

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



Twenty-eighth meeting of the Animals Committee
Tel Aviv (Israel), 30 August-3 September 2015

Interpretation and implementation of the Convention

Exemptions and special trade provisions

CAPTIVE-BRED AND RANCHED SPECIMENS
(Agenda item 13)

Membership (as decided by the Committee)

- Co-chairs: Representative of Europe (Mr. Fleming) and Representative of Central and South America and the Caribbean (Mr. Calvar);
- Parties: Australia, Austria, Belgium, Canada, China, Colombia, Czech Republic, European Union, Germany, India, Israel, Italy, Republic of Korea, Mexico, Netherlands, Peru, Poland, Portugal, South Africa, Spain, Switzerland and United States of America; and
- IGOs and NGOs: UNEP-WCMC, International Union on Conservation of Nature (IUCN), Animal Welfare Institute, Association of Southeastern State Fish and Wildlife Agencies, Born Free Foundation, British Union For The Abolition Of Vivisection, CAICSA S.A.S., Conservation International, Defenders of Wildlife, Helmholtz Centre for Environmental Research - UFZ, Humane Society International, International Fund for Animal Welfare, International Professional Hunters' Association, Natural Resource Defense Council, Ornamental Fish International, Pet Industry Joint Advisory Council, Polish Society for Nature Conservation, "Salamandra", Safari Club International, Society for Wildlife and Nature International, Species Survival Network, TRAFFIC International, Wildlife Conservation Society, Wildlife Impact and WWF.

Mandate

Taking account of the presentations and discussions in plenary, the working group shall:

Concerning agenda item 13.1:

1. Complete the review of the reports mentioned in document AC28 Doc. 13.1, paragraphs 4 and 5, and formulate recommendations;

Concerning agenda item 13.2:

2. Review the suggestions made in document AC28 Doc. 13.2, including options for a possible compliance mechanisms, and formulate recommendations accordingly; and

3. Prepare advice to be reported by the Animals Committee to the Standing Committee in accordance with Decision 16.65.

Recommendations

Item 13.1

The working group notes that AC28 Doc.13.2 provides the considerations of the working group on the issues arising from the documents made available to it, under Decision 16.63.a, at the 27th meeting of the Animals Committee.

The group **recommends** that the outcome of these considerations by the Animals Committee is brought to the attention of the Standing Committee, noting that the Animals Committee will not be able to review the document commissioned under Decision 16.63.a.vii because it is not yet available.

With respect to AC28 Doc.13.1, the working group expressed reservations about the value and utility of the development of a captive breeding database; this was seen to be premature at this stage. The working group felt that before any other steps were taken, there was a need to first establish and clarify the intended purpose of any database, who the users might be, what data might be shared and how any database might be maintained and funded? The group **recommended** that the Committee report these observations to the Standing Committee.

The group noted that information on captive production might be shared, where appropriate, through other means.

Item 13.2

The working group **recommends** that the Animals Committee supports option 4 in paragraph 12 of AC28 Doc.13.2 – namely to suggest a new Resolution in which issues concerning compliance with the Convention for specimens declared as having been produced in captivity could be addressed.

Provisional text for such a Resolution, outlining a potential process, is provided in Annex 1 for consideration by the Committee. The group **recommends** that the Animals Committee agrees that the provisional resolution in Annex 1 is a good starting point, and to provide the provisional text to the Standing Committee for its consideration.

In doing so, the working group recommends that the Standing Committee should be invited to consider how the respective roles of the Standing Committee and of the Animals Committee might be integrated in any future mechanism.

The working group **recommends** that, to avoid duplication of effort and to achieve maximum efficiency, the outcome of the Animals Committee deliberations on this topic are shared with the Standing Committee working group under Decision 16.39 on implementation and enforcement of the Convention as it relates to trade in species listed in Appendix I.

Suggested provisional Resolution text

REVIEW OF TRADE IN SPECIMENS REPORTED AS PRODUCED IN CAPTIVITY

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

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

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

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

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

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

ACKNOWLEDGING that the intent of the Review Of Trade In Specimens Reported As Produced In Captivity is to ensure that such trade is being conducted in accordance with provisions of the Convention and to identify remedial action where it is needed with the ultimate intent of improving the implementation of the Convention;

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

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

NOTING the Guide to CITES compliance procedures found in Resolution Conf. 14.3 (CITES compliance procedures);

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

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

Stage 1 identification of species-country combinations for review

- a) The Secretariat shall, within 90 days after each meeting of the Conference of the Parties to the Convention, subject to the availability of funds, to produce, or appoint consultants to produce, a summary

from the CITES Trade Database of annual report statistics of species traded, derived from the five most recent years, under source codes C, F, R and D and will undertake, or appoint consultants to undertake, an extended analysis of such data to identify species-country combinations for review using the following criteria:

- i. significant increases in trade in specimens declared as captive-produced (source codes C, D, F & R);
 - ii. trade in significant numbers of specimens from countries of specimens declared as produced in captivity;
 - iii. shifts and fluctuations between different captive-production source codes in volumes of specimens traded;
 - iv. inconsistencies between source codes reported by exporting and importing Parties for specimens declared as produced in captivity;
 - v. apparent incorrect application of captive production codes such as: 'A' for animal species or 'D' for Appendix I species that have not been registered in compliance with the provisions of Res. Conf. 12.10 (Rev. CoP15).
- b) The Secretariat shall also compile any other relevant information made available to it, with respect to concerns about captive production, including any cases identified from the Review of Significant Trade under Res. Conf. 12.10, referred to it by Parties or available in relevant ad hoc reports.
- c) The Secretariat shall provide the outcome of the analyses in a) and compilation of information from b) to the first regular meeting of the Animals Committee following a meeting of the Conference of the Parties for the Committee to select a limited number of species country combinations for review; urgent enforcement matters identified at this stage should be referred to the Standing Committee.
- d) In exceptional cases, outside steps a)-c) above, and where new information provided to Secretariat indicates that urgent action may be needed concerning problems relating to the implementation of provisions under the Convention for captive production of specimens, the Secretariat shall:
- i. verify that the proponent has provided a justification for the exceptional case, including supporting information;
 - ii. may request UNEP-WCMC to produce a summary and analysis of trade from the CITES Trade Database in relation to the species-country combination; and
 - iii. provide the information from i) and ii) above, as soon as possible to the Animals Committee for their inter-sessional review and decision on whether to include the species-country combination in stage 2 of the review process.

Stage 2 – Consultation with countries and compilation of information

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

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

- g) The Animals Committee shall, at their second meeting following the Conference of the Parties, review the responses from Parties, the review commissioned by Secretariat and any additional relevant information, and determine if there is compliance with the relevant provisions of the Convention in relation to captive production. If so, the species-country combination will be excluded from the review and the Secretariat will inform them of this outcome within 60 days.
- h) Where a species-country combination is retained within the review and where action is needed as a result, the Animals Committee shall, in consultation with the Secretariat, formulate draft recommendations directed to the relevant Party which are time-bound, feasible, measurable, proportionate, transparent and which, if appropriate, aim to promote capacity building and enhance the ability of the Party to implement the Convention.
- i) The Secretariat shall transmit these draft recommendations and supporting information, from the Animals Committee to the next meeting of the Standing Committee for their review, revision if necessary, and endorsement;
- j) The Secretariat shall, within 30 days of the meeting of the Standing Committee, transmit the combined recommendations of the Standing and Animals Committees to the Party concerned and also provide them with links to relevant guidance, such as on the correct application of source codes, and means by which their capacity to deal with captive production issues might be enhanced.

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

- k) the Secretariat shall monitor progress against the recommendations, taking account of the different deadlines, and, following electronic consultation with the Chairs and members of the Standing and Animals Committees, determine whether the recommendations referred to above have been implemented;
 - i. where the recommendations have been met, the Secretariat shall, following consultation with the Chairman of the Standing Committee, notify the Parties that the species/country combination was removed from the review process; or
 - ii. when the recommendations are not deemed to have been met (and no new information is provided), the Secretariat shall, in consultation with the Chairs and members of the Standing and Animals Committees, recommend to the Standing Committee appropriate action, which may include, as a last resort, a suspension of trade in the affected species with that State; or
 - iii. where the recommendations are not deemed to have been met or have been partially met, and there is new information suggesting the recommendation may require updating, the Secretariat shall electronically request the Chair and members of the Standing and Animals Committees to prepare a revised recommendation, keeping in mind the principles that recommendations should be time-bound, feasible, measurable, proportionate, transparent, and should promote capacity building. The Secretariat shall provide the revised recommendation to the countries within 30 days of its drafting
- l) the Secretariat shall report to the Standing Committee on its evaluation of the implementation of the recommendations, including the rationale for its evaluation, and a summary of the views expressed by the Animals Committee. The Secretariat shall additionally report on any further actions taken by the Animals Committee in the case of countries where new information has resulted in revised recommendations;
- m) for countries where recommendations are not deemed to have been met, the Standing Committee shall decide on appropriate action and make recommendations to the Party concerned, or to all Parties, keeping in mind that these recommendations should be time-bound, feasible, measurable, proportionate, transparent, and should, if appropriate, promote capacity building. In exceptional circumstances, where the country under consideration provides new information on the implementation of the recommendations to the Standing Committee, the Standing Committee shall consult intersessionally with the Animals Committee through the Chair prior to making a decision on appropriate action;

- n) the Secretariat shall notify the Parties of any recommendations or actions taken by the Standing Committee;
- o) any recommendation by the Standing Committee to suspend trade in the affected species with the State concerned should be withdrawn only when that State demonstrates to the satisfaction of the Standing Committee, through the Secretariat, in consultation with the Chairs and members of the Animals or Plants Committee, compliance with the provisions of the Convention with respect to the captive production of specimens; and
- p) the Standing Committee, in consultation with the Secretariat and the Chair of the Animals Committee, shall, where appropriate, review recommendations to suspend trade that have been in place for longer than two years, evaluate the reasons why this is the case in consultation with the relevant country, and, if appropriate, take measures to address the situation.

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

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

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

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

DIRECTS the Standing and Animals Committee, in consultation with the Secretariat, to undertake a regular review of the outcomes of this Review by, for example, examining a sample of past species/country combinations to assess whether the desired result was achieved. The Standing and Animals should consider the results of this review and revise the review process as necessary. In doing so, feedback should be obtained from countries (including their Scientific Authorities) who have been through the review process.