. It is supposed that decisions in this respect are not answered equal or comparable between countries. Beside the fact that a very strict CITES definition of 'primarily commercial' exists we have to consider that the case by case decision is difficult. For example it is easy to understand that crocodile farms are commercial enterprises. They are run like an agricultural firm and produce meat and leather for commercial purposes. Many other breeding facilities are owned by private persons which do this breeding besides their real job and earn some extra money when they sell the offspring (living single animals) which their breeding pairs have produced over the year.

They proclaim to be hobbyists and in most cases this is accepted and they receive export permits according to Art. VII, para. 5 CITES with source code "C".

- Owners of breeding operations who want to be registered have to apply for this. They must submit to the respective Management Authority detailed information about their operation. Annex 1 of Res. Conf. 12.10 contains 18 questions /items which must be answered within the registration procedure. Only one of this questions can be answered by the MA itself (No.15) all the rest must be prepared by the owner of the breeding-operation. This document must be prepared in English or French or Spain by the owner because MA normally have no personnel capacity to do this. In consequence it is an enormous workload for the owner to prepare all the necessary documentation.
- Because the procedure is long, complicated and especially for animal species so far not in the register of the Secretariat – with an open result – it is supposed that many owners refrain from starting a registration initiative. They sell their offspring on those markets they can deliver without exportation (their own country; EC).
- One or may be the main issue within the registration process is the evidence of legal acquisition of each male and female of the founder stock. Res. Conf. 10.16 (Rev.) – Definition of bred in captivity – requests legal proof not only referring to the CITES documentary requirements but also referring to the respective national legal situation in the country of origin. Owners can give proof that their animals are really pre-Convention or legal referring to CITES. However often they have problems to provide information about the national legislation situation in the country of origin or in those countries which could have been the country of origin for the respective species. In this situation they cannot apply for registration. Also the MA is not in a position to do this work for the applicant.

Para. 4a)

- According to German national law there is one special authority nominated to be responsible for the registration procedure.
- Referring to birds of prey there exists a legal competition between environmental law and hunting law which causes sometimes problems.
- The special structure of Germany, which consists of Federal States causes sometimes problems. Local authorities are responsible for marking procedures, housing conditions, book-keeping requirements and others but the registration procedure is centralized. This needs additional interactions between different authorities.

Para. 4b)

- Germany registered several breeding operations following the procedure provided by Res. Conf. 2.12. and one on the basis of Res. Conf. 8.15. Two attempts to register operations failed the necessary two-thirds majority on Conferences of the Parties 8 and 10 respectively.
- Because the procedure is complicated and an enormous work must be done by the owner itself and the MA as well only few owners of breeding operations have strong interest to launch the registration procedure and the MA don't request them to do this because of the extra-work created by such a registration application.

Para. 4c)

- There are many breeding operations which breed CITES App. I animals for primarily commercial purposes but were not registered (i.e. for reptile species).
- However it is not known to the MA how many operations breed and which offspring is produced every year, because the MA will only get information on such an operation when an export permit was applied for the offspring. The whole book-keeping procedure of the operations is controlled by the Federal States.
- In case were we think the operation must be considered as primarily commercial and is not registered an export permit will only be issued on the procedure of Art. III (2) CITES after the MA of the importing country has issued an import permit which states the private (non-commercial) purpose for which the imported animal is supposed to be used. After the import permit has been issued first the export document will be granted and the source code "D" is used to make sure the specimen originates from a commercial enterprise an additional information to the importing MA and also for re-exportation cases.
- In a comparable way we allow importation for personnel purposes of animals bred in captivity (at least F2 generation) from non registered operations (ref. to Art. III (3) CITES).

Kindly



Dr. D. Jelden

cc: BMU, NI3, per Fax
EU-COM, Coleman per Fax
Grünkopie

29 January 2004

Israel's response to Notification No. 2003/071

1. There are currently no facilities in Israel breeding CITES for commercial purposes.
2. Israel supports the registration system in principal, and would like to see it continued.
3. Israel would like to see greater oversight and guidelines established by the CoP (for example, better guidelines on marking and/or tagging) to discourage possible abuse of the system through "laundering" of specimens that are not captive-bred.
4. For now, Israel has a policy not to normally apply the exemption offered in Article VII, paragraph 4, and considers all specimens of species listed in Appendix I as such.

Sincerely yours,

Dr. Simon Nemptov
Wildlife Ecologist
Israel Scientific Authority for CITES

Repuesta de India (recibida antes de la Notificación a las Partes)

-----Original Message-----

From: Dr. Rajesh Gopal [mailto:dirpt-r@hub.nic.in]

Sent: 21 August 2003 21:06

To: thomas.althaus@bvet.admin.ch

Cc: Willem Wijnstekers; John Sellar; CITES

Subject: Registration and Monitoring of Operations that Breed Appendix - I Animal Species (CITES)

To, The Chairman
 Animals Committee
 CITES

Subject: **Registration and Monitoring of Operations that Breed Appendix – I Animal Species (CITES) for commercial purposes.**

Sir,

As you are aware, the issue of registration and monitoring of operations that breed Appendix-I Animal Species for commercial purposes was discussed a number of times in various meetings of the Standing Committee, Animals Committee and the Conference of Parties to the CITES. After several revisions, based on the recommendations of a Working Group, the Resolution Conf.12.10 (on "Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes") was adopted at COP-12, at Santiago in 2002.

As far as India is concerned, our stand on the issue remains unchanged keeping in mind the interest of tiger conservation. It may kindly be recalled, during COP-11, a new resolution (CR 11.14) was proposed for replacing the earlier CR 8.15 Rev. the latter (CR 8.15 Rev.) ensured that any application to breed Appendix-I species for commercial purposes would require the CITES Secretariat to notify all parties, thus giving a chance to a range country for commenting or objecting to such an application. However, CR 11.14 gave this oversight to range countries for only those species which meet the criteria for inclusion in its Annexure-III, for which a species had to be critically endangered in the wild or known to be difficult to keep or breed in the captivity. Unfortunately, this definition was not in the interest of many endangered species like tiger which breed well in captivity but difficult to rehabilitate and protect in the wild. India all along opposed this move and participated in the Working Group meeting along with other countries, and subsequently safeguards were adopted in COP-12 and new set of guidelines was adopted. This resolution (Resolution Conf. 12.10) addresses most of the concerns of Parties, and hence we feel there should be no further modification to the guidelines already adopted. Further, in order to ensure that commercial captive breeding of Appendix-I species and the process for registration of breeding operations are not detrimental to certain endangered species, it is suggested **species like tiger should be excluded from the purview of captive breeding for the present, since eventhough such species may breed in captivity, their successful release and protection in the wild is extremely difficult. Captive breeding of such species would provide an opportunity for people with vested interests to launder illegally caught wild specimens from small, natural, in situ populations, which undoubtedly would accelerate the process of extinction of such species in their natural habitats. Most of the present day demands for the body parts and derivatives of tiger internationally is illegal, therefore, in the present scenario, no international agency can quantify the magnitude of this market as done in the case of some reptilian species.** Therefore, considering the ill effects of captive breeding fostering an illegal international trade, species like tiger and other Asian Big Cats should be excluded from captive breeding in the present situation and time.

Yours sincerely,

(VINOD RISHI)
ADDL. DIRECTOR GENERAL OF FORESTS
CITES MANAGEMENT AUTHORITY - CITES
MINISTRY OF ENVIRONMENT & FORESTS
GOVERNMENT OF INDIA
INDIA



SECRETARÍA DEL MEDIO AMBIENTE
Y RECURSOS NATURALES

SUBSECRETARÍA DE GESTIÓN PARA
LA PROTECCIÓN AMBIENTAL
DIRECCIÓN GENERAL DE VIDA SILVESTRE
AV. REVOLUCIÓN No.1425, NIVEL 1
COL. TLACOPAC, SAN ÁNGEL
DELEG. ÁLVARO OBREGÓN
C. P. 01040, MÉXICO, D. F.

OFICIO NÚM. SGPA/DGVS/ 01181

MÉXICO, D. F., a 13 FEB. 2004

WILLEM WIJNSTEKERS
SECRETARIO GENERAL
SECRETARÍA CITES
15 CHEMIN DES ANEMONES
CH-1219 CHATELAINE-GENEVE
SUIZA

*COPIA
URAE*

Me refiero a la Notificación a las Partes No. 2003/071, medio por el cual la Secretaría de la Convención solicita a las Partes que presenten información referente a los problemas reales o posibles que podrían limitar el uso del procedimiento de registro de establecimientos que crían en cautividad con fines comerciales especies animales incluidas en el Apéndice I, a escala nacional.

Al respecto, le informo que de acuerdo a la experiencia que se ha tenido con este tipo de procedimiento, para México no existe dificultad en aplicar correctamente la Resolución 12.10, considerando que los tres procedimientos que ha presentado ante la Secretaría han sido aceptados sin observaciones, sin embargo, la única dificultad que hemos tenido es el largo periodo de tiempo que se llevó el último registro para nuestro país, que fue aproximadamente de dos años y tres meses, sin que hubiese alguna observación por parte de la Secretaría o de algún País Parte.

Por otra parte, si bien México tiene un bajo numero de establecimiento registrados ante la Secretaría, se debe principalmente a que los productores nacionales que crían especies del Apéndice I con fines comerciales, por el momento no tienen interés en comercializar sus productos a nivel internacional, es decir, actualmente su demanda es básicamente nacional.

Sin otro particular, aprovecho la ocasión para enviarle un cordial saludo.

ATENTAMENTE

SUFRAGIO EFECTIVO. NO REELECCIÓN.
LA DIRECTORA GENERAL

Georgita Ruiz Michael
GEORGITA RUIZ MICHAEL

OMRF/LFUG/MEGN



*ACTIVO TON COPY JCB
www*

02. März 2004

REPLY FILE

C.p.c. Francisco Giner de los Ríos.- Subsecretario de Gestión para la Protección Ambiental.- Presente.
Jorge Soberón Mainero.- Autoridad Científica CITES de México.- Presente
Norma Eréndira García Núñez.- Jefa del Departamento de Acuerdos Globales. Presente
Archivo: (S/N)

Repuesta de Myanmar

-----Original Message-----

From: UKMZ [mailto:nwcd-cas@mptmail.net.mm]

Sent: Tuesday, January 06, 2004 9:43 PM

To: CITES

Subject:

Dear Sir,

A very Happy New Happy to you.

Regarding the Notification No. 2003/071 dated 12 November 2003, please be kindly informed that Myanmar, so far, does not have any registered breeding operations of Appendix I animal species for commercial purpose.

However, the Department of Fisheries has established a crocodile (*Crocodylus porosus*) breeding farm since 1978 for the purposes of education and reintroducing into their habitat. Now, as the number of bred crocodile becomes increased, the Department of Fisheries is considering export after registering the farm at the secretariat.

In this context, we look forward to you kind guidance to register that farm.

With best regards,

Sincerely yours,

Khin Maung Zaw

CITES Scientific Authority of Myanmar

on behalf of CITES Management Authority of Myanmar

Repuesta de Nueva Zelandia

-----Original Message-----

From: wdovey@doc.govt.nz [mailto:wdovey@doc.govt.nz]

Sent: 25 November 2003 02:52

To: CITES

Subject: Procedure to register operations that breed Appendix I animal species for commercial purposes

Dear Secretariat

In response to Notification to the Parties 2003/071 we have to inform you that New Zealand has no operations that breed Appendix I animal species for commercial purposes, therefore we are not able to provide information or comments on the process for registering such operations.

Best regards

Wilbur Dovey

CITES Officer

Science and Technical Centre

Department of Conservation

Wellington, New Zealand

Tel 64 4 471 0726

Direct line 64 4 471 3106 (Tues-Thurs)

Fax 64 4 471 3279

email: wdovey@doc.govt.nz



MINISTERIO DE ECONOMÍA

MINISTERIO DE ECONOMÍA S.G. INSP. CERTIFIC. Y ASIST. TÉCNICA DE COMEX	SALIDA	Nº. 200428100000242 28/01/04 12:12:35
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SECRETARÍA DE ESTADO DE COMERCIO Y TURISMO

SECRETARÍA GENERAL DE COMERCIO EXTERIOR

SUBDIRECCIÓN GENERAL DE INSPECCIÓN, CERTIFICACIÓN Y ASISTENCIA TÉCNICA DEL COMERCIO EXTERIOR

ACTION FROM COPY

28 Jan. 2004

REPLY . . . FILE

F A X

DE AUTORIDAD ADMINISTRATIVA CITES - ESPAÑA	
A SECRETARÍA CITES	
ASUNTO Notificación No. 2003/071	
S/REF	N/REF MN
FECHA 26 de enero de 2004	
Nº DE PÁGS. INCLUYENDO PORTADA 3	

En relación con la Notificación CITES Nº 2003/071 relativa al procedimiento para registrar establecimientos que crían en cautividad con fines comerciales, especies animales incluidas en el Apéndice I y de acuerdo con lo solicitado en la misma, la Autoridad Científica y la Autoridad Administrativa de España indican los siguientes comentarios:

- a) Respecto a los problemas reales o posibles que podrían limitar o evitar el uso del procedimiento de registro a escala nacional:

En España se tiene establecido un registro interno de criadores. Para ser incluido en este registro, los criadores deben aportar la documentación acreditativa del origen legal de los especímenes así como cumplir una serie de requisitos. Por este motivo, para los criadores registrados en España no les supondría un esfuerzo mucho mayor el acceder al registro ante la Secretaría CITES. El motivo por el que los criadores no solicitan la inclusión en el registro ante la Secretaría CITES es, en nuestra opinión, que no tienen necesidad de hacerlo ya que el comercio de especímenes de especies incluidas en el Apéndice I se mantiene con independencia de la inclusión en el registro.

En nuestra opinión, tal vez los países deberían ser más estrictos en la consideración de la finalidad comercial en los casos de especímenes de especies del Apéndice I que provengan de establecimientos no registrados. De esta manera, se incentivaría el registro y los criadores considerarían los beneficios del mismo.

CORREO ELECTRÓNICO:

Buzon.CITES@SSCC.MCX.ES

Pº. DE LA CASTELLANA, 182
28046 MADRID
TEL.: 91 3493772
FAX: 91 3493777

EN CASO DE PROBLEMAS EN LA RECEPCIÓN, POR FAVOR LLAME A NUESTRAS OFICINAS



Respecto a los criadores que no se han registrado a nivel nacional no hay datos para concluir las causas por lo que no lo han hecho. Sin embargo, en opinión de estas Autoridades, uno de los motivos puede ser la imposibilidad de demostrar el origen legal de los especímenes.

b) Respecto a las experiencias en la aplicación del proceso de registro:

En España sólo existe un establecimiento registrado correspondiente a un centro de cría de *Falco peregrinus*. En relación con este establecimiento, no hubo problemas en cuanto al cumplimiento de los requisitos ni respecto a los controles posteriores.

Hace años sí se constató un problema en relación con un establecimiento que no pudo registrarse ya que la anterior Resolución obligaba a haber conseguido la F2 en las instalaciones del establecimiento que solicitaba el registro. Este problema se solventó con la nueva Resolución.

En el año 1997 España se opuso a la inclusión en el registro de un establecimiento de cría de halcones (*Falco peregrinus*) ubicado en Alemania. El motivo de la oposición fue que existían serias dudas respecto a la legalidad del plantel reproductor de dicho establecimiento. Los propietarios del mismo habían sido detenidos, juzgados y sentenciados por el robo en España de huevos y pollos de la especie para la que solicitaban el registro.

c) Respecto a los establecimientos que crían especies animales del Apéndice I, en España existen unos 250 centros que, en mayor o menor medida, crían especímenes de especies incluidas en el Apéndice I. Las especies del Apéndice I que mayoritariamente se crían son las siguientes:

PSITTACIFORMES:

- *Amazona barbadensis*
- *Amazona leucocephala*
- *Amazona ochrocephala oratrix*
- *Amazona petrei*
- *Amazona rhodocorytha*
- *Amazona tucumana*
- *Amazona vinacea*
- *Amazona viridigenalis*
- *Ara ambigua*
- *Ara glaucogularis*
- *Ara macao*
- *Ara maracana*
- *Ara militaris*
- *Ara rubrogenys*
- *Aratinga guarouba*
- *Cacatua goffini*
- *Cacatua haematuropygia*
- *Cacatua moluccensis*
- *Cyanoramphus novaezelandiae*
- *Eos histrio*
- *Psephotus chrysopterygius*
- *Psephotus dissimilis*
- *Pyrrhura cruentata*



FALCONIFORMES

- *Falco peregrinus*
- *Falco rusticolus*

PRIMATES

- *Callithrix aurita*
- *Eulemur fulvus*
- *Lemur catta*
- *Leontopithecus chrysomela*
- *Saguinus oedipus*

REPTILES

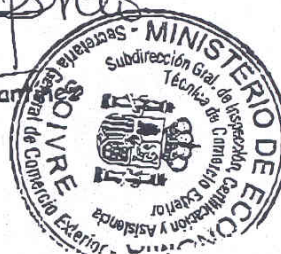
- *Crocodylus niloticus*
- *Osteolaemus tetraspis*
- *Python molurus molurus*
- *Sanzinia madagascariensis*
- *Testudo kleinmanni*

OTROS

- *Carduelis cucullata*
- *Caloenas nicobarica*
- *Lophophorus impejanus*
- *Lophura edwardsi*
- *Lophura swinhoii*
- *Polyplectron emphanum*
- *Syrmaticus ellioti*
- *Canis lupus*
- *Panthera tigris*

LA SUBDIRECTORA GENERAL,

Teresa Zapatero Marín



Notification No. 2003/071: UK comments on the procedure to register operations that breed App I animal species for commercial species

UK's overall view is that the current procedure is too bureaucratic. We believe that the main problem with the current process lies with **standards of evidence** that Parties are expected to produce to confirm that the parental and/or founder stock were lawfully acquired, **the length of time the verification process** takes, and the fact that **a single objecting Party can cause the processing to be delayed** for >210 days and require the application to go before a Conference of Parties.

Standards of evidence

Paragraph 6 in Annex 1 of Conf. Res. 12.10 refers to the criteria that the parental breeding stock must fulfil and doesn't specifically refer to the standards of evidence that must be produced. It simply indicates that operations located in non-range States must produce evidence that the animals comprising the parental stock are (a) pre-convention, (b) have been derived from pre-convention specimens, OR (c) were acquired from the range States in accordance with the provisions of the Convention, and must be backed-up by relevant dated receipts or other acceptable proof of lawful acquisition. The problem is that some Parties & NGOs have unrealistic expectations about what proof of evidence should be provided and then are able to block the registration from progressing.

It is unrealistic to expect a breeder who has built up a breeding group over many decades from a whole variety of sources, to be able to produce documentary evidence to verify the source of all the founder stock that the breeding stock were derived from, especially if they are pre-convention. In these circumstances it should be the Management Authority of the country in which the operation is established, in consultation with the Secretariat/Animals Committee, that should make a judgement based on the information available, i.e. trade data, national legislation, availability in captivity, breeding potential etc.

As the Resolution currently stands, the minimum period of time it would take to register an operation, if no objections are received, would be 90 days from the date of notification by the Secretariat. However, if a single objection is received, then it could take a further 120 days for resolution of the identified problem and even further delay if the objection is not withdrawn and it has to go to the Conference of Parties. It seems unreasonable that a single objecting Party can have the power to delay the registration of an operation to this extent. Moreover, Parties may choose to obstruct registration on grounds that have more to do with ethics or politics than with reasons about the legitimacy of captive breeding claims under Res. Conf. 10.16.

Resource implications

The burden on the CITES Authorities usually comes in the verification stage and interpretation of all the data. If we had to register all commercial Appendix-I breeding facilities, then it would have significant resource implications for the MA and SA and would be unworkable.

Although Conf. Resolution 12.10 might seem to require that all facilities breeding Appendix I animals for commercial purposes should be registered with the CITES Secretariat, as CITES has no role in domestic trade issues it is clear that it relates only to facilities planning to be involved in international trade. Given c.95% of animals bred in the UK are intended for the domestic and European market, it would be less of a burden on CITES Authorities if this Resolution were more explicitly related to those operations that were breeding Appendix-I species for international commercial trade.

There are actually relatively few breeders of Appendix-I species in the UK that are breeding for international trade. In 2002, only 22 individuals exported Appendix-I species for commercial purposes (purpose code T), 2 of which are already registered with the CITES Secretariat. The number of Appendix-I species involved was just the 6 listed below, involving 295 specimens, most of which were hybrids:

Falco peregrinus (Peregrine falcon)

Falco rusticolus (Gyr falcon)

Falco pelegrinoides (Barbary falcon)

Cyanoramphus novaezelandiae (Newzealand Parakeet)

Lophophorus impejanus (Himalayan monal)

Amazona leucocephala (Cuban Amazon)

129 (43.7%) of the Appendix-I specimens exported in 2002 for commercial purposes, were produced by CITES registered breeders.

Perceived lack of fairness in the process.

There seems to be an **inconsistency in the way CITES approaches registration**, when you compare the process for registering captive-breeding operations, with scientific institutions (Res. Conf. 11.15) and registered nurseries for artificially propagated plants (Res. Conf. 9.19). In these instances the primary responsibility lies with the Management Authority of the Country in which the nursery or scientific institution is located, and the Secretariat has a verification role. In the case of nurseries the Secretariat is expected to publish the nurseries details once they are satisfied that the facility meets all the requirements within 30 days after receipt of the report.

Parties still have the opportunity to comment, but they cannot cause unnecessary delay to registration. Decisions about whether the nursery/scientific institution meet the criteria lie with the Secretariat and the Plants committee.

There is no obvious reason why this approach could not be adopted for captive-breeding operations.

To conclude, the UK SA considers the present Resolution to be unworkable if it is to apply to all breeders of Appendix-I species and should not be implemented. We should press for a much simpler scheme along the lines of that adopted for commercial nurseries, and should focus on large scale commercial operations that are involved in international trade.

UK CITES MANAGEMENT AUTHORITY

15 December 2003

ANNEX A – UK Exports of captive-bred Appendix-I specimens (purpose Code T) in 2002

Applicant	Species	Total no specimens	No of exports of this species/hybrid	No of exports for this applicant in 2002
Breeder 1	Cyanoramphus novaezelandiae	44	3	5
	Lophophorus impejanus	2	2	
Breeder 2	Falco rusticolus	1	1	1
Breeder 3	Falco rusticolus x Falco peregrinus	1	1	1
Breeder 4	Falco rusticolus x Falco peregrinus	2	2	9
	Falco peregrinus	12	7	
Breeder 5	Falco rusticolus x Falco peregrinus	6	3	3
Breeder 6 (Registered Breeder)	Falco rusticolus x Falco peregrinus	23	3	5
	Falco rusticolus x Falco cherrug	35	4	
Breeder 7	Falco rusticolus x Falco peregrinus	1	1	3
	Falco rusticolus x Falco cherrug	8	2	
	Falco peregrinus	2	1	
	Falco rusticolus x Falco rusticolus/Falco peregrinus	1	1	
	Falco rusticolus	4	1	
	(F.rusticolus x F. rusticolus/F. cherrug) x F. rusticolus/cherrug)	3	1	
Breeder 8 (Registered Breeder)	Falco rusticolus x Falco peregrinus	44	5	10
	Falco rusticolus x Falco pelegrinoides	4	1	

Applicant	Species	Total no specimens	No of exports of this species/hybrid	No of exports for this applicant in 2002
	Falco peregrinus	1	1	
	Falco rusticolus x Falco cherrug	14	3	
	F.rusticolus/F.cherrug x Falco cherrug	4	1	
	Falco rusticolus/peregrinus/pelegrinoides	4	1	
Breeder 9	Falco rusticolus x Falco peregrinus	5	2	3
	F.rusticolus/F.cherrug x F.rusticolus	1	1	
	Falco rusticolus x Falco cherrug	1	1	
	F.rusticolus/F.cherrug x F.cherrug	1	1	
	Falco peregrinus x Falco cherrug	5	1	
	Falco peregrinus	1	1	
Breeder 10	Falco rusticolus x Falco peregrinus	21	5	7
	Falco rusticolus x Falco cherrug	2	1	
	Falco peregrinus	3	1	
	Falco rusticolus	2	2	
Breeder 11	Falco rusticolus x Falco pelegrinoides	1	1	4
	Falco rusticolus x Falco rusticolus/Falco cherrug	2	1	
	Falco rusticolus x Falco cherrug	1	1	
	Falco peregrinus	1	1	

Applicant	Species	Total no specimens	No of exports of this species/hybrid	No of exports for this applicant in 2002
	Falco rusticolus x Falco peregrinus	5	3	
Breeder 12	Falco rusticolus/cherrug x Falco cherrug	1	1	1
Breeder 13	Falco perigrinus	2	1	1
	Falco rusticolus x Falco rusticolus/Falco cherrug	4	1	
Breeder 14	Falco rusticolus x Falco perigrinus	1	1	1
Breeder 15	Falco peregrinus	9	1	1
Breeder 16	Falco peregrinus x Falco cherrug altai	4	1	2
	Falco peregrinus/Falco pelegrinoides x Falco peregrinus/?	2	1	
	Falco peregrinus	5	1	
	Falco rusticolus x Falco peregrinus	1	1	
	Falco peregrinus x Falco cherrug	2	1	
	Falco peregrinus x Falco cherrug	3	1	
	Falco peregrinus x Falco cherrug/Falco rusticolus	1	1	
	F.peregrinus x (F.rusticolus x F.rusticolus/F.cherrug)	2	1	
	Falco rusticolus/cherrug x (Falco rusticolus/cherrug x F.cherrug)	3	1	
Breeder 17	Falco peregrinus x Falco cherrug	3	1	1
	F.peregrinus x (F.rusticolus/F.cherrug)	1	1	

Applicant	Species	Total no specimens	No of exports of this species/hybrid	No of exports for this applicant in 2002
	Falco peregrinus x F.cherrug milv	1	1	
Breeder 18	Falco rusticolus x Falco peregrinus	13	6	8
	Falco rusticolus x Falco cherrug	5	4	
	Falco peregrinus perigrinus	1	1	
Breeder 19	Falco rusticolus x Falco cherrug	4	1	1
Breeder 20	Falco rusticolus x Falco peregrinus	3	1	1
Breeder 21	Amazona leucocephala	1	1	1
Breeder 22	Falco rusticolus/F. cherrug x Falco peregrinus	1	1	1
TOTAL		295		

Repuesta de Estados Unidos

In Reply Refer To:

FWS/AIA/DMA

Mr. Willem Wijnstekers, Secretary General
CITES Secretariat
15, Chemin de Anemones
Case postale 456
CH-1219 Chatelaine-Genève
Switzerland

by fax: (4122) 797-3417

Dear Mr. Wijnstekers:

The U.S. Scientific and Management Authorities wish to provide the following information in response to CITES Notification No. 2003/071 of 12 November 2003 in which Parties were asked to provide information and comments on the process for registering operations that breed Appendix-I animal species for commercial purposes.

4.a) Perceived or actual problems that would limit or prevent the use of the registration procedure at national level.

The following are some of the perceived or actual problems that the United States has observed that would limit or have limited the registration of operations.

- Many countries continue to allow imports of Appendix-I species under Article III of the Treaty. If the breeders can export their Appendix-I specimens without registration, there is no incentive for breeders to register.
- The United States has a large number of small breeders that do not export directly. Instead, they sell to dealers or brokers that do the actual exportations. It has proven difficult to encourage these small breeders to register if they are not the entities actually exporting.
- Many small facilities that are breeding Appendix-I species are unable to meet the requirements of Conf. 12.10 without the use of production data (especially regarding reliable production of offspring to the second generation and beyond) from other breeders. This would require a level of cooperation that we are not currently seeing among the breeders.
- It was not until CoP12 that the term "breeding Appendix-I species for commercial purposes" was clarified to the point that breeders understood their responsibilities under the resolution.
- For the United States, there are other domestic laws that require further analysis and procedural review in addition to compliance with the CITES bred-in-captivity resolutions. Therefore, the registration process may not be as straightforward within the United States as it is for other Parties.
- Many Appendix-I species were imported to the United States prior to CITES (30+ years) and it might be difficult to document the legal origin of the parental breeding stock.
- To encourage registration, the U.S. Scientific and Management Authorities are spending substantial time educating applicants who wish to register a captive-breeding facility, thus complicating the registration process.
- Currently, inspection of animal breeding facilities operating within the United States is not required by the U.S. federal government, unless the species is protected by a domestic law (see 4.b) below). Furthermore, these laws do not cover all Appendix-I species. In the latter case, as the U.S. CITES Authorities, we would have to request the assistance of other federal and state agencies in inspecting such facilities causing delays in the evaluation of applications for registration.

4.b) Experiences with the implementation of the registration process and subsequent monitoring requirements.

We have limited experience with the registration process because we only have two registered facilities. Both facilities breed the gyrfalcon (*Falco rusticolus*) and one also breeds the peregrine falcon (*Falco peregrinus*). The peregrine falcon is protected by the Migratory Bird Treaty Act (MBTA) which requires persons that are breeding or holding this species to be permitted. Conditions of the permit require strict record keeping, submission of an annual report outlining activities (i.e., breeding, sales, donations), and banding of each individual bird. State wildlife agencies partially administer this law. Given that both facilities are not completely closed (i.e., they also deal in birds that are bred by other falcon breeders), our Management Authority requires an annual report from each registered breeder listing the birds that may be exported during the next year. This is to ensure that the birds that are not bred by the registered breeders do not get exported under the source code "D."

4.c) Unregistered operations that are breeding Appendix-I animal species for international trade.

The United States has a large number of unregistered commercial breeders, primarily of falcons and parrots. In the absence of an Article VII exemption, many Parties will allow the use of Article III of the Treaty to determine whether or not an Appendix-I species may be imported. When the Management Authority of the importing country has stated that the specimen will not be used for primarily commercial purposes, the United States has allowed the exportation of Appendix-I specimens that have been bred for commercial purposes. Indeed, some countries have national legislation prohibiting their Management Authorities from identifying the purpose of import as commercial. Because many countries continue to allow imports of Appendix-I species under Article III, there is no incentive for U.S. breeders to register. While the United States is currently working on updating its regulations to minimize or stop such exportation, we continue to utilize Article III to allow the exportation of commercially produced Appendix-I specimens as described above.

5. Additional information from other sources.

Below are comments received from two breeders regarding the registration process.

Comments from an aviculturist who breeds and sells many psittacine species within the United States:

1. Private breeders generally do not keep good records and rarely breed several generations of a species. Few breeders have developed self-sustaining populations.
- Breeders are intimidated by the registration process, including the information requirements.

Comments from the owner of one of the registered breeding operations in the United States:

- Many breeders have poorly maintained records. There may be few breeders remaining who have collected specimens from the wild. Thus, in many instances, it is difficult or impossible to recover documentation for the origin of wild founder stock.
- Registration prohibits commercial and non-commercial breeders from working together to exchange captive specimens, thus reducing the ability of breeders to establish genetically diverse captive populations.

We would like to thank you for providing us with the opportunity to comment. We hope that these comments assist the Animals Committee and Secretariat to address some of the current problems with Resolution Conf. 12.10 and its implementation.

Sincerely,

Robert R. Gabel

Chief, Division of Scientific Authority

Peter O. Thomas

Chief, Division of Management Authority

Respuesta de *Birds International Inc.*

January 15, 2004

Dear Agustin,

Birds International Inc (BII) is CITES registered under reference number A-PH-501 for breeding Golden Conure (*G. guarouba*) for commercial purposes.

Last year (December 2003), BII submitted an additional proposals for five (5) Appendix I species for registration based Annex I (Conf. Res. 12.10).. Based on my experience, I would like to share with you the following suggestions to improve compliance for CITES registration.

- I. Shorten the application for second and succeeding applications.

Based on the existing Annex (Res. Conf. 12.10), information to be provided by CMA to the Secretariat should be limited to questions number 1-7 only. However, information asked in questions number 8-18 should be provided to the CMA only.

- II. The proof of acquisition documents should not be limited to the type of documents mentioned and required in questions 4,5 and 6. This is because the exportation and the importation of certain species might be between two non-range countries during the time that they were not a member of CITES.

An affidavit executed by the owner of the breeding facilities and attested by one or two un-interested person and duly certified by the competent CMA of that country should also be accepted. CMA's accreditation of the breeding operation should be recognized by the Secretariat concerning the legal status of the species acquisition.

- III. CMA's/SA's should reject all incomplete applications but will review complete registration proposals and give recommendations to the applicant within sixty (60) working days only.

Parties has 90 days to comments on the registration and another 60 days to resolve (if any) objections through the AC. The CMA should also be given specific time schedule to review and comment on the registration proposals. A Notification on this effect will help to speed-up the process.

- IV. The application (Res. Conf. 12.10) is not fully understood by the company applying for registration. The benefits of the registration should be fully explained.

Creation of support group composed only of CITES registered facilities and their corresponding CMA's/SA's to provide technical advise, benchmarks, MBP's for the aspiring applicants. Questions and answers (from Parties) to FAQ should be posted on the CITES website for reference purposes.

Examples

- 1. You can only apply once.**
- 2. If your application was declined, your collection will be considered illegal.**

- V. Objections concerning the species registration should only be limited to the range state.

Respuesta de SSN

31 January 2004

Dear Mr. Wijnstekers:

The Species Survival Network submits the following comments in regard to CITES Notification to the Parties No. 2003/071 concerning the procedure to register operations that breed Appendix-I animal species for commercial purposes. SSN supports maintaining the current registration system. We believe it achieves a balance between providing necessary safeguards against illegal trade and allowing for international trade in truly captive bred specimens of Appendix I species.

SSN encourages the Parties, in their deliberations, to focus on the necessary mechanisms to ensure that: 1) trade in purportedly captive-bred animals does not involve wild-caught specimens; 2) illegally-obtained wild specimens are not used as founder stock; 3) the facility seeking registration has the capability to produce the claimed offspring, 4) all operations are conducted in a humane manner; and 5) Parties, particularly range States, continue to participate in the approval process.

The current debate involves a number of perceived "problems" with the current registration process. We believe that these problems actually represent strengths rather than weaknesses. The purported problems include:

"Requirements for proof of legal acquisition of the breeding stock are too burdensome."

SSN strongly believes that commercial dealers should not profit from the acquisition of illegally acquired specimens, whether these are used as founder stock or directly laundered into international trade. Private holders should not be permitted to benefit from commercial international trade in specimens produced from illegally acquired breeding stock.

The search for breeding stock has fuelled the illegal trade in many endangered species including, *Falco rusticolus*, *Amazona arausiaca*, *Amazona leucocephala*, *Amazona oratrix*, *Amazona versicolor*, *Anodorhynchus hyacinthinus*, *Anodorhynchus leari*, *Ara glaucogularis*, *Aratinga guarouba*, *Cacatua haematuropygia*, *Probosciger aterrimus*, *Geochelone nigra*, *Geochelone radiata*, *Geochelone yniphora* and *Cyclura* spp.. *Cyanopsitta spixii* provides the most compelling example of an endangered species being traded to extinction in the wild in the quest for breeding stock. The majority of the last specimens of the species are held in private hands outside of the range State, with no efforts on behalf of most holding countries to return these specimens to Brazil. Only the United States has taken legal steps to return an illegally obtained specimen to Brazil.

It is not uncommon for illegally traded, wild-caught specimens to be marketed as captive-bred. A 2002 report by TRAFFIC International on the tortoise trade in Great Britain revealed that that a large-scale illegal trade in tortoises occurs in Europe, with many illegal specimens being declared as captive-bred to facilitate trade. In 2000, the CITES Secretariat notified the Parties of as many as 40 illegally-acquired specimens of *Amazona guildingii* present in one European country alone. Eggs were smuggled into the country and hatched, and the specimens were passed off as captive-bred. The species is fully protected in its range State, St. Vincent, where fewer than 500 wild specimens remain. (CITES Notification to the Parties No. 2000/30). In a well-publicized case in 2002, four young specimens of *Gorilla gorilla* were exported from Nigeria with permits that falsely claimed the specimens were captive-bred. These few examples illustrate the need for commercial facilities to provide evidence that founder stock was legally acquired, and that the facility has the capability for the claimed production.

"Governments in countries in which the facilities are located should be permitted to unilaterally approve a facility to export specimens or products."

SSN supports the continued involvement of the Parties in the registration approval process. Range States, consumer States and transit countries may have significant information regarding illegal trade,

laundering and productivity that is not available to the Party where the facility is located. Because Range States have the greatest interest in protecting their endangered species from illegal trade, SSN encourages the Parties to expand the current registration process to consider input from Range States regarding the risk that a breeding facility might undermine law enforcement or *in-situ* conservation efforts for the species. For example, India has invested countless resources in protecting its remaining tiger populations. In this case, the registration of a captive breeding facility for the production of tiger products would be likely to hinder enforcement efforts, as illegal products would be difficult to distinguish from legal products in range States, transit countries and consumer nations.

In closing, any discussion of the registration process should not merely highlight perceived problems. It should focus on the key reasons for the establishment of the system in the first place, which were to address issues of widespread poaching and illegal trade of Appendix I species for trade, the laundering of wild caught specimens as captive bred, and the illegal capture of specimens to establish breeding stock. These concerns remain highly relevant today. Any changes made to the registration process should seek, as a priority, to ensure that the conservation benefits of the existing system are not lost.

Thank you for providing us the opportunity to express our concerns.

Sincerely,

Ann Michels
Co-Chair
Bird Working Group
SPECIES SURVIVAL NETWORK
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