

1 CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
2 OF WILD FAUNA AND FLORA  
3



4  
5  
6  
7 REVIEW OF CITES PROVISIONS RELATING TO THE TRADE IN  
8 SPECIMENS OF ANIMALS AND PLANTS NOT OF WILD SOURCE

9 This review has been prepared by the Secretariat and represents its own views, taking into account advice from  
10 a Standing Committee working group on the subject.

11 The Secretariat recognizes that some Parties and stakeholders have different interpretations of certain provisions  
12 of the Convention and Resolutions of the Conference of the Parties. Reconciling these different interpretations is  
13 one of the reasons that this review has been requested.

14 Contents

15 Glossary used in this Review

16 Introduction

17 Background

18 Brief history of the CITES regulation of trade in specimens not taken from the wild.

19 Review of provisions, ambiguities and inconsistencies and issues that may need attention.

20 1. The application of Article VII paragraphs 4 and 5

21 1.1 Overview

22 1.2 Ambiguities and inconsistencies

23 2. Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates*

24 2.1 Overview

25 2.2 Ambiguities and inconsistencies

26 3. Resolution Conf. 5.10 (Rev. CoP15) on *Definition of 'primarily commercial purposes'*

27 3.1 Overview

28 3.2 Ambiguities and inconsistencies

29 4. Resolution Conf. 10.16 (Rev.) on *Specimens of animal species bred in captivity*

30 4.1 Overview

31 4.2 Ambiguities and inconsistencies

32 5. Resolution Conf. 11.11 (Rev. CoP17) on *Regulation of trade in plants*

33 5.1 Overview

34 5.2 Ambiguities and inconsistencies

35 6. Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in*  
36 *captivity for commercial purposes*

37 6.1 Overview

38 6.2 Ambiguities and inconsistencies

39 7. Resolution Conf. 9.19 (Rev. CoP15) on *Registration of nurseries that artificially propagate specimens of*  
40 *Appendix-I plant species for export purposes*

41 7.1 Overview

42 7.2 Ambiguities and inconsistencies

43  
44

45 Glossary used in this Review

“Artificially propagated” or “ap”	Specimens of plant species meeting the qualifications set by the Conference of the Parties and traded using source code A or D.
“Bred in captivity”, “captive-bred” or “cb”	Specimens of animal species meeting the qualifications set by the Conference of the Parties and traded using source code C or D.
“Not of wild source”	Specimens traded using source codes A, C, F, R, or D.
Source codes [from Resolution Conf. 12.3 (Rev. CoP17)]	<p>W Specimens taken from the wild;</p> <p>R Ranches specimens: specimens of animals reared in a controlled environment, taken as eggs or juveniles from the wild, where they would otherwise have had a very low probability of surviving to adulthood;</p> <p>D Appendix-I animals bred in captivity for commercial purposes in operations included in the Secretariat's Register, in accordance with Resolution Conf. 12.10 (Rev. CoP15), and Appendix-I plants artificially propagated for commercial purposes, as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 4, of the Convention;</p> <p>A Plants that are artificially propagated in accordance with Resolution Conf. 11.11 (Rev. CoP17), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5 (specimens of species included in Appendix I that have been propagated artificially for non-commercial purposes and specimens of species included in Appendices II and III);</p> <p>C Animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5;</p> <p>F Animals born in captivity (F1 or subsequent generations) that do not fulfil the definition of ‘bred in captivity’ in Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof</p>

46

47 Introduction

48 Following on from work undertaken between 2013 and 2016 under Decisions 16.63 to 16-66, the Standing  
 49 Committee noted that more attention needed to be paid to the control of trade in specimens claimed to have been  
 50 bred in captivity or ranches. It noted that there were concerns about the confusing and challenging nature of the  
 51 wording of current CITES Resolutions on the subject, about insufficient checks on the legal origin of the breeding  
 52 stock used in captive-breeding facilities and about the establishment of captive-breeding facilities outside the  
 53 country of origin of the specimens and species concerned (see document [CoP17 Doc. 32](#)).

54 Consequently, at the 17th meeting of the Conference of the Parties, the Committee proposed and the Conference  
 55 of the Parties agreed to adopt Decision 17.101, which reads as follows:

56 *Subject to available resources, the Secretariat shall review ambiguities and inconsistencies in the application*  
 57 *of Article VII paragraphs 4 and 5, Resolution Conf. 10.16 (Rev.) on Specimens of animal species bred in*  
 58 *captivity, Resolution Conf. 12.10 (Rev. CoP15) on Registration of operations that breed Appendix-I animal*  
 59 *species in captivity for commercial purposes, Resolution Conf. 11.11 (Rev. CoP17) on Regulation of trade in*  
 60 *plants, Resolution Conf. 9.19 (Rev. CoP15) on Registration of nurseries that artificially propagate specimens*  
 61 *of Appendix-I plant species for export purposes, Resolution Conf. 5.10 (Rev. CoP15) on Definition of*  
 62 *'primarily commercial purposes' and Resolution Conf. 12.3 (Rev. CoP17) on Permits and certificates as it*  
 63 *relates to the use of source codes R, F, D, A and C, including the underlying CITES policy assumptions and*  
 64 *differing national interpretations that may have contributed to uneven application of these provisions, as well*  
 65 *as the captive breeding issues presented in document SC66 Doc. 17 and legal acquisition issues, including*  
 66 *founder stock, as presented in document SC66 Doc. 32.4, submit the review to Parties and stakeholders for*  
 67 *comments through a notification, and submit its conclusions and recommendations along with the comments*  
 68 *of Parties and stakeholders to the Standing Committee.*

69 The Secretariat will submit the review, along with the comments of Parties and stakeholders on it, to the Standing  
 70 Committee at its 70th meeting (Rosa Khutor, Sochi, October 2018). At that time, the Secretariat will also provide

71 the Standing Committee with its conclusions and recommendations on the matter which will be prepared in light  
72 of the review and the comments of Parties and stakeholders upon it.

73 As per Decision 17.106, the Standing Committee will then review the conclusions and recommendations of the  
74 Secretariat under Decision 17.101 and make recommendations to the Conference of the Parties as appropriate.

#### 75 Background

76 When the Convention was drafted, captive breeding and artificial propagation of wild fauna and flora species  
77 were relatively limited and certainly intensive production of many species for commercial purposes was rarely  
78 undertaken. As demonstrated by recent work commissioned by the Secretariat<sup>1</sup> at the request of the Conference  
79 of the Parties, this is no longer the case. More recent figures show for example that, during the period 2007-2016,  
80 62% of all reported commercial trade in live CITES animal species involved specimens declared as not from wild  
81 source. For mammals, 95% of live commercial trade was in specimens from these sources. The percentage of  
82 trade in animal specimens declared as not from wild source is increasing every year. This trend is mirrored in  
83 relation to natural resources more generally. The Food and Agriculture Organization of the United Nations' (FAO)  
84 [State of World Fisheries and Aquaculture 2016](#) states that in terms of food supply, aquaculture provided more  
85 fish than capture fisheries for the first time in 2014. This trend is expected to continue. Similarly areas of planted  
86 forests are increasing, while those of natural forests are decreasing.

87 The Parties' views on the merits or otherwise of captive breeding and artificial propagation have varied over the  
88 years and have not always been consistent across different taxa. Resolution Conf. 1.6 on *Resolutions adopted*  
89 *by the Plenary Session* (repealed in 2002) urged all contracting Parties to encourage the breeding of animals for  
90 the pet trade and the preamble to Resolution Conf. 9.19 on *Registration of nurseries that artificially propagate*  
91 *specimens of Appendix-I plant species for export purposes*, agreed in 1994 but still in force, recognizes that the  
92 artificial propagation of specimens of plant species included in Appendix I could form an economic alternative to  
93 traditional agriculture in countries of origin, and could also increase conservation interest in the areas of natural  
94 distribution. It further recognizes that, by making such specimens readily available, the artificial propagation of  
95 specimens of plant species included in Appendix I reduces the collecting pressure on wild populations and thus  
96 has a positive effect on their conservation status. To the contrary, Decision 14.69 from 2007 directs Parties,  
97 especially Appendix-I Asian big cat range States with intensive operations breeding tigers (*Panthera tigris*) on a  
98 commercial scale, to implement measures to restrict the captive population to a level supportive only to  
99 conserving wild tigers, stating that tigers should not be bred in captivity for trade in their parts and derivatives.

100 While it may relieve the pressure on wild stocks, artificial propagation and captive breeding can have perverse  
101 effects on the conservation of the species in the wild. Where CITES plants are grown in plantations (mixed or  
102 monoculture), it is worth bearing in mind that natural habitat may have been removed to provide space for such  
103 plantations. In such cases, the CITES species involved has been 'saved', but the conservation of nature as a  
104 whole may have suffered. The recent history of trade in sturgeon caviar is also notable. Wild stocks became  
105 increasingly depleted in the Caspian Sea, but when supplies of caviar of wild origin were replaced with caviar  
106 from captive fish, the captive breeding did not generally take place *in situ* in Caspian littoral States, but in other  
107 countries outside the natural range of the species concerned. Efforts to rebuild the stocks of sturgeons in the  
108 Caspian Sea are faltering and this may be because there is a lack of incentive to undertake this activity as the  
109 market demand for caviar is now being met by other countries. The question of who benefits financially from trade  
110 in fauna and flora produced outside range States is also pertinent in the light of the preamble to [Resolution](#)  
111 [Conf. 8.3 \(Rev. CoP13\) on Recognition of the benefits of trade in wildlife](#), which recognizes that the returns from  
112 legal use may provide funds and incentives to support the management of wild fauna and flora to contain the  
113 illegal trade.

114 Benefits and disadvantages for the conservation of the species, of trade in specimens of CITES-listed species  
115 bred in captivity or artificially propagated, may vary between species and perhaps depend on whether the activity  
116 is conducted *in situ* or *ex situ*. If these varied effects do occur, then the different approaches to be taken should  
117 preferably be clearly agreed by the Parties in order for policies governing the implementation of the Convention  
118 to be more targeted and contribute better to the conservation of those species. To a certain extent, this has  
119 already been done in the case of tigers.

120 As supplies of some species from the wild have become more limited and demand has increased, a new trend  
121 has emerged, which may be termed 'assisted wild production'. For fauna, this has been established for some  
122 time in the form of ranching, which, in Resolution Conf. 11.16 (Rev. CoP15) on *Ranching and trade in ranched*  
123 *specimens of species transferred from Appendix I to Appendix II*, Parties have recognized as a management

---

<sup>1</sup> See Annex 2 in AC27 Doc. 17 (Rev.1) - <https://cites.org/sites/default/files/eng/com/ac/27/E-AC27-17.pdf>.

124 system that for some species has proven to be a 'safe' and robust form of sustainable utilization relative to wild  
125 harvests of adults. This approach has been expanded to a number of other different types of production systems,  
126 some of which were summarized in document [AC20 Inf. 15](#). These systems are evolving and developing all the  
127 time. Recent examples include fragging and budding of corals in order to increase production. For flora, the trend  
128 is often exhibited in the form of mixed or monoculture plantations that are only lightly managed. The harvesting  
129 of specimens from such plantations generally may have less of an impact on the conservation of the species  
130 than harvest directly from the wild – even if the specimens do not meet the definition of 'artificially propagated'.  
131 Over the years, some made efforts to seek better understanding of, and recognition for, these forms of production  
132 and harvesting; an early review for animal species can be found in document [AC17 Doc. 14 \(Rev. 1\)](#). For plants,  
133 this has taken the form of attempts by some Parties to widen the definition of the term 'artificially propagated'  
134 to allow more specimens to be covered by this term. In exchanges with the Secretariat, a number of Parties have  
135 expressed frustration that trade in specimens derived from such forms of production and harvesting are treated  
136 too strictly under current CITES rules.

137 The question of the linkage between populations of the species in the wild on the one side and captive-breeding  
138 and artificial-propagation operations on the other is a key one. Trade in captive-bred/artificially propagated  
139 specimens can have a negative impact if wild sourced specimens are passed off as bred in captivity or artificially  
140 propagated. Such trade may perhaps also increase demand which may subsequently be met by illegal or  
141 unsustainable removal of specimens from the wild. On the other hand, the availability of captive bred/artificially  
142 propagated specimens may assist in meeting the demand, which would otherwise be satisfied by specimens  
143 removed from the wild. There seems to be little empirical evidence to support either of these hypotheses.

144 Increased trade in captive-bred/artificially propagated specimens may also influence the incentives for the  
145 conservation of species in the wild, but such incentives may vary depending on whether the captive  
146 breeding/artificial propagation is taking place within or outside the natural range of the species. In this respect,  
147 although not mentioned in the terms of reference for this review, the provisions of Resolution Conf. 13.9 on  
148 *Encouraging cooperation between Parties with ex situ breeding operations and those with in situ conservation*  
149 *programmes* are significant.

150 These sometimes conflicting and contradictory impacts confound the search for a coherent approach to  
151 controlling trade in captive-bred and artificially propagated specimens.

152 It should be noted that this is far from the first attempt to bring some clarity to the application of Article VII.4 and 5  
153 and related provisions and Resolutions – see document [CoP10 Doc. 10.67](#) for instance.

154 Brief history of the regulation of trade in specimens not taken from the wild.

155 TO BE COMPLETED (table form)

156 Review of provisions, ambiguities and inconsistencies and issues that may need attention.

## 157 **1. The application of Article VII paragraphs 4 and 5**

### 158 1.1 Overview

159 Article VII paragraphs 4 and 5 allow trade in specimens that meet set definitions of 'bred in captivity'  
160 and 'artificially propagated' to be undertaken with controls that are not as strict as that for trade in  
161 specimens taken from the wild.

162 Article VII.4 states that specimens of Appendix-I species bred or artificially propagated for commercial  
163 purposes are deemed to be specimens of species included in Appendix II and thus traded under Article  
164 IV. This means, for instance, that they may be imported for primarily commercial purposes, while still  
165 being subject to a non-detriment finding. Use of this provision is qualified by two Resolutions – see  
166 sections 6 and 7 of the present document.

167 Article VII.5 states that for specimens bred in captivity or artificially propagated, a certificate stating this  
168 shall be accepted in lieu of any of the permits or certificates required under the provisions of Article III,  
169 IV or V (i.e. this provision applies for specimens of species in Appendices I, II or III). The practical  
170 implications of the use of certificates of captive breeding/artificial propagation are detailed in the table  
171 in paragraph 2 of the present document.

172 However, as first noted in Resolution Conf. 2.12 on *Specimens bred in captivity or artificially propagated*,  
 173 the provisions of Article VII.4 and 5 are to be applied separately – i.e. any qualifying Appendix I  
 174 specimens cannot be treated as Appendix II under Article VII.4 and then be given a certificate of captive  
 175 breeding/artificial propagation by virtue of Article VII.5.

176 In order to assist distinguishing wild source specimens from those that have been bred in captivity or  
 177 artificially propagated (and thus qualify for exemptions under Article VII 4 and 5), Resolution Conf. 3.6  
 178 on *Standardization of permits and certificates issued by Parties* introduced source codes which were to  
 179 be included on permits and certificate. At the time, these were “W”, “C” and “A”, with a source code “O”  
 180 for specimens which did not fit the above three categories.

181 Today, the source codes are found in Resolution Conf. 12.3 (Rev. CoP17) which is described further in  
 182 paragraph 2 of the present document.

183 The term commercial purposes in Article VII.4 is addressed in Resolution Conf. 5.10 (Rev. CoP15),  
 184 Resolution Conf. 12.10 (Rev. CoP15) and Resolution Conf. 9.19 (Rev. CoP15), which are reviewed in  
 185 paragraphs 3, 6 and 7 of the present document.

## 186 1.2 Ambiguities and inconsistencies

187 The Secretariat has noted some differences of views between Parties about the use of Article VII  
 188 paragraphs 4 and 5 of the Convention and the permits or certificates required. Paragraph 3 i) of  
 189 Resolution Conf. 12.3 (Rev. CoP17) indicates that the source codes D, A and C, i.e. specimens bred in  
 190 captivity/artificially propagated, should only be used when Article VII paragraphs 4 and 5 are being  
 191 applied. However, the Secretariat has observed that some Parties are of the view that captive  
 192 bred/artificially propagated specimens may also be traded under Articles III and IV. With respect to  
 193 Article VII.5, it is not clear if the use of certificates of captive breeding/artificial propagation is obligatory  
 194 or not.

195 Many Parties use the Standard CITES form in Annex 2 of Resolution Conf. 12.3 (Rev. CoP17) for CITES  
 196 documentation. Because of the way the form is designed, it is important to clearly indicate on the form  
 197 whether a document issued is an export permit issued under Article III, IV or V, or a certificate of captive  
 198 breeding/artificial propagation issued under Article VII paragraph 5. Until CoP12, Resolution Conf. 10.2  
 199 (Rev.) on *Permits and certificates*, specified that every form issued should indicate if it was being issued  
 200 as a certificate of captive breeding or artificial propagation or not, but this specific instruction was deleted  
 201 thereafter.

202 Following the replacement of Resolution Conf. 2.12 by Resolution Conf. 10.16, the guidance to the  
 203 effect that the provisions of Article VII.4 and 5 are to be applied separately has been lost. It is unclear if  
 204 this has created misunderstandings for Parties.

205 Controls of trade under Article VII paragraph 4 are rigorous as the specimens are treated as if they were  
 206 included in Appendix II; however controls on trade under Article VII paragraph 5 are arguably weaker  
 207 as once a determination has been made that a specimen has been bred in captivity or artificially  
 208 propagated, only a certificate to that effect is required. This highlights the importance of having clear  
 209 definitions of the terms bred in captivity and artificially propagation and their careful and accurate  
 210 application. Current definitions may not be sufficiently clear as explained in paragraphs 4 and 5 below.

## 211 2. **Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates***

### 212 2.1 Overview

213 This Resolution lists the source codes to be used on permits and certificates for specimens not from  
 214 wild source. They are set out in paragraph 3 i) of the Resolution and include R, D, A, C and F which are  
 215 pertinent to the issue at hand. Most of the definitions for the terms covered under the source codes are  
 216 not however to be found in Resolution Conf. 12.3 (Rev. CoP17), but are spread out in five other  
 217 Resolutions.

218 The use of source codes C and A seems relatively straight forward and are applied in relation to  
 219 Article VII.5. When specimens that are bred in captivity or artificially propagated originate from a  
 220 registered facility or nursery (see sections 6 and 7), they can be traded under Article VII.4 and are given  
 221 the code D instead of C or A.

222 Concerning source code R, the obligations upon Parties are different depending on whether the  
 223 specimen concerned is from a population transferred from Appendix I to Appendix II under the provisions  
 224 of paragraph A. 2. b) in Annex 4 of [Resolution Conf. 9.24 \(Rev. CoP17\) on Criteria for amendment of](#)  
 225 [Appendices I and II](#) (so called 'ranching downlisting') or not. In both cases, the provisions of Articles III  
 226 and IV apply to any permits issued, but in the case of specimens of species transferred from Appendix I  
 227 to Appendix II for ranching purpose, extra monitoring and reporting obligations, described in [Resolution](#)  
 228 [Conf. 11.16 \(Rev. CoP15\) on Ranching and trade in ranched specimens of species transferred from](#)  
 229 [Appendix I to Appendix II](#) apply.

230 Source code F is applied to specimens born in captivity, but not to the standards required to be  
 231 considered a bred in captivity as per Resolution Conf. 10.16 (Rev.) and thus qualify for the use of source  
 232 code C.

233 The permit requirements for specimens with source codes R and F are identical to those for wild source  
 234 specimens.

235 The following table summarizes the permits or certificates required for specimens given each source  
 236 code and some of the consequent obligations required before issuance of such permits or certificates.

Source code	App.	Document(s) required	Non-detriment finding needed?	Legal acquisition finding needed?	Import for primarily commercial purposes allowed?	Provision of the Convention
C/A	I	Certificate of cb/ap	NO*	NO*	YES	Art. VII.5
	II	Certificate of cb/ap	NO*	NO*	YES	Art. VII.5
D	I = II	Export permit	YES	YES	YES	Art. VII.4
R	I	Export & Import permit	YES	YES	NO	Art. III
	II	Export permit	YES	YES	YES	Art. IV
F	I	Export & Import permit	YES	YES	NO	Art. III
	II	Export permit	YES	YES	YES	Art. IV
W	I	Export & Import permit	YES	YES	NO	Art. III
	II	Export permit	YES	YES	YES	Art. IV

237

238 \* Although not needed for the actual specimens in trade, these must be made for the parental stock of  
 239 the facility by virtue of Resolution Conf. 10.16 (Rev.) for animals and Resolution Conf. 11.11  
 240 (Rev. CoP17) for plants.

241 Resolution Conf. 12.3 (Rev. CoP17) specifies what information should be included in CITES permits  
 242 and certificates including certificates of captive breeding and artificial propagation. In its Annex 2, it also  
 243 has a standard form for CITES permits and certificates, the content and (to the extent practicable) the  
 244 format of which, Parties are recommended to follow.

## 245 2.2 Ambiguities and inconsistencies

246 Concerning the use of source codes, paragraph 3 i) of the Resolution recommends that source codes  
 247 D, C and A are only to be used in the context of the application of Articles VII paragraphs 4 and 5, but  
 248 this is not applied by all Parties, as some also use source codes C and A on export permits issued under  
 249 Articles III and IV. This may be because they are applying stricter domestic measures or because they  
 250 have a different understanding about which type of permit and certificate is to be issued in which  
 251 circumstances. The fact that some source codes are defined in the Resolution and others not, is  
 252 unhelpful. The source code F is one that is defined in the Resolution, but only by what qualities the  
 253 specimen involved do not have, rather than in positive sense. This seems to have resulted in source F  
 254 being used when it is not clear what other code to use. The permit requirements for specimens with  
 255 source codes F and R are identical to those for source code W; this begs the question of the purpose  
 256 of these codes, as they render the implementation of the Convention more complicated without any  
 257 discernible benefits.



258 It can be noted that, perhaps by oversight, in relation to the use of source code D, the Resolution does  
 259 not mention Resolution Conf. 9.19 (Rev. CoP15) regarding artificial propagation of plants, in the way  
 260 that Resolution Conf. 12.10 (Rev. CoP15) is mentioned for animals.

261 The standard CITES form in Annex 2 of Resolution Conf. 12.3 (Rev. CoP17) does not clearly distinguish  
 262 between cases when it is used as an export permit under Article III or IV, or when it being used as a  
 263 certificate of captive breeding or artificial propagation under Article VII paragraph 5. The box "Other"  
 264 could be checked at the top of the form where the type of permit or certificate is indicated, but this still  
 265 would not provide clarity.

### 266 3. Resolution Conf. 5.10 (Rev. CoP15) on *Definition of 'primarily commercial purposes'*

#### 267 3.1 Overview

268 This Resolution provides recommendations to Parties when assessing whether the import of a  
 269 specimen of an Appendix-I species would result in its use for primarily commercial purposes [Article III,  
 270 paragraphs 3 (c) and 5 (c)]. Nevertheless, some of the general principles and examples in its Annex  
 271 refer exemptions under Article VII, paragraphs 4 and 5. It is not however very clear if the guidance is to  
 272 be used in relation to the application of Article III or Article VII.4 and 5.

273 For example, section e) in the Annex relates to captive-breeding programmes, in particular in relation to  
 274 the commercial nature of any import of specimens of Appendix-I species. The text could be read to  
 275 confirm that import of specimens bred in captivity (and by extension, plant specimens that have been  
 276 artificially propagated) should take place under Article VII, paragraphs 4 and 5 and not Article III and IV.  
 277 The Resolution also provides some general principles and the examples of "primarily commercial  
 278 purposes" to be used in the context of imports of specimens of Appendix I species under Article III.

#### 279 3.2 Ambiguities and inconsistencies

280 The examples in the Annex of the Resolution raise significant questions.

281 When they refer to imports of specimens of Appendix-I species for captive-breeding purposes, it is  
 282 difficult to ascertain if this refers to specimens which themselves are bred in captivity or specimens from  
 283 the wild which are to be used in captive breeding. The text refers to Resolution Conf. 10.16 (Rev.) which  
 284 defines the term "bred in captivity" which might imply the former. However, Resolution Conf. 5.10 (Rev.  
 285 CoP15) then goes on to refer to the import of specimens of Appendix-I species bred in captivity that  
 286 could be allowed for commercial purposes, provided that any profits are reinvested in the continuation  
 287 of the captive-breeding programme to the benefit of the species, and here it must be presumed that it  
 288 refers to trade in specimens of source W traded under Article III because as the text explains, trade in  
 289 specimens with source code D and C is not undertaken under Article III.

290 Further, the text attributes requirements to Resolution Conf. 10.16 (Rev.) that are not found in that  
 291 Resolution e.g. imports must be aimed as a priority at the long-term protection of the affected species.

292 The Resolution refers to the use of the term "primarily commercial purposes" in relation to the  
 293 importation of specimens under Article III. However, the similar term "bred in captivity for commercial  
 294 purposes" is used in Article VII paragraph 4 and is defined in Resolution Conf. 12.10 (Rev. CoP15) in a  
 295 slightly different way. In the latter case, some Parties consider that it is the commercial nature of the  
 296 breeding that is at issue and not the nature of the trade transaction that subsequently takes place with  
 297 the specimen. They therefore allow facilities where the breeding in captivity of specimens of Appendix-  
 298 I species is not primarily undertaken to obtain economic benefit, (so-called 'hobby breeders') to export  
 299 such specimens for trade purposes. Many importing Parties of such specimens, seeing that the  
 300 specimens are bred in captivity and therefore traded under Article VII.5, then allow the import even if  
 301 the specimens are to be used for primarily commercial purposes. Such a set of events circumvents the  
 302 need for registration of the breeding facilities under Resolution Conf. 12.10 (Rev. CoP15) – see section  
 303 6 of the present document.

304 Resolution Conf. 9.19 (Rev. CoP15) is silent on the definition of commercial purposes in relation to the  
 305 artificial propagation of plants of Appendix I species.

306 **4. Resolution Conf. 10.16 (Rev.) on *Specimens of animal species bred in captivity***

307 4.1 Overview

308 The Resolution defines the term 'bred in captivity' as used in Article VII paragraphs 4 and 5 (source  
309 codes C and D) and applies to specimens of species in Appendix I, II or II and III and regardless of  
310 whether the breeding or trade is commercial or non-commercial. The main features are the degree to  
311 which the environment in which the species have been produced is controlled by the breeder and the  
312 qualities of the breeding stock used to produce the offspring: this stock should be legally established  
313 under national law and CITES and not in a manner detrimental to the survival of the species. With some  
314 exceptions, the facility should be self-sustaining – i.e. no longer taking specimens from the wild. Lastly,  
315 the facility should have produced F2 or subsequent generations – or be managed in a manner that has  
316 been demonstrated to be capable of doing so.

317 In response to concerns about the veracity of some claims that specimens have been bred in captivity  
318 in accordance with this Resolution and consequently the CITES permits and certificates issued on the  
319 basis of such claims, the Parties agreed Resolution Conf. 17.7 on *Review of trade in animal specimens*  
320 *reported as produced in captivity*.

321 4.2 Ambiguities and inconsistencies

322 Parties have experienced difficulties in proving the legal origin of the breeding stock used to produce  
323 the specimens bred in captivity. This applies particularly where the original breeding stock was acquired  
324 many years ago when there may have been no reason to believe that such documentation to confirm  
325 the legal origin of specimens might be important many years later. To the contrary, and as highlighted  
326 in document [SC66 Doc. 32.4](#), a number of instances have been found where specimens which had  
327 almost certainly been illegally obtained have been incorporated into breeding stocks producing  
328 specimens bred in captivity which have subsequently been internationally traded. A lack of a  
329 standardized approach in this area is a difficulty. This issue is to be addressed by the Standing  
330 Committee under paragraph c) of Decision 17.66 and at a workshop due to be held in June 2018.

331 Paragraph 2 b) ii) B of the Resolution permits specimens from the wild to be added to the breeding  
332 stock, but provides guidance about the circumstances under which this may be warranted which is open  
333 to a variety of interpretations. Although it may be clearer to limit the definition of 'bred in captivity' to  
334 those specimens produced in captivity from facilities that are no longer taking further specimens from  
335 the wild, some Parties are worried such a restriction may hamper attempts to breed species in captivity.  
336 A balance may need to be struck between the need for clear and simple procedures and the economic  
337 and biological viability of some individual facilities.

338 Paragraph 2 b) ii) C 2 permits an exception to the general principle that specimens bred in captivity  
339 should be limited to those of generation F2 and beyond. Here again difficulties have been experienced  
340 in determining when such exceptions apply. A requirement for all specimens to be demonstrably F2 or  
341 beyond may be easier to implement. Again some Parties claim this might hinder certain commercial  
342 captive breeding operations, but this might be price worth paying if a simplification of the rules could  
343 improve the implementation of the Convention to the benefit of the conservation of the species  
344 concerned.

345 Provisions such as these which are open to different interpretations make harmonious implementation  
346 of the Convention more difficult. Regardless of the clarity or simplicity of the instructions, Parties are still  
347 likely to be victims of fraudulent declarations of captive breeding. In this respect, Resolution Conf. 17.7  
348 should assist in identifying cases of such fraud which have escaped the attention of national authorities.

349 **5. Resolution Conf. 11.11 (Rev. CoP17) on *Regulation of trade in plants***

350 5.1 Overview

351 This Resolution sets out the definition of the term 'artificially propagated' to be used in the  
352 implementation of the special provisions of Article VII paragraphs 4 and 5 and applies to specimens of  
353 species in Appendix I, II and III and regardless of whether the propagation or trade is commercial or  
354 non-commercial. Originally, it was the only Resolution in which guidance on this point could be found;  
355 however it has subsequently been supplemented by further guidance in Resolution Conf. 16.10 on



356 *Implementation of the Convention for agarwood-producing taxa* and Resolution Conf. 10.13 (Rev.  
357 CoP15) on *Implementation of the Convention for timber species*.

358 The main features are the degree to which the environment in which the species have been produced  
359 is controlled by the propagator and the qualities of the cultivated parental stock used to produce the  
360 propagated plants. This stock should be legally established under national law and CITES and not in a  
361 manner detrimental to the survival of the species. The degree to which the propagating facility should  
362 be self-sustaining – i.e. no longer taking specimens from the wild is less constrained than for animals.  
363 Over the years, special provisions have been added to the definition in relation to grafted plants,  
364 cultivars, hybrids, flaked seedlings, salvaged plants, plantations of agarwood-producing taxa and for  
365 other trees grown in monospecific plantations. This has resulted in a very complex set of rules which  
366 are difficult for non-specialists to follow.

367 The fecundity of plants and the ease with which many species can be artificially propagated means that  
368 concerns about the impact of false declarations may be less than for animal taxa. However, these do  
369 remain, in particular for species such as rare orchid and cactus species. They may also be significant if  
370 for example, large-scale semi-natural forests are considered to be 'under controlled conditions' and  
371 specimens originating therefrom are thus treated as if they were artificially propagated.

## 372 5.2 Ambiguities and inconsistencies

373 Examination of the flow diagram on page 7 of document SC69 Inf. 3 - *A guide to the application of*  
374 *CITES source codes* shows that the definition of the term 'artificially propagated' is very complicated,  
375 making its application a challenge for Parties. The fact that it is spread over three different Resolutions  
376 is also not conducive to correct application. It seems rather incongruous that paragraph 4 of the  
377 Resolution permits specimens taken from the wild to be described as artificially propagated under  
378 certain circumstances. As in the case of the definition of 'bred in captivity', guidance on legal acquisition  
379 would be beneficial and it may be wise to explore the possibility of simplifying the definition, particularly  
380 by removing exceptions from general provisions.

381 No compliance procedure for claims of artificial propagation has been put in place by the Conference  
382 of the Parties.

383 It should be noted that, under Decision 17.175, the Plants Committee is also reviewing the applicability  
384 and utility of the current definitions of 'artificial propagation' and 'under controlled conditions' in  
385 Resolution Conf. 11.11 (Rev. CoP17) in order to make recommendations to the Standing Committee.  
386 Further, under Decision 16.156 (Rev. CoP17), the Plants Committee, after considering the current  
387 production systems of tree species, including mixed and monospecific plantations, is assessing the  
388 applicability of the current definitions of artificial propagation in Resolution Conf. 10.13 (Rev. CoP15) on  
389 *Implementation of the Convention for timber species* and Resolution Conf. 11.11 (Rev. CoP17) on  
390 *Regulation of trade in plants*. The Secretariat has been following these deliberations in the Plants  
391 Committee and will take these into account when proposing its conclusions and recommendations  
392 arising from the present review to the Standing Committee at its 70th meeting. However, in order to  
393 propose a coherent approach on this matter to the Conference of the Parties, the Standing Committee  
394 will need to combine its recommendations under Decision 17.106 with those made under  
395 Decision 17.177.

## 396 **6. Resolution Conf. 12.10 (Rev. CoP15) on Registration of operations that breed Appendix-I animal** 397 **species in captivity for commercial purposes**

### 398 6.1 Overview

399 Over the years, the provisions which provide guidance in relation to the application of Article VII  
400 paragraph 4, as it relates to specimens of Appendix-I animal species which have been determined to  
401 have been bred in captivity under Resolution Conf. 10.16 (Rev.) have evolved and changed  
402 considerably.

403 The current version of the Resolution restricts the use of the special provisions of Article VII.4 to  
404 specimens that are from breeding operations which are included in the *Register of operations that breed*  
405 *Appendix-I animal species for commercial purposes* maintained by the Secretariat on the CITES  
406 website. Registration requires substantial evidential documentation and can be objected to by other

407 Parties. If contested registrations cannot be resolved, including through guidance provided by the  
408 Animals Committee, such cases are arbitrated by the Standing Committee.

409 Specimens of Appendix-I animal species from duly registered operations may be traded as if they were  
410 specimens of species included in Appendix II – i.e. they may be imported for primarily commercial  
411 purposes.

412 **6.2 Ambiguities and inconsistencies**

413 The procedures for registering facilities such that they may take advantage of the special provisions of  
414 Article VII paragraph 4 are rigorous. However, many Parties do not apply this Resolution. Some of these  
415 Parties have a very large number of commercial captive-breeding facilities in their territory. This leads  
416 to an inconsistent approach as many captive-bred specimens of Appendix-I animals are exported from  
417 unregistered operations, but using purpose code 'T' for trade. During the period 2007-2016, there were  
418 22,650 exports of this type involving 110 Appendix-I taxa. The main species involved were birds of prey  
419 and parrots. The trend in this type of trade is increasing.

420 Figure 1: Exports of specimens of captive-bred Appendix-I species for trade purposes from unregistered  
421 facilities.



422

423 The main way that these controls seem to be bypassed is that exporting Parties determine that although  
424 the export and subsequent import may be commercial in nature, the purpose of the breeding, defined  
425 in paragraph 1 of the Resolution, is not commercial and therefore the specimens have not been bred in  
426 captivity for commercial purposes and can be exported under Article VII paragraph 5, and not Article VII  
427 paragraph 4. Although it is contrary to Resolution Conf. 12.3 (Rev. CoP17), sometimes such specimens  
428 are also traded under Article III of the Convention, with the exporting Party claiming that, while the export  
429 might be commercial, the subsequent import is not and therefore such trade is allowed.

430 By contrast, those Parties implementing Resolution Conf. 12.10 (Rev. CoP15) must comply with a  
431 complex and bureaucratic process before their facilities are proposed for inclusion in the *Register of*  
432 *operations that breed Appendix-I animal species for commercial purposes*. It is difficult to reconcile the  
433 rigorous controls on the registration of operations with the ease with which these controls can be  
434 circumvented by Parties which do not wish to be bound by them. This juxtaposition is striking and the  
435 Secretariat has long been of the view that the registration process is lengthy, costly and ineffective (see  
436 documents [CoP10 Doc. 10.67](#), [CoP12 Doc. 55.1](#) and [CoP15 Doc. 18 Annex 2. a](#)). Minor changes to  
437 Resolution Conf. 12.10 were made at CoP15, but since then the scale of commercial export of  
438 specimens of Appendix-I species from unregistered facilities has continued to increase as shown in  
439 Figure 1. Additionally, new species have recently been added to Appendix I, such as the African grey  
440 parrot, *Psittacus erithacus*, which is bred in captivity commercially in very large numbers. One Party  
441 alone [exported over 42,000 specimens declared to have been bred in captivity \(source code C\) in 2102](#)  
442 with reportedly over 1,630 facilities breeding the species there, almost exclusively for export.

443 Application of this Resolution is complicated by breeding systems using satellite facilities, such as for  
444 certain crocodylian species in South-East Asia. Here the actual breeding of the specimens is done by a  
445 very large number of small scale facilities which then pass the specimens on within the same State to  
446 a small number of registered facilities who carry out the export of the specimens. This situation seems  
447 to work without reported detriment to populations in the wild, but is not properly provided for in the  
448 Resolution.

449 The new compliance controls in Resolution Conf. 17.7 would appear to have alleviated some of the  
450 concerns expressed by Parties when significant changes to Resolution Conf. 12.10 have been proposed  
451 in the past. The Secretariat does not have the resources to visit any of the operations wishing to be  
452 registered and therefore is almost completely reliant on the Management Authorities in the Parties  
453 where the operations are located for information about the facilities.

454 **7. Resolution Conf. 9.19 (Rev. CoP15) on Registration of nurseries that artificially propagated**  
455 **specimens of Appendix-I plant species for export purposes**

456 7.1 Overview

457 This Resolution provides guidance on the application of Article VII paragraph 4, as it relates to  
458 specimens of Appendix I plant species, which have been determined to have been artificially propagated  
459 under Resolutions Conf. 11.11 (Rev. CoP17), Conf. 16.10 and Conf. 10.13 (Rev. CoP15).

460 As for animals, the Resolution provides for a register of operations that artificially propagate specimens  
461 of Appendix-I species for commercial purposes, but unlike the situation for animals, it leaves the  
462 registration up to Management Authorities in the Party where the nursery operation is situated. Other  
463 Parties may contest the registration of the operation if they can show that it does not meet the  
464 requirements for registration and in such cases it is for the Secretariat to delete the operation from the  
465 register after consultation with the Management Authority of the Party in which the nursery is located.

466 7.2 Ambiguities and inconsistencies

467 The preamble clause in this Resolution, which states:

468 *RECOGNIZING that nurseries that are not registered may still continue exporting artificially*  
469 *propagated specimens of Appendix-I species using the standard procedures for obtaining export*  
470 *permits.*

471 is rather ambiguous and it is not clear what types of 'standard procedures' are referred to. If unregistered  
472 nurseries are able to export artificially propagated specimens of Appendix I plant species under  
473 Article VII.5 and using the source code A, then the purpose of registration may seem moot.

474 While to the best recollection of the Secretariat, it has not removed any nursery operations from the  
475 register at the request of another Party, it would seem more appropriate for any such contested  
476 registrations to be judged by the peers in other Parties through the Standing Committee rather than by  
477 the Secretariat itself.

478

479

480

**Annex: Brief history of the CITES regulation of trade in specimens not taken from the wild.**

481 **Definition of “bred in captivity”**

Year	CoP	Resolution	Notable features/changes effected from previous version
1979	CoP2	2.12 on <i>Specimens bred in captivity or artificially propagated</i>	<p>Recalled that the special treatment of animals bred in captivity [Article VII.4 and 5] was intended to apply only to captive populations sustained without augmentation from the wild.</p> <p>Recommended that the provisions of Article VII, paragraph 4, of the Convention be applied separately from those of Article VII, paragraph 5, i.e. that specimens of animal species in Appendix I bred in captivity for commercial purposes shall be treated as if they were in Appendix II and shall not be exempted from the provisions of Article IV by the granting of certificates to the effect that they were bred in captivity. [both preamble deleted in 10.16]</p> <p>Regarding the definition of “bred in captivity”, recommends that to the satisfaction of the competent government authorities of the relevant country:</p> <ul style="list-style-type: none"> <li>- Specimens must be produced in a “controlled environment”</li> <li>- Parental breeding stock must be established in a manner not detrimental to the survival of the species in the wild; largely maintained without augmentation from the wild and managed in a manner designed to maintain the breeding stock indefinitely.</li> </ul> <p>“Controlled environment” defined.</p> <p>“Managed in a manner designed to maintain the breeding stock indefinitely” defined as demonstrated to be capable of reliably producing second-generation offspring.</p>
1992	CoP8	2.12 (Rev.)  [Repealed by 10.16]	Elements relating to plants and artificial propagation removed
1997	CoP10	10.16 on <i>Specimens of animal species bred in captivity</i>	<p>As well as “in a manner not detrimental to the survival of the species in the wild”, breeding stock must be established accordance with the provisions of CITES and relevant national laws.</p> <p>Occasional additions to the breeding stock to be established in the same manner.</p> <p>“Breeding stock” defined as:</p> <p>Self-sustaining nature of the breeding in the operation defined as either producing F2 or subsequent generations, or be a species on a list of those commonly bred in captivity established</p>

			<p>by the Standing Committee, or is managed in a manner that has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment</p> <p>All specimens of Appendix I species must be marked in accordance with any CITES rules on that matter.</p>
2000	CoP11	10.16 (Rev)	Reference to list of species commonly bred in captivity established by the Standing Committee deleted – it was never agreed.

482

483 Registration of operations that breed specimens of species included in Appendix I in captivity for commercial purposes

Year	CoP	Resolution	Notable features/changes effected from previous version
1983	CoP4	4.15 on <i>Control of captive breeding operations in Appendix I species</i>  [replaced by 6.21, then 7.10, then 8.15, then 11.14, then 12.10]	Secretariat requested to establish Register of the operations which breed specimens of species included in Appendix I in captivity for commercial purposes on the basis of “appropriate information” from Parties.  Parties recommended to reject any document granted under Article VII.4 if the specimens concerned do not originate from a registered operation.
1987	CoP6	6.21 on <i>Control procedures for commercial captive breeding operations</i>  [supplemented by 7.10 and then replaced by 8.15, then 11.14, then 12.10]	Recommended that Parties ensure that products from commercial captive breeding operations are marked and that live birds from such operations be ringed – details to be added to Article VII.4 documents.  Recommends that the registration of the first operation involving species not on the Register, be approved only after agreement by the CoP.  Provided for Parties to propose to CoP, the deletion of an operation from the Register if they believe that it is failing to comply with “the requirements”.
1989	CoP7	7.10 on <i>Format and criteria for proposals to register the first commercial captive-breeding operation for an Appendix I animal species</i>  [repealed by 8.15]	Supplements 6.21 and provides guidance for the first commercial captive-breeding operation for an Appendix I species.  Commercial captive breeding operations should not normally be considered for species that are so critically endangered that their survival does depend on a captive breeding programme, unless they make use of specimens that are surplus to those needed for the preservation of the species in the wild and in captivity.  Provided format for proposals to CoP for registration of the first operation involving species not on the Register.
1992	CoP8	8.15 on <i>Guidelines for a procedure to register and monitor operations breeding Appendix-I animal species for commercial purposes</i>	Noted that at March 1992, 60 operations were registered for 14 species*.  Recognized that breeding a species in captivity for commercial purposes can be an economic alternative to domestic livestock production in its places of origin and thus provide an incentive for rural populations in those places to develop an interest in its conservation.



		<p>[8.15 repealed 7.10, and then was replaced by 11.14, then by 12.10]</p>	<p>Urged the Secretariat to encourage Parties to establish, where appropriate, captive-breeding operations for commercial purposes for indigenous species of animals included in Appendix I.</p> <p>Established a comprehensive process to register any facility (not just the first one for the species concerned), including Annexes on the roles of the operation, the Management Authorities in host Parties, the Secretariat and Parties and the CoP.</p> <p>Proposed registrations were to be notified to all Parties, who may object to/oppose a proposed registration, in which case the matter be referred to CoP.</p> <p>Resolved that where the establishment of a captive-breeding operation involves the removal of animals from the wild (allowable only under exceptional circumstances), that operation should demonstrate to the satisfaction of the Management Authority and the Secretariat that the removal of such specimens is not detrimental to the conservation of the species and, in the case of non-native species, such removal should require the agreement of the State of origin in conformity with Article III of the Convention.</p> <p>Resolved that where the conservation needs of the species warrant, the Management Authority shall satisfy itself that the captive-breeding operation will make a continuing meaningful contribution to the conservation of the species.</p>
2000	CoP11	<p>11.14 on <i>Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes</i></p> <p>[replaced by 12.10]</p>	<p>Defined “bred in captivity for commercial purposes”.</p> <p>Deleted the recognition that breeding a species in captivity for commercial purposes can be an economic alternative to domestic livestock production in its places of origin and thus provide an incentive for rural populations in those places to develop an interest in its conservation and the requirement for the Secretariat to encourage Parties to establish, where appropriate, captive-breeding operations for commercial purposes for indigenous species of animals included in Appendix I</p> <p>Simplified the registration procedures with the Annexes cut back to deal with “Information to be supplied by the (host) Management Authority to the Secretariat and the Procedure for registering new operations.</p> <p>The host Management Authority, in collaboration with its Scientific Authority to monitor the management of each registered captive-breeding operation under its jurisdiction and advise the Secretariat in the event of any major change in the nature of the operation or in the type(s) of</p>

			<p>products being produced for export, in which case the Animals Committee shall review the operation to determine whether it should remain registered</p> <p>Any Party believing that a registered operation does not comply with the <u>provisions of Resolution Conf. 10.16 (Rev.)</u> may, after consultation with the Secretariat and the Party concerned, propose that the CoP delete the operation from the Register.</p> <p>Agreed that Parties shall restrict imports for primarily commercial purposes, as defined in Resolution Conf. 5.10, of captive-bred specimens of Appendix-I species listed in Annex 3 of the Resolution to those produced by operations included in the Secretariat's Register and shall reject any document granted under Article VII, paragraph 4, of the Convention, if the specimens concerned do not originate from such an operation and if the document does not describe the specific identifying mark applied to each specimen.</p> <p>The previous procedures in Resolution Conf. 8.15 were to be repealed when the list in Annex 3 had been approved by the Standing Committee and distributed by the Secretariat. The task of compiling the list was delegated to the Animals Committee, but no such list was agreed.</p>
2002	CoP12	12.10 on <i>Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes</i>	<p>Same text as 11.14, with minor editing, including to remove reference to Annex 3 and the following changes:</p> <p>Replacement of referral of all applications involving species not yet on the Register to the Animals Committee, with a requirement for this to happen if any Party objects to, or expresses concern about any proposed registration. Animals Committee instructed to "respond to these objections within 60 days", following which the Secretariat shall facilitate a dialogue between the Management Authority of the Party submitting the application and the Party or Parties objecting to the registration, before referring the case back to the Animals Committee for resolution of the identified problem(s).</p> <p>If the objection is not withdrawn or the identified problem(s) not resolved, the application is to be referred to the CoP for decision.</p> <p>(8.15 and 11.14 both repealed.</p>

2004	CoP13	12.10 (Rev. CoP13)	<p>Deletion of call for Parties to provide incentives to their captive-breeding operations to register and for importing countries to facilitate import of Appendix-I species from registered captive-breeding operations.</p> <p>In relation to proving the legal origin of the founder stock, provision that, until CoP14, where actual documentation is difficult to obtain, the Management Authority may accept signed affidavits supported by other documents (e.g. dated receipts).</p>
2007	CoP14	12.10 (Rev. CoP14)	<p>Deletion of the provision to accept signed affidavits supported by other documents (e.g. dated receipts) in order to prove legal origin of founder stock.</p>
2010	CoP15	12.10 (Rev. CoP15) on <i>Registration of operations that breed Appendix-I animal species in captivity for commercial purposes</i>	<p>In the case of objections to registrations by Parties, the matter is to be determined by the Standing Committee, not the CoP.</p> <p>Considerable editorial changes to the Annexes.</p> <p>Any objections must be directly related to the application or species under consideration, and fully documented including supporting evidence that has given rise to concerns.</p> <p>Inclusion of an Annex with a sample application form (Annex 3) for applications that wish to be registered</p>
			<p>*In 2018, the Register contains over 350 operations from 24 different Parties and involving 26 of the 707 Appendix I animal species.</p>

485 Definition of “artificially propagated”

Year	CoP	Resolution	Notable features/changes effected from previous version
1979	CoP2	<p>2.12 on <i>Specimens bred in captivity or artificially propagated</i></p> <p>Elements related to plants repealed by 8.17</p>	<p>Recalled that the special treatment of plants artificially propagated [Article VII.4 and 5] was intended to apply only to nurseries sustained without augmentation from the wild.</p> <p>Recommended that the provisions of Article VII, paragraph 4, of the Convention be applied separately from those of Article VII, paragraph 5, i.e. that specimens of plant species in Appendix I artificially propagated for commercial purposes shall be treated as if they were in Appendix II and shall not be exempted from the provisions of Article IV by the granting of certificates to the effect that they were artificially propagated. [both preamble deleted in 8.17]</p> <p>Defined "artificially propagated" as plants grown by man from seeds, cuttings, callus tissue, spores or other propagules under “controlled conditions” (which is defined).</p> <p>The artificially propagated [parental] stock must be established and maintained in a manner not detrimental to the survival of the species in the wild, and managed in a manner designed to maintain the artificially propagated stock indefinitely</p>
1992	CoP8	<p>8.17 on <i>Improving the regulation of trade in plants</i></p> <p>[8.17 repealed 2.12 and was then replaced by 9.18, then by 11.11]</p>	<p>Noted that 2.12 did not mention all forms of artificial propagation, that artificial hybridization is readily and often accomplished in some plant groups and that the resulting hybrids and their progeny may be extensively traded and that that the control of the trade in flaked seedlings of orchids is not considered to be relevant to the protection of the natural populations of orchid species.</p> <p>Minor edits to the definition of “controlled conditions”</p> <p>“Managed in a manner designed to maintain the artificially propagated stock indefinitely” changed to “managed in such a way that long-term maintenance of this cultivated stock is guaranteed”</p> <p>Application in relation to grafted plants, Appendix I hybrids and flaked seedlings of orchid species listed in Appendix I qualified.</p>
1994	CoP9	<p>9.18 on <i>Regulation of trade in plants</i></p>	<p>Observed that certain Parties that export large quantities of artificially propagated plants need to find ways of reducing paperwork while maintaining protection for wild plants, and helping exporters of artificially propagated plants to understand and to comply with the requirements of the Convention.</p>

		[9.18 repealed 8.17 and was replaced by 11.11]	<p>Minor editorial changes to provisions related to artificial propagation.</p> <p>Other changes unrelated to the artificial propagation added.</p>
1997	CoP10	9.18 (Rev. CoP10)	<p>Any determination that a specimen is artificially propagated to be made to the satisfaction of the competent government authorities of the exporting country.</p> <p>As well as “in a manner not detrimental to the survival of the species in the wild”, cultivated parental stock must be established accordance with the provisions of CITES and relevant national laws.</p> <p>Application in relation to seeds and parts and derivatives qualified</p>
		<p>10.13 on <i>Implementation of the Convention for timber species</i></p> <p>[revised by 10.13 (Rev. CoP14)]</p>	<p>Timber taken from trees grown in monospecific plantations be considered to meet the definition of artificially propagated.</p>
2000	CoP11	<p>11.11 on <i>Regulation of trade in plants</i></p> <p>[11.11 repealed 9.18]</p>	<p>Minor editorial changes from 11.11</p>
2004	CoP13	11.11 (Rev. CoP13)	<p>Recognized that the provisions of Article III of the Convention remain the basis for permitting trade in specimens of Appendix-I species of plants that do not qualify for the exemptions of paragraphs 4 and 5 of Article VII.</p> <p>Noted that import of wild-collected specimens of Appendix-I plant species for purposes of establishing a commercial operation for artificial propagation is precluded.</p> <p>Minor editing to definitions of “under controlled conditions” and “cultivated parental stock”.</p> <p>“Managed in such a way that long-term maintenance of this cultivated stock is guaranteed” changed to “maintained in sufficient quantities for propagation so as to minimize or eliminate the need for augmentation from the wild, with such augmentation occurring only as an exception and limited to the amount necessary to maintain the vigour and productivity of the cultivated parental stock”.</p> <p>Application to plants grown from cuttings or divisions and to grafted plants slightly modified.</p> <p>Recommends that wild-collected seeds or spores may be deemed to be artificially propagated under certain specified circumstances, including inclusion of the Secretariat’s <i>Register of</i></p>

			<i>operations that artificially propagate specimens of Appendix-I species for commercial purposes if Appendix I species are involved.</i>
2007	CoP14	11.11 (Rev. CoP14)	Minor editorial changes.
		10.13 (Rev. CoP14)	Timber and non-timber products derived from trees grown in monospecific plantations be considered to meet the definition of artificially propagated.
2010	CoP15	11.11 (Rev. CoP15)	Minor editorial changes.
		10.13 (Rev. CoP15)	Timber and other parts or derivatives of trees grown in monospecific plantations be considered as being artificially propagated
2013	CoP16	16.10 on <i>Implementation of the Convention for agarwood-producing taxa</i>	New definition of “under controlled conditions” and less strict rules related to augmentation of cultivated parental stock adopted in relation to agarwood-producing taxa <i>Aquilaria</i> spp. and <i>Gyrinops</i> spp.)  Agreed that trees (sic) grown in gardens, production plantation (either monospecific or mixed) shall be considered as artificially propagated
2016	CoP17	11.11 (Rev. CoP17)	No changes to relevant provisions.



487 **Registration of nurseries that artificially propagate specimens of Appendix-I plant species for export purposes**

Year	CoP	Resolution	Notable features/changes effected from previous version
1985	CoP5	5.15 on <i>Improving and simplifying the regulation of trade in artificially propagated plants</i>  [repealed by 9.19]	<i>Inter alia</i> , recommended that Parties consider, where appropriate to their circumstances, registering individual traders of artificially propagated specimens of Appendix I plants and inform the Secretariat accordingly providing copies of the documents, stamps, seals, etc. used.  Parties should also take steps to ensure that such traders do not also trade in wild collected plants, including through inspections of nurseries, trade catalogues, advertisements, etc.
1994	CoP9	9.19 on <i>Guidelines for the registration of nurseries exporting artificially propagated specimens of Appendix-I species</i>  [9.19 repealed 5.15]	Recognized that the artificial reproduction of specimens of species included in Appendix I could form an economic alternative to traditional agriculture in countries of origin, and could also increase conservation interest in the areas of natural distribution and that making such specimens readily available to all those interested has a positive effect on the conservation status of the wild populations because it reduces the collecting pressure.  Resolved that each Party Management Authority should be responsible for registering operations that artificially propagate specimens of Appendix I plant species for export purposes, sending details to the Secretariat, who should be satisfied that all requirements are met before publication.  Assigned roles to the commercial nursery, Management Authority and Secretariat in annexes.  Exports to be packed and labelled separately from artificially propagated or wild-collected Appendix II and/or Appendix III plants in the same consignment.  Export permit clearly states the registration number attributed by the Secretariat and the name of the nursery of origin if it is not the exporter.  Parties may to remove a nursery within its jurisdiction from the Register  Any Party which can demonstrate a nursery's lack of compliance can propose to the Secretariat that this nursery be deleted from the Register - Secretariat to delete only after consultation with the Management Authority of the Party in which the nursery is located.
2004	CoP13	9.19 (Rev. CoP13)	Minor editorial changes
2010	CoP15	9.19 (Rev. CoP15) on <i>Registration of nurseries that artificially propagate specimens</i>	Minor editorial changes

		<i>of Appendix-I plant species for export purposes</i>	
			In 2018, the Register contains 111 operations from 11 different Parties and involving 252 of the 338 Appendix I plant species (although 91 of the operations relate only to <i>Saussurea costus</i> in India).

488

(in the original language / dans la langue d'origine / en el idioma original)

----- Forwarded by Pascal PERRAUD/UNEP/GVA/UNO on 26-06-18 07:59 -----

From: [cites.sede@ibama.gov.br](mailto:cites.sede@ibama.gov.br)  
To: [info@cites.org](mailto:info@cites.org)  
Cc: [claudia.mello@ibama.gov.br](mailto:claudia.mello@ibama.gov.br)  
Date: 25-06-18 21:16  
Subject: Fwd: Response to Notification to the Parties No. 2018/048

---

Dear colleagues,

The comments on the Notification to the Parties No. 2018/048 are bellow. I sent a message in 22 june 2018, but I realize today that, by mistake, it was without the text. Thank you very much.

- Comments on the table under line 236, page 6.

The table considers that specimens of the appendix I and souce D are considered specimens of appendix II not bred in captivity. Then, a non-detriment findig (NDF) and a legal acquisition finding are required, despite of the exported specimens are F2 bred in captivity. In this case, is the NDF needed, in addition to the inclusion of the facility in the Secretariat's Register? Or is the Register, itself, a NDF? Why not consider specimens of the appendix I and souce D as specimens of appendix II bred in captivity (ID = IIC)?

Best regards,

Octávio Valente  
Brazilian Institute of Environment and Renewable Natural  
Resources/Instituto Brasileiro do Meio Ambiente e dos Recursos  
Naturais Renováveis - IBAMA  
Departement of Sustainable Use of Biodiversity and Forests/Diretoria  
de Uso Sustentável da Biodiversidade e Florestas – DBFLO/IBAMA  
Management Authority - Brazil  
SCEN, Trecho 2  
Ed. sede do IBAMA  
70.818-900, BRASÍLIA/DF

# CANADA'S COMPILATION

of

## AMBIGUITIES AND INCONSISTENCIES

### IN CITES PROVISIONS RELATING TO THE TRADE IN SPECIMENS OF ANIMALS AND PLANTS NOT OF WILD SOURCE

#### **Introduction to Canada's compilation of ambiguities and inconsistencies**

Canada is aware of many ambiguities and inconsistencies that exist within Resolutions, between Resolutions, and between the implementing Resolutions and the text of the Convention. We have identified these in our response below, if they have not been mentioned already by the Secretariat. We have also included some recommendations for relatively easy amendments to address some of the issues. We have no additional comments relation to sections 5 and 7.

Canada has concerns that simple amendments will not address some more fundamental issues, and that further discussion is warranted, as elaborated in sections 1.2, 2.2, 3.2 and 6.2 ("Recommendation for continued discussion"). For example, at a basic level, the purpose of Articles VII.4 and VII.5, their relationship to Article III, and their relationship to one another, are not clear in the text of the Convention and are not clearly explained in Resolutions. Contradictory and ambiguous information exists among Resolutions for those seeking understanding of these Articles. There is significantly more guidance for implementation of Article VII.4 compared with Article VII.5, and the implementation of each could bear a careful review in light of today's captive breeding landscape. Addressing such issues will require a longer and more fundamental discussion about how CITES implements the Convention for captive bred and artificially propagated specimens. In our view, such a discussion extends beyond the scope of Decision 17.101. Discussions could consider the intent of the exemptions at the inception of the Convention including the inherent assumptions, and a discussion of how best to reflect those intentions in today's world. Continued discussions would allow for more coherent, relevant and consistent modifications to implementing Resolutions for trade in captive bred and artificially propagated specimens. As such, Canada suggests the Standing Committee consider proposing a suite of Decisions to continue discussion, for consideration by the 18<sup>th</sup> CoP.

#### **Contents**

**Glossary used in this Review:** no comments

**Introduction:** no comments

#### **Background**

Lines 87-153: Although the information provided is relevant to the pros and cons of captive breeding and artificial propagation within the context of conservation of wild species, it does not provide context to the overall objective of Decision 17.101, which is to review ambiguities and inconsistencies of how Articles VII paragraphs 4 and 5 are currently implemented in CITES Resolutions.

#### **Brief history of the CITES regulation of trade in specimens not taken from the wild**

Line 155: Canada considers this section to be very important, as it will document the evolution of the Resolutions currently under review and the issues that needed to be addressed. This history can ensure that discussions and amendments are informed by past experience.

This section should provide a general understanding of the global “landscape” of captive breeding and artificial propagation within the context of the 1960s and 1970s, and changes since that time. This information is important for an informed understanding of why Articles VII.4 and VII.5 were drafted using the language they use, and in particular, why there was an early interpretation that had special provisions for commercial breeding operations. The Secretariat has a small amount of this type of information in lines 76-78 but the information should be provided in greater detail. For example, our understanding is that at the time the Convention was drafted, a few species that were endangered in the wild were being intensively produced for commercial purpose in “farms” (for meat and skins) and nurseries (house plants). This commercial activity was satisfying the demand that could no longer be supplied by wild specimens. These breeding operations were already well established and operating without any take from wild populations. There was little other captive bred trade, and that which existed was easily categorized as “non-commercial”, such as trade by zoos, small-scale hobbyists and for recovery efforts. As the intent of the Convention was to protect species in the wild, it made sense to regulate trade in these known instances of captive breeding with less rigour than trade in wild specimens. The early distinction between commercial and non-commercial breeding operations made sense and was relevant within this context.

After CITES came into force the captive breeding “landscape” changed quickly, with increasing trade in captive bred specimens from production systems that did not neatly fall into the categories of commercial and non-commercial, and from a wider variety of species. There is indication that there may have been concern with the countries being able to effectively interpret and implement the “relaxed” controls for captive bred specimens envisaged in Articles VII.4 and VII.5. This led to increased guidance and increasingly strict controls for this trade.

This section should specifically document the history of interpretation of Article VII.4 and VII.5, including the interpretation that Article VII.4 deals with Appendix I trade for commercial purposes, and that Article VII.5 deals with both Appendix I trade for non-commercial purposes, and all trade for specimens from Appendix II or III (e.g., Res. 2.12 (which is now repealed), as per Notification 913 <https://www.cites.org/sites/default/files/eng/notif/1996/913.shtml>). This interpretation still applies for plants when using A, which refers to non-commercial purposes. It is no longer applicable for animals because although source code D refers to commercial purposes, source code C does not contain a corresponding clause for non-commercial purposes.

This section should include a history of the development of the Registration process. The first registration process, at CoP4, simply stated that before specimens were traded under Article IV, the names of the operations should be submitted by MAs to the Secretariat to be put on a list. However, there is some indication that trading countries, particularly those that were not yet Parties, were not following this process. Therefore the process got stricter between CoP4 and CoP8 to the point that CoP was required to approve the registration of the first captive breeding operation for a species. By CoP8 Parties could review and object to the registration of new species and by CoP 12, all applications for registration were subject to review and objection by Parties.

This section should review the history and summarize considerations associated with the adoption of a separate definition for bred in captivity for commercial purposes in Res. 12.10 (e.g., CoP11 Doc. 11.48).

Resolution 2.12 *Specimens bred in captivity or artificially propagated* is no longer available on the Secretariat's web site. It may be useful to provide a copy of this Resolution to SC70. It is the first resolution to provide guidance on the implementation of Articles VII.4 and VII.5 even though it has since been repealed it provides useful context for how provisions of the Convention were first implemented for captive bred specimens.

## **Review of provisions, ambiguities and inconsistencies and issues that may need attention.**

### **1. The application of Article VII paragraphs 4 and 5**

## 1.1 Overview

### Comments on the Secretariat's document

-Lines 172-175: Res. 2.12 has been repealed and replaced with Res. 10.16 and Res. 11.11. Information contained in Res. 2.12 that has not been carried over to the replacement Resolutions - should not be stated as a fact, as is done in lines 172-175, as the interpretation is no longer supported by the existing body of CITES policy.

### **1.2 Ambiguities and inconsistencies**

As commonly understood, Article VII.4 and VII.5 are intended to allow for less strict trade for captive bred specimens (e.g., as explained by the Secretariat: <https://www.cites.org/eng/prog/captive-breeding>). However, in CITES' implementation for Article VII.4, in particular, the requirements that must be met before such trade is allowed are arguably not at all relaxed; trade is allowed only when very strict conditions have been met. There is no rationale provided in the captive breeding Resolutions to explain why commercial captive breeding operations in the country of export are the focus of such "relaxed" trade provisions in the first place, and the strict provisions associated with trade under Article VII.4 is incongruent with the notion that trade in captive bred specimens can be conducted with less risk to the wild species than wild-sourced trade.

The relationship, if any, between "bred in captivity for commercial purposes" in Article VII.4 and "primarily commercial purposes," in Article III is not clear. Certain language in Resolutions adds to confusion. For example, it is not always clear whether the use of the term "commercial" relates to pre-export commercial activities, the actual commercial trade transaction (e.g., sale to someone in another country and subsequent export/import), or post-import commercial activities. See for example, Annex example e) in Res. 5.10 (see also section 3 below); the use of the term "transaction" in Res. 5.10 (see also section 3 below); ambiguity of the term "purpose of transaction" in Res. 12.3 as applied to T Commercial (see also section 2, below); and the existence of different definitions for "bred in captivity for commercial purposes," "bred in captivity," "commercial" and "commercial purposes" in Res. 12.10, 10.16 and 5.10 (see also section 6 below).

There is continued ambiguity regarding the relationship between Article VII.4 and VII.5 because a past interpretation for Appendix I animals has been incompletely removed from existing Resolutions. The past interpretation was that Article VII.4 relates to trade in Appendix I specimens for commercial purposes, and Article VII.5 relates to with Appendix I trade for non-commercial purposes as well as all trade for specimens from Appendix II or III (see Brief History). Despite changes at CoP15 that removed this interpretation for animals, consequential changes were not made in all Resolutions (e.g., paragraph 5k of Res. 12.3; preambles of Res. 10.16 and 12.10 (elaborated in corresponding sections below)). Note, some Parties continue to implement in line with the past interpretation and others do not, creating inconsistency in implementation.

As mentioned by the Secretariat in lines 205-208, Article VII.4 has been implemented in a much more complex and restrictive way than Article VII.5. The difference in implementation is significant. There is no rationale provided for the reason for the strict registration system under Article VII.4 (e.g., implemented through registration using Res. 12.10), and no rationale provided for why the trade under Article VII.5 is of a different nature or less risk as to require very few controls. For example, there has been little guidance for Parties on the requirements for Management Authority to be satisfied before issuing a certificate, or to define a certificate.

Recommendation for continued discussion: There may be need to clarify the meaning of Articles VII.4 and VII.5, especially in terms of their goals, their relationship with trade under Article III, and their relationship to one another. Canada is of the view that there may be need to for review of the current implementation of VII.4 and VII.5 in Resolutions more broadly, to reassess them in the context of the current "captive breeding landscape" to ensure that implementation is coherent and relevant and consistent.



## Comments on the Secretariat's document

-lines 191-192: the Secretariat's reference to trade that should or should not take place under Article III and IV is confusing because, for example, when an Appendix I specimen is deemed Appendix II, it is traded under Article IV (as explained by the Secretariat in line 163-164). It might be better to replace such language with reference to the source code that is required under the different Articles of the Convention as per Res. 12.3, instead of referencing the Articles of the Convention. For example, lines 191-192 would be changed as follows: "However, the Secretariat has observed that some Parties are of the view that ~~captive bred/artificially propagated~~ source code D, A and C specimens may also be traded under Articles III and IV." (see also lines 274 and 276).

-lines 195-201: it would be useful to understand the rationale for the deletion of the specific instruction to indicate whether a document issued was as a certificate of captive breeding or artificial propagation, or not, to ensure a well-founded recommendation (see Recommendation below). This information may be available in summary records from the applicable CoP.

## **2. Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates***

### **2.1 Overview**

### **2.2 Ambiguities and inconsistencies**

The source code definitions in Res. 12.3 are inconsistent with one another in the types of information they contain. In some cases there is a basic description of the code. For example, W is described as specimens taken from the wild; O is described as pre-Convention specimens. In other cases there is reference to a more specific definition found in another Resolution (Res. 12.10, Res. 11.11, Res. 10.16). For still other cases, references found in Resolutions are available and appropriate but not referenced. For example, for pre-Convention, the definition found in Res 13.6 could be reference, but it is not. (See also comment below regarding the Secretariat's document, lines 258-260).

Use of source codes D, A and C for Appendix I specimens is particularly complex because their descriptions refer to specific Resolutions as noted above as well as specific Articles of the Convention (Articles VII.4 and VII.5). As summarized in the Table in section 2.1 of the Secretariat's document, for such trade, there is no non-detriment finding or legal acquisition finding at the time of export, and no import permits are to be issued for Appendix I specimens. However, because of the narrow implementation for these source codes for animals in particular (source codes D and C), there is no option among the source codes to designate a specimen as being bred in captivity or artificially propagated according to the Resolutions 10.16 and 11.11 respectively and apply the regular trade provisions of Article III. Notably, Article III requires an import permit, and issuance of the export permit requires a non-detriment finding and legal acquisition finding. This issue has been referred to as a "source code gap." This results in use of source codes that do not reflect accurately the source of the specimen (e.g., that it's captive bred according to Res. 10.16), such as "F" or "W", and therefore a loss of valuable trade tracking data. It also results in use that is inconsistent with the definitions in Res. 12.3, if a Party chooses to use source code C or D even when specimens do not meet the export provisions (Article VII.5 or VII.4) described for these source codes (the Secretariat alludes to this in lines 246-251). Source codes are being for two purposes.

Article VII.5 is used in different ways for plants and animals: source code A (for plants) indicates that Article VII.5 should be used for Appendix I artificially propagated plants that have been artificially propagated for non-commercial purposes. Source code C (for animals) makes no reference to "non-commercial purposes." The language associated with "non-commercial" in the source code C definition was removed at CoP15 in an attempt to address a *different* "source code gap" that existed at the time.

Recommendation for continued discussion: The export provisions referencing Article VII.4 and VII.5 in the source code definitions of Res. 12.3 could be removed if there were a different way to indicate on a permit whether a specimen is being traded under Article VII.4 and VII.5 other than through source codes. Source codes would therefore be dedicated to providing data about trade trends from different production systems. Such a measure would also reduce the variable use of source codes that has been cited as a cause of concern in Res. 17.7.

Paragraph 5(k) of Resolution 12.3 requires that “Parties verify the origin of Appendix-I specimens to avoid issuing export permits when the use is for primarily commercial purposes and the specimens did not originate in a CITES registered breeding operation.” This statement means that if an Appendix I specimen did not originate in a CITES registered operation, an exporting Party should not issue an export permit if the use in the country of import will be for primarily commercial purposes. The mention of CITES registered breeding operation seems to refer to Res. 12.10 because it is through Res. 12.10 that registration occurs. However, there is no specific reference in the paragraph to Res.12.10, or to indicate that paragraph 5(k) applies only to trade under the provisions of Article VII.4. This creates ambiguity as to its application for trade under the provisions of Article VII.5 (noting that application of the restrictions of paragraph 5(k) to trade that occurs under Article VII.5 would be inconsistent with the current definition of source code C in Res. 12.3).

#### Comments on the Secretariat’s document

-In relation to the Secretariat’s comment on lines 258-260, regarding the possible oversight in not mentioning Res. 9.19 in the source code definition of D for plants in the same way as 12.10 is mentioned for animals, this is not an oversight. The use of source code D is tied to obligatory registration for animals and non-obligatory registration for plants. This comment from the Secretariat serves to highlight difficulties stemming from the very complex set of rules spread over several Resolutions.

-Lines 253-257: We disagree with the Secretariat that because the permit requirements for specimens with source codes F and R are identical to those for source code W that these intermediate source codes are of questionable value. Even with the same permitting requirements, intermediate source codes are important to document trade patterns in different types of specimens, which can be useful for a country to track its trade trends (refer also to PC24 Doc. 16.1, paragraph 12 for more detailed reasons why it makes sense to have an “intermediate” source code, as per discussions in the Plants Committee about development of a new source code for plants).

### **3. Resolution Conf. 5.10 (Rev. CoP15) on *Definition of 'primarily commercial purposes'***

#### **3.1 Overview**

#### **3.2 Ambiguities and inconsistencies**

Example e) in the Annex is extremely difficult to understand and contains a mix of ideas in relation to captive breeding and commercial purposes. For example, as highlighted by the Secretariat in lines 281-289, it is not clear whether the Resolution is referring to import of wild specimens for captive breeding purposes in the country of import. On one hand all the other examples relate to wild specimens and there is mention of “wild” in the last paragraph of the Annex, which suggests that the paragraph concerns wild specimens. However, the example e) indicates that import of “such specimens should be in accordance with Res. 10.16”, suggesting that specimens need to meet the definition of “bred in captivity.” If the example is requiring that any import be limited to captive bred specimens then the requirement to have all such specimens meet the definition of bred in captivity is in conflict with Res. 10.16 paragraph 2b)ii)B, which allows introduction of specimens taken from the wild as breeding stock under specified conditions and implicitly allows introduction of specimens of other production systems as breeding stock. As a further difficulty with the example e); the term

“commercial” appears to be applied both for the captive breeding operation in the source country, and the evaluation of “primarily commercial purposes,” which is undertaken according to the use in the importing country as per Res. 5.10, and the actual definition that applies is not clear. Recommendation for continued discussion: Example e should be rewritten and streamlined to be consistent with the other examples: to provide guidance on evaluating the commercial aspects associated with the import, in the country of import, for wild Appendix I specimens.

-The term “transaction” is used in two senses in this Resolution: first, to indicate that “primarily commercial purposes” should not be assessed according to the nature of the transaction between the exporter and importer (paragraph 1d); and second, to describe the nature of activities (i.e., in the sense of “the purpose of transaction”) that occur in the country of import (1c). The first paragraph of the Annex also uses “transaction” and it’s not clear which meaning is meant or if the term could actually be replaced with the word “uses” to avoid confusion. Of note, the Secretariat’s use of the term “trade transaction” and “trade purposes” in lines 296 and 299 also is confusing. The Secretariat appears to be erroneously (as described in paragraph 1d of Res. 5.10) using the meaning of “transaction” in the sense of nature of the transaction between exporter and importer. Recommendation: The language in the Resolution should be carefully reviewed and clarified so that “transaction” is always being used in the same sense, given the confusion that currently exists.

#### Comments on the Secretariat’s document

Lines 274-276: the Secretariat’s reference to trade that should or should not take place under Article III and IV is confusing because, for example when an Appendix I specimen is deemed Appendix II, it is traded under Article IV (as explained by the Secretariat in line 163-164). It might be better to replace such language with reference to the source code that is required under the different Articles of the Convention as per Res. 12.3, instead of the Articles of the Convention. For example, line 274-276 would be changed as follows: “The text could be read to confirm that import of specimens bred in captivity (and by extension plant specimens that have been artificially propagated) should take place only using source codes D, C and A under Article VII, paragraphs 4 and 5 and not Article III and IV.” (see also lines 191-192).

Lines 290-291: We agree with the Secretariat’s observation that the text attributes requirements to Res. 10.16 that are not in that Resolution. We would also add that the requirements of this text, for “imports to be aimed...at the long-term protection of the affected species,” are beyond the scope of the Convention to ensure that there is no detriment of trade.

Lines 292-303: This paragraph seems to indicate that the term “bred in captivity for primarily commercial purposes” in VII.4 is problematic because of the ambiguous relationship with the term “primarily commercial purposes” as used in Article III. We agree and have addressed this more fully under Section 1 because we think this is a fundamental issue with interpretation of Articles VII.4 and VII.5.

Line 299: it is not clear what is meant by “trade purposes.”

### **4. Resolution Conf. 10.16 (Rev.) on *Specimens of animal species bred in captivity***

#### **4.1 Overview**

#### **4.2 Ambiguities and inconsistencies**

The fourth paragraph of the preamble of Res. 10.16 refers “not for commercial purposes” in reference to the text of Article VII.5. However, there is no mention of non-commercial, or any synonym, in Article VII.5. This preambular statement is therefore an inaccurate reflection of the text of Article VII.5. Of note, the *interpretation* of Article VII.5 as relating to non-commercial trade in Appendix I specimens is also outdated (for trade in animals) (as explained in section 1.2, above). Recommendation: The preambular text should be amended to correctly reflect the text of the

Convention and current operative language of Resolutions as they apply to animals (e.g., 12.3 source code definition for C).

There is significant variability in how Parties can use the guidance provided in Res. 10.16 to establish whether a specimen can be considered to be captive bred. This might be reasonable, as Parties are ultimately responsible for allowing exports from their country. However, variability in interpretation of Res. 10.16 becomes problematic when is subject to other Parties' scrutiny in the course of establishment of CITES registration for captive breeding operations, and can result in rejection of an application for registration based on an individual country's interpretation. For example, the wording in Res. 10.16 does not have a time boundary in relation to establishment of breeding stock. Some Parties require proof that the lineage of non-range specimens be documented to the original range state before they will consider the specimen as bred in captivity. For some Parties, when one or more of the parents is of wild origin, the offspring (F1 generation) from those parents are considered source code F, even when the operation itself is in accordance with all requirements of Res. 10.16. Recommendation: Additional guidance regarding of Res. 10.16 should be developed, to provide clarity and consistency in application.

Treatment of the offspring of females that are taken from the wild when gravid/pregnant is not clear. Some Parties consider such offspring as source code F as per Res. 12.3 when they are "born in captivity" and don't meet the rest of the definition of bred in captivity of Res. 10.16. (Other Parties might consider such offspring as source code R when they are "reared in a controlled environment" as described in Resolution Conf. 11.16, although they technically were not taken as eggs or juveniles from the wild as per Res. 11.16 and therefore this application is unambiguously incorrect). In another view (one held by Canada), neither source code F nor R should apply. Offspring of gravid females taken from the wild should always be considered source code W, because the parents mated (or otherwise reproduced) in the wild. Recommendation: Specific guidance for treatment of the offspring of gravid/pregnant individuals taken from the wild should be developed due to the potential significant impact on the wild of such practices.

## **6. Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes***

### **6.1 Overview**

### **6.2 Ambiguities and inconsistencies**

Article VII.4 allows for relaxed trade conditions for trade in captive bred specimens. The registration process establishes a set of trade conditions for use in implementation of Article VII.4. The trade conditions in 12.10 require a significant level of documentation and scrutiny by other Parties in order to register facilities. Recommendation for continued discussion: There may be value to re-evaluate the functioning of Res. 12.10 in terms of how well it addresses the original aims of the special trade provisions and exemptions of Article VII for captive bred specimens, and how well it addresses today's concerns about the impact of captive breeding operations on wild populations (especially in light of how Article VII.5 is being implemented).

There are several ambiguities associated with the term "bred in captivity for commercial purposes" in Res. 12.10:

- "Bred in captivity for commercial purposes" as used in Article VII.4, is defined in Res. 12.10 with reference to the pre-export activity (e.g., paragraph 2). As such, it's different from the definition of "primarily commercial purposes" as used in Article III (defined Res. 5.10), with reference to the post-import activity. These differences are confusing, not consistently or

accurately referenced in other Resolutions, and the rationale for the difference not well explained. (See section 1.2 for more elaboration of this issue).

- “Bred in captivity for commercial purposes” in Res. 12.10 has been defined as separate term in Res. 12.10 despite the existing definitions for “bred in captivity” in Res. 10.16, and “commercial” and “commercial purposes” in Res. 5.10.
- “Bred in captivity for commercial purposes” in Res. 12.10 is almost identical to the definition of “commercial” in Res. 5.10. Even though “bred in captivity for commercial purposes” uses the word “purposes” it does not match the meaning of “commercial purposes” in Res. 5.10 because the latter relates to activities in the country of import, and Res. 12.10 is focussed on activities in the country of export.
- “Bred in captivity for commercial purposes” in Res. 12.10 is confusing in relation to Res. 10.16 in which it is explained that the term “bred in captivity” (Res. 10.16) is to be applied to specimens whether or not they breed for commercial purposes. Res. 12.10 references Res. 10.16, so clearly they are to be implemented together. Res. 12.10 restricts the application of 10.16, which is confusing.
- The registration process itself does not require confirmation that an operation is breeding for purposes of economic benefit before allowing registration. The definition of “bred in captivity for commercial purposes” does not inform the implementation of Res. 12.10.

-Paragraph 5j) in Res. 12.10 requires that the MA be satisfied that the operation will make a meaningful contribution according to the conservation needs of the species concerned. The need for a meaningful contribution is beyond (inconsistent with) the scope of the Convention, as the Convention only requires that trade be non-detrimental to the species in the wild, i.e. neutral for a species.

- The last paragraph of the preamble of Res. 12.10 refers “not for commercial purposes” in reference to the text of Article VII.5. See section 4.2 for elaboration of the inconsistency.

Recommendation: The preambular text should be amended to correctly reflect the text of the Convention and current operative language of Resolutions as they apply to animals (e.g., 12.3 source code definition for C).

-Resolution 12.10, with its allowance for objections to the registration of a captive breeding operation by any other Party, seems inconsistent with its own text stressing the importance of exporting Parties making their own decisions about exports from their country (e.g. paragraphs 4, 5b).

-the Preamble of Res. 12.10 is ambiguous as to why there is a need for the registration process and how the registration process addresses the issues. Recommendation: Additional text could be added to the preamble of Res. 12.10, such as, for example, the text of in the last paragraph of the preamble in Res. 10.16 (CONCERNED...).

#### Comments on the Secretariat's document

-lines 423-427: the Secretariat's use of the word “bypass” seems to indicate a deliberate attempt to avoid the clearly defined rules (which are not clear). Consideration could be given to avoiding the word bypass and instead describing the process used by some Parties as a different interpretation. Furthermore, it is not clear how the current set of provisions preclude the process described by the Secretariat. Is the Secretariat relying on a past interpretation that Article VII.5 is meant only for animal specimens that are bred in captivity for non-commercial purposes (see Brief History)?

-lines 427-429: It is unclear what is meant by the Secretariat when they write “while the export might be commercial.” Is this referring to the trade transaction between exporter and importer, the pre-export activities, or the post-import activities? See also line 424: “the export...may be commercial in

nature..." In our view the example provided in lines 247-429 highlights an issue, and is not necessarily an attempt to avoid the clearly defined rules (because they are not clear).

Lines 427-429: Consideration might be given to also changing "...traded under Article III of the Convention..." to "...traded as source code C..." (see comments for lines 191-192 and lines 274-276 for explanation).

-lines 430-442: We agree with the Secretariat that the registration process is complex and bureaucratic. We also agree that the rigorous controls of Res. 12.10 are inconsistent when Parties can easily decide not to be bound by them. We have addressed this more fully under Section 1 because we think these problems are related to fundamental issues with interpretation of Articles VII.4 and VII.5.



Comments by the EU on CITES Notification 2018 / 048

REVIEW OF CITES PROVISIONS RELATING TO THE TRADE IN SPECIMENS OF ANIMALS AND PLANTS NOT OF WILD SOURCE

22/6/2018

Concerning captive breeding / artificial propagation issues in general, the EU would like to refer to the comments shared on 29/3/2018 with the SC 69 working group on captive breeding (see Annex). The EU also wishes to highlight the fact that source codes are fundamental for the work of the convention. Although improvements could certainly be made, an additional study should look at the potential advantages and disadvantages if the current system were to be changed. This is not something that can be done overnight, based on comments from a limited number of Parties and without careful consideration of the consequences.

In addition, please consider the following comments on the draft circulated under the Notification 2018/048:

**45** “not of wild source” is not an appropriate term for specimens traded under source code R.

**52** Concerns about the “establishment of captive-breeding facilities outside the country of origin of the specimens and species concerned” are mentioned but not explained in the document CoP17 Doc. 32. There seems to be no immediate connection to the mandate of the working group or reason to cite this concern here.

**85/86** The mixing of CITES and non-CITES terms for breeding and artificial propagation in the entire paragraph poses a problem: Planting trees in managed forests can be a common silvicultural measure and does not necessarily result in plantations but could as well develop to semi-natural forests. We therefore believe that this sentence can be interpreted in such a wrong way that any planted tree would qualify as being not from the wild (in terms of CITES source codes). We would therefore request the Secretariat to be more precise as this interpretation is reflected neither in the current resolutions, nor in the reality of today's forestry.

**115** "...may vary between species *according to framework conditions*". Whether the activity is conducted in situ or ex situ is only one of many influencing factors. In this context it seems to be overemphasized. The current draft wording seems to oversimplify the situation. The case of caviar can provide an example: even if captive-breeding facilities would have been set up in the Caspian Sea region successfully, this would not necessarily result in more or better efforts to rebuild the wild stock. Also, for sturgeons at least, the wild population does seem to have benefitted from the shift towards captive breeding, as the population in the wild was crashing at the time before the zero export quota for wild-caught caviar.

**138** Not “trade in captive-bred/artificially propagated specimens” as such but insufficient enforcement of CITES causes this negative effect.

**144ff** This paragraph again overemphasizes the importance of in-situ versus ex-situ breeding. Often ex-situ breeding programs of zoos are also engaged in-situ conservation activities. Resolution Conf. 13.9 is a



positive example for desirable mutual benefits which should be highlighted instead of focusing on potential conflicts of interest.

**157-185** Articles VII.4 and VII.5 both apply to specimens of species listed in Appendix I CITES. For specimens bred in captivity in registered commercial breeding operations an export permit is required. For other captive-bred specimens of species listed in Appendix I, Article VII.5 applies; the Management Authority of the state of export has to certify source code C or A. That certificate may be issued in the form of a 'certificate of captive breeding/artificial propagation' or instead – as is the practice in many countries - the Standard CITES form for export permits may be used. (see also lines 261-265)

The standard CITES form in Annex 2 of Resolution Conf. 12.3 (Rev. CoP17) does not clearly distinguish between cases when it is used as an export permit or 'certificate of captive breeding/artificial propagation'. That is not needed; what matters is that the CITES MA verifies source code A or C!

**219ff:** Please be more precise: "When specimens of species listed on Appendix I that are bred in captivity or artificially propagated originate from a registered facility or nursery (see sections 6 and 7), they can be traded under Article VII.4 and are given the code D instead of C or A."

**236** As the table indicates the same requirements for R, F, and W, these categories could be fused. This would provide the same information in a more concise way.

If the conditions for "D" are met, plants listed on Appendix I should be treated as plants listed on Appendix II. According to Article VII.5 an NDF is not necessary for plants listed on Appendix II and being artificially propagated. We also wonder whether an NDF is possible for specimens with source code D [apart from the parental stock, see Res. 11.11 (Rev. CoP17)]. What is the content of that examination? It might be more appropriate to indicate "NO\*" in box ("D" and "NDF").

For artificially propagated Appendix I plants, the following clarification should be considered:

Source code D is limited to Appendix I plants which are "artificially propagated for commercial purposes".

Comparable to the application of code D for animals, it could be discussed and it would be preferable to limit source code D for Appendix I plants originating from registered commercial nurseries, as long as it would still be possible to issue permits for commercial purposes for Appendix I species with source code A. The term 'commercial nursery' is not defined and difficult to implement.

**299-303:** Regarding Article VII.5, there is no basis in the text to interpret this as applying only to trade in Appendix I specimens traded for non-commercial purposes, and the article should not be interpreted as only applicable for non-commercial purposes. According to the source code D, registration is not necessary for artificially propagated plants.

**246-257** While the permit requirements for source codes F, R, and W are identical, these source codes still indicate differences in the production method which can have an important influence on the NDF. It seems unclear whether improving the applicability of the current source codes F and R or their replacement by a more elaborate classification is a more promising way forward, but their simplification or deletion without replacement could create more new problems than it solves and might result in a loss of valuable information.

The information that a specimen is ranchered or born in captivity is inter alia important for consideration in the NDF process. With respect to breeding, the use of source code "F" inter alia might aid to determine source codes of offspring from further generations and to distinguish specimens of the first captive generation bred in captivity from source W and C. If such information will be lost in a potential new source code, it might become more challenging to define appropriate source codes of offspring in captivity. We are cautious with regard to the possible development of a new source code, as we expect that with the replacement of the established source codes new implementation problems might arise.

Source codes are also an essential element of selective trade restrictions. Ranching, as defined in Res. Conf. 11.16, can be a useful conservation measure to assist the recovery of a population.

**258-260** Please correct the text: "It can be noted that, perhaps by oversight, in relation to the use of source code D, the Resolution does not mention Resolution Conf. 9.19 (Rev. CoP15) ~~regarding artificial propagation of plants~~ on 'Registration of nurseries that artificially propagate specimens of Appendix-I plant species for export purposes', in the way that Resolution Conf. 12.10 (Rev. CoP15) is mentioned for animals."

**283** The text [in Resolution Conf. 5.10] refers to Resolution Conf. 10.16 (Rev.); the reference is also to **Regarding the term 'bred in captivity', DECIDES** b) ii) B):

"is maintained without the introduction of specimens from the wild, except for the occasional addition of animals, eggs or gametes, in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild as advised by the Scientific Authority:

1. to prevent or alleviate deleterious inbreeding, with the magnitude of such addition determined by the need for new genetic material; or
2. to dispose of confiscated animals in accordance with Resolution Conf. 10.7; or
3. exceptionally, for use as breeding stock"

**301-303** "hobby breeders" cannot always fulfil the condition for a registered commercial breeding operation, i.e. that the breeding facility should have produced F2 or subsequent generations and the facility should be self-sustaining – i.e. no longer taking specimens from the wild. If however hobby breeders are self-sustaining and both the NDF and LAF conditions are fulfilled, there should be no objection to trading even the F1-generations.

**311** environment is in which

**331-337** It would be clearer to limit the definition of "bred in captivity" to specimens produced in facilities that are no longer taking specimens from the wild. However, in some exceptional cases it might be reasonable to introduce external specimens i.e. in order to prevent inbreeding or a genetic bottleneck, if the breeding stock is small and consists of genetically related specimens. In such cases captive-bred specimens from other facilities should be taken, if available. However, if this is not the case an introduction of a few wild specimens could be accepted in exceptional cases, if it would not be detrimental to the wild population and if it contributes to the conservation of the species. Thus, it would be more appropriate to tighten the conditions and requirements and define the amount and temporal scale for occasional introduction of wild specimens to the breeding stock, instead of limiting it per se.

**338-344** "A requirement for all specimens to be demonstrably F2 or beyond", without considering paragraph 2 b) ii) C.2. of Res. Conf. 10.16 might become even more difficult in species that are kept in big groups and where it is thus impossible to trace back the parents of each offspring. Such stricter definition

of "bred in captivity" should not lead to less appropriate housing condition (separating specimens that usually live in groups) or the exclusion of wild/ confiscated specimens from the breeding stock.

**341** For species which would produce large numbers of F1 over several decades before the first captive bred generation matures, the fate of F1 specimens is more than a small problem. From a genetic point of view, fast progression to the next generation contravenes the purpose to conserve a species ex-situ by reducing artificial selection, genetic drift, and genetic impoverishment as much as possible.

Accommodation problems for surplus specimens of the first generation, the difficulty to trace back the parents of each offspring in group-housing (see the paragraph above), and creating a heavy economic burden for startups are additional disadvantages of such a strict regulation. For these reasons, a limited commercial trade in F1 should be allowed, but it could be accompanied by restrictions regarding the inclusion of further wild caught specimens into the breeding stock.

**441** in 2102?

**369 – 371** *"They may also be significant if, for example, large-scale semi-natural forests are considered to be 'under controlled conditions' and specimens originating therefrom are thus treated as if they were artificially propagated."*: We strongly support the Secretariat's concern on this point.

**381-382** At the beginning of the discussion (see SC 61 Doc. 27 and discussions at SC 61) plant issues (the misuse of source codes affects plants as well as animals) were involved, but it was suggested and decided to first address animals and then plants.

**396 – 453** The export of captive-bred Appendix I specimens for commercial purposes (sale) should not be restricted to registered facilities; that reflects the implementation within the EU. If a non-registered facility or a private breeder can demonstrably prove that specimens are captive-bred and that the breeding stock was obtained in line with the Convention, the export of such specimens is reasonable and might even contribute to reducing further pressure on wild populations. Especially in cases of up-listings such as for *Psittacus erithacus* there are numerous breeders available, with demonstrable success in breeding the species long-time.

**443-448** Breeding systems using satellite facilities as mentioned in lines 443 et seq. are not covered by Resolution Conf. 12.10. The registered breeding operation is recognized for those specimens which were produced in that operation but not for specimens acquired from other facilities.

**454 – 477, especially 471-473** The process of registration of nurseries facilitates and simplifies subsequent permitting procedures. In addition, in contrast to the 'standard procedures', Parties shall "design a simple procedure for the issuance of export permits to each registered nursery". Such a procedure could involve the **pre-issuance** of CITES export permits (see Resolution Conf. 9.19 (rev. CoP 15), Annex 2 letter d). The EU has implemented that recommendation by Article 29 EU Regulation No 865/2006.

Annex: EU Comments for the SC 69 Working Group on Captive Breeding sent on 29/03/2018

**Draft Review of CITES provisions relating to the trade in specimens of animals and plants not of wild source**

**Comments by the EU**

27/3/2018

General comments

The document seems to favour the approach that **trade in endangered species should not only be non-detrimental, but rather provide a conservation benefit**. A new "assisted wild production" source code could benefit this objective but it would require carefully considered guidelines. Before such details are known, it is impossible to assess concomitant conservation benefits or enforcement problems.

**Lumping Source Code R and F** together might result in a loss of information which might require compensation by an internal differentiation within a new source code "assisted wild production".

"Assisted wild production" systems can be sustainable but still have a detrimental effect on the wild population, especially if they divert conservation resources and diminish the incentive to keep a large natural population for harvesting. In general, **harvesting from a healthy natural population might be the ecologically most beneficial production system**, as it has a potential to generate the greatest conservation benefit for the wild populations as well as benefit for the local communities. Therefore, **regarding specimens produced under a new source code "assisted wild production" as better alternative to wild harvest could be contra productive for the conservation of endangered species**.

Despite the ambiguities of ranking the conservation benefits of a new source code "assisted wild production" in relation to wild harvest, this concept has **big potential to focus the assessment of trade on its ecological and conservation impacts**. In the second paragraph on page three, the unspecified use of "such trade" makes it seem as if benefits and disadvantages of wildlife laundering are pondered. Instead it could be specified that wildlife laundering can never be beneficial, while total inaccessibility of genetic resources, e.g. species where no legal trade is possible, provides a powerful incentive for illegal activities.

Similarly to the case of captive breeding, the argument that harvesting from **plantations** has less impact on the wild species (is more benign) does not seem to be applicable to all cases and should be carefully considered in the working group on artificial propagation.

1. The application of Article VII paragraphs 4 and 5

In the table, the heading "document(s) required" should specify the associated type of transaction for which the documents are required.

2. Resolution Conf. 12.3 (Rev. CoP 17) on Permits and certificates

We agree that the determination of source codes is complex. However, we fear that a **simplification or replacement of source code R & F might result in a loss of valuable information**. The information that a specimen is ranched or born in captivity is inter alia important for consideration in the NDF process. With respect to breeding, the source code "F" of

a parental stock implies that further offspring will get the source code C, which makes determination of adequate source codes for captive offspring quite simple. If the information "F1 generation, born in captivity" is lost in a potential new source code, it might become more challenging to define appropriate source codes of offspring in captivity. Establishment of a new source code should be very carefully considered. We are worried that with the replacement of the established source codes new problems might arise and these should be evaluated carefully in advance.

**Adapting the Standard CITES form in Annex 2 of the Resolution Conf. 12.3 (Rev. CoP 17)** to make it applicable as export permit and certificate of captive breeding could remove inconsistencies between national implementations and reduce the administrative complexity of CITES without any obvious downsides.

3. Resolution Conf. 5.10 (Rev. CoP15) on Definition of "primarily commercial purposes"

The inherent ambiguity of the term "**primarily commercial purposes**" causes considerable uncertainties and enforcement problems. Before attempting to remove inconsistencies of its application within CITES, it might be beneficial to find a definition which is applicable in all currently occurring trade practices.

The reference in Resolution Conf. 5.10 (Rev. CoP15) to requirements such as that "imports must be aimed as a priority at the long-term protection of the affected species" should be carefully discussed before included into Resolution Conf. 10.16 (Rev.).

4 Resolution Conf. 10.16 (Rev) on Specimens of animal species bred in captivity

We agree that it would be clearer to limit the **definition of "bred in captivity"** to those specimens produced in facilities that are no longer taking specimens from the wild. However, **in some exceptional cases it might be reasonable to introduce external specimens i.e. in order to prevent inbreeding or a genetic bottleneck.**

The necessity of genetic blood replacement and long-term ex-situ conservation of captive breeding populations has been highlighted by zoos in the 1980ies but lost most of its importance. Limiting the definition of "bred in captivity" to specimens produced in facilities which no longer include further specimens from the wild into the breeding stock would be possible for species which can be kept in large numbers and which produce high numbers of offspring. For small populations of K-strategists, genetic blood replacement can be beneficial even under best possible management practices. Most commercial breeding facilities might not have a sufficient genetic breeding management to even recognize or demonstrate the necessity of genetic blood replacement. Hence, the application of this exception could be further restricted by demanding a strict case by case permitting process based on a genetic analysis of the current breeding stock.

We are of the view that in such cases captive bred specimens from other facilities should be taken, if available. However, if this is not the case, an introduction of few wild specimens could be considered in exceptional cases, if it would not be detrimental to the wild population and if it contributes to the conservation of the species. Thus, we are of the view that it would be more appropriate to tighten the conditions and requirements and define the amount and temporal scale for occasional introduction of wild specimens to the breeding stock, instead of limiting it per se.

We also think that "a requirement for all **specimens to be demonstrably F2 or beyond**", without considering paragraph 2 b)ii)C.2. of Res. Conf. 10.16 might become contra productive for several reasons:

- Breeding slowly maturing species will produce large numbers of F1 over several decades before the first F2 specimen is born. Considering that this is the typical reproductive profile of species with conservation concerns, special care should be given to the marketing of F1 specimens.
- It would make breeding even more difficult in species that are kept in big groups and where it is thus impossible to trace back the parents of each offspring. Such stricter definition of “bred in captivity” should not lead to less appropriate housing condition (separating specimens that usually live in groups) or the exclusion of wild/ confiscated specimens from the breeding stock.
- Generally restricting commercial trade to F2 specimens would raise a huge economic burden for startups.

For these reasons, a **limited commercial trade in F1 should be allowed**, but it could be restricted to a species specific transition period on the way to complete closed-circle breeding and it could be concomitant with restrictions regarding the inclusion of further wild caught specimens into the breeding stock.

The **necessity to demonstrate the capability of producing a second generation** originated from husbandry problems common in the second half of the previous century. It has outlived its usefulness and could be omitted or reduced to very special cases.

The general application of a new source code “assisted wild production” for all F1 specimens, as proposed in chapter 4.3, might dilute requirements to produce a benefit for the wild population. Inter alia, for this reason, an **internal differentiation of specimens traded under a new source code “assisted wild production” seems to be necessary**.

#### 5. Resolution Conf. 11.11. (Rev. CoP 17) on Regulation of trade in plants

Recommendation to introduce a procedure for claims of artificial propagation, similar to that for animals claimed to have been bred in captivity, seems to be a good way to harmonise the approaches for animals and plants and should be considered.

#### 6. Resolution Conf. 12.10 (Rev. CoP15) on Registration of operations that breed Appendix-I animal species in captivity for commercial purposes

We are of the view that **export of Appendix I specimens with source code “C” for commercial sale should not be restricted to registered facilities**. If a non-registered facility or a private breeder can prove that specimens are captive bred and that the breeding stock was obtained in line with the convention, the export of such specimens is reasonable and might even contribute to reduce further pressure on wild populations. Especially in cases of uplistings, such as the case of *Psittacus erithacus*, there are numerous breeders available, demonstrably successfully breeding the species long-time.

It is worth noting that there is different situation in different regions: In Europe, small-scale private keepers are the main producers of Appendix I specimens whereas many other countries have a relatively small number of large-scale commercial breeding facilities. In the USA, private breeders sell their offspring in a higher degree internally and mainly larger companies produce for the export. Such regional differences require careful consideration if a common monitoring system should apply to all of them.

The paragraphs 2 and 3 at page 8 explain that large numbers of small private facilities are not registered because the Parties claim that the breeding as such is not taking place for commercial purposes. Therefore, **the term "bypasses" does not seem to be appropriate in paragraph 2 at page 8** as long as it is not demonstrated that indeed the main purpose of the breeding is commercial.

What matters for CITES is that **both small-scale private and large-scale commercial trade in captive bred specimens of Appendix I must be controlled properly**. In this respect the **registration of breeding facilities has no additional conservation benefit**. It would only facilitate the mass processing of permit applications and thereby reduce the accuracy of the controlling process. **It seems worthwhile to strengthen the general monitoring of all trade in species listed in Appendix I and remove special regulations and exemptions such as those about registered breeding facilities. Shortening the current approval procedure for captive breeding facilities might further reduce the conservation benefit of this procedure.**

Ciudad de México, 21 JUN 2018

**DAVID MORGAN**  
**CHIEF OF GOVERNING BODIES**  
**AND MEETING SERVICES**  
**SECRETARY GENERAL CITES**  
15, CHEMIN DES ANEMONES  
CH-1219 CHATELAINE-GENEVE, SWITZERLAND  
CORREO ELECTRÓNICO: [info@cites.org](mailto:info@cites.org)  
PRESENTE

Me refiero a la Notificación a las Partes No. 2018/048 "Examen de las disposiciones de la CITES relativas al comercio de especímenes de animales y plantas de origen no silvestre" donde se solicita que las Partes y los interesados directos, envíen observaciones sobre ambigüedades e incoherencias mencionadas en el documento, el enfoque de cada país y los supuestos políticos CITES subyacentes relacionados con la cría en cautividad y reproducción artificial, que se mencionan en el proyecto presentado por la Secretaría en el Anexo a la Notificación 2018-048.

Sobre el particular le informo que, en el caso de México, al atender solicitudes para emitir permisos de importación de animales del Apéndice I con fines comerciales, donde el código de origen asentado en el permiso de exportación es "D" y el código de propósito es "T", siendo que dicho país no tiene registro de establecimientos que crían en cautividad especies del Apéndice I con fines comerciales, en estos casos la solicitud es negada.

Adicionalmente, respecto del cuerpo del texto le hacemos llegar los siguientes comentarios:

**Página 5, renglones 183 a 185:**

En este párrafo se da una interpretación a los párrafos 4 y 5 sugerimos en lugar de ello reemplazarlo por los párrafos tal cual y sería muy ilustrativo indicar entre corchetes las Resoluciones que dan mayor detalle a los mismos. De esta forma el texto:

Página 1 de 10







Oficio N° SGPA/DGVS/ 005378 /2018

~~que se ajustan a las definiciones establecidas de "criados en cautividad" y "reproducidos artificialmente", que se ha de llevar a cabo con controles que no son tan estrictos como los que se aplican al comercio de especímenes extraídos del medio silvestre~~

se reemplazaría por:

*bajo ciertas excepciones. Mismas que se encuentran detalladas en varias Resoluciones que se indican en corchetes.*

4.

Los especímenes de una especie animal incluida en el Apéndice I y criados en cautividad para fines comerciales [Res. Conf. 12.10], o de una especie vegetal incluida en el Apéndice I y reproducidos artificialmente para fines comerciales [Res. Conf. 11.11, Res. Conf. 9.19], serán considerados especímenes de las especies incluidas en el Apéndice II.

5.

Cuando una Autoridad Administrativa del Estado de exportación haya verificado que cualquier espécimen de una especie animal ha sido criado en cautividad [Res. Conf. 10.16] o que cualquier espécimen de una especie vegetal ha sido reproducida artificialmente [Res. Conf. 11.11], o que sea una parte de ese animal o planta o que se ha derivado de uno u otra, un certificado de esa Autoridad Administrativa a ese efecto será aceptado en sustitución de los permisos exigidos en virtud de las disposiciones de los Artículos III, IV o V.

**Página 5, renglones 187 a 191:**

En línea con la edición sugerida arriba el siguiente texto puede ser eliminado:

~~El párrafo 4 del Artículo VII establece que los especímenes incluidos en el Apéndice I y criados en cautividad o reproducidos artificialmente para fines comerciales serán considerados especímenes de las especies incluidas en el Apéndice II y, por lo tanto, se comercializan de conformidad con el Artículo IV. Esto significa, por ejemplo, que pueden ser importados con fines primordialmente comerciales, aunque estando sujetos a un dictamen de extracción no perjudicial.~~



Oficio N° SGPA/DGVS/ 005878 /2018

y solamente explicar que ambos párrafos se encuentran respaldados por las Resoluciones xxx,x xx,xx ,xxx.

**Página 5, renglones 193 a 195:**

Misma situación que en el caso anterior, el siguiente texto puede ser eliminado, pues la interpretación lo que hace es confundir más al lector que el mismo texto de la Convención:

~~El párrafo 5 del Artículo VII establece que, para los especímenes criados en cautividad o reproducidos artificialmente, se aceptará un certificado a ese efecto en sustitución de los permisos exigidos en virtud de las disposiciones de los Artículos III, IV o V (es decir, esta disposición se aplica a los especímenes de las especies incluidas en los Apéndices I, II o III).~~

**Página 5, renglones 199 a 210:**

Favor de eliminar, estas Resoluciones ya no están vigentes y de por sí el análisis es complicado y este ejemplo solamente lo complica más:

~~No obstante, como se señaló por primera vez en la Resolución Conf. 2.12 sobre Especímenes criados en cautividad o reproducidos artificialmente, las disposiciones de los párrafos 4 y 5 del Artículo VII han de aplicarse por separado; es decir, los especímenes incluidos en el Apéndice I que cumplan las condiciones no pueden considerarse como incluidos en el Apéndice II de conformidad con el párrafo 4 del Artículo VII y luego tener un certificado de cría en cautividad o reproducción artificial con arreglo al párrafo 5 del Artículo VII.~~

~~A fin de prestar asistencia para distinguir entre los especímenes de origen silvestre y aquellos que han sido criados en cautividad o reproducidos artificialmente (y que, por lo tanto, cumplen las condiciones de las excepciones establecidas en los párrafos 4 y 5 del Artículo VII), en la Resolución Conf. 3.6 sobre Normalización de los permisos y certificados emitidos por las Partes se introdujeron los códigos de origen que se habrían de incluir en los permisos y certificados. En ese entonces, los códigos eran "W", "C" y "A", con un código de origen "O" para los especímenes que no se ajustaban a esas categorías.~~





Oficio N° SGPA/DGVS/ 005378/2018

**Página 5, renglones 223 a 224:**

Quizá es necesario especificar este punto con más detalle en la Res. Conf. 12.3 de Permisos y Certificados:

*En lo que respecta al párrafo 5 del Artículo VII, no resulta claro si el uso de certificados de cría en cautividad o reproducción artificial es obligatorio o no.*

**Página 6, renglones 227 a 229:**

Consideramos que no es necesario realizar una definición tan detallada en los permisos CITES. La Autoridad Administrativa de cada país debió evaluar previamente toda la información que respalda la decisión de qué código emplear con base en las Resoluciones y el Texto de la Convención. Además, el incluir ese nivel de detalle no proporciona ningún valor agregado al permiso, pues de una u otra manera se emitió el permiso. Esta información sería sobrante, pues no existe ningún proceso de revisión en el marco de la CITES que pudiera hacer uso de la información:

*modelo, es importante indicar claramente en él si un documento emitido es un permiso de exportación expedido con arreglo a los Artículos II, IV o V, o un certificado de cría en cautividad/reproducción artificial expedido con arreglo al párrafo 5 del Artículo VII.*

**Página 6, renglón 233:**

El incluir Resoluciones que ya no están vigentes complica más el análisis, si es un dato histórico colocarlo en antecedentes.

*Resolución Conf. 2.12*

**Página 6, renglón 256:**

Como bien sugiere la Secretaría sería necesario editar la Res. 12.3 haciendo mención a la Res. 11.16. Es necesario que se incluya como adjunto una edición a esta Resolución.

*Con respecto al código de origen R,*



**Página 6, renglones 268 a 269:**

No es clara la forma a la que llega a esta conclusión la Secretaría, en la Resolución 12.3 es clara la definición de ejemplares con código F y es mutuamente excluyente con la definición contenida en la Resolución 10.16, por tanto, si cumple con la Resolución 10.16, el ejemplar a exportar es C, de lo contrario es F si fue reproducido en condiciones semi-controladas.

Esto se aclararía incluyendo un "no" para que se lea como sigue:

*por lo tanto, los especímenes **no** cumplen las condiciones para el uso del código de origen C.*

**Página 7 Cuadro:**

Se propone los siguientes cambios:

Código de origen	Apéndice	Documento(s) requerido(s)	¿Se necesita un Dictamen de Extracción No Perjudicial?	¿Se necesita un Dictamen de Adquisición Legal?	¿Se permite la importación con fines primordialmente comerciales?	Disposiciones de la Convención
C/A	I	Certificado de cc/ra	NO*	NO*	<b>1</b> SÍ NO	Art. VII.5
	II	Certificado de cc/ra	NO*	NO*	<b>2</b> SÍ NO	Art. VII.5
D	I = II	Permiso de exportación	<b>3</b> SÍ	SÍ	SÍ	SÍ

Disposiciones de la Convención:

Dado que las disposiciones pueden cambiar dependiendo los propósitos sería conveniente incluir un cuadro indicando origen y propósito.

Los cambios sugeridos para el cuadro, se identifican con los números **1, 2 y 3**.

**1 y 2:**

Aquí debería de ser NO en ambos casos. Para códigos de origen C, debería de estar dado de alta como D para poder exportar con fines comerciales (de acuerdo a la Res. 12.10). Y para códigos de origen A, también debería de estar registrado con código D de acuerdo a la Res. 12.03. Por lo tanto, sugerimos







Oficio N° SGPA/DGVS/ 005378 /2018

*hace cuestionarnos la finalidad de estos códigos, ya que complican la aplicación de la Convención sin que se aprecien beneficios.*

**Página 7, renglones 297 a 299:**

Sería conveniente incluir una versión editada de la Resolución 12.3 que especifique lo siguiente:

*Cabe señalar que, quizá por error, en relación con el código de origen D, la resolución no menciona la Resolución Conf. 9.19 (Rev. CoP15) respecto a la reproducción artificial de las plantas, de forma similar a la mención de la Resolución Conf. 12.10 (Rev. CoP15) para los animales.*

**Página 7, renglones 300 a 304:**

Eliminar este párrafo, pues se contradice a sí mismo. Al inicio propone una idea y al final la descarta:

***El modelo normalizado CITES del Anexo 2 de la Resolución Conf. 12.3 (Rev. CoP17) no distingue con claridad entre los casos en los que se utiliza como permiso de exportación con arreglo a los Artículos III o IV, o como certificado de cría en cautividad o reproducción artificial con arreglo al párrafo 5 del Artículo VII. Se podría marcar la casilla "Otro" en la parte superior del modelo, donde se indica el tipo de permiso o certificado, pero esto no aportaría claridad.***

**Página 8, renglón 322:**

La Res. 5.10 (Rev. CoP15) sobre Definición de la expresión "con fines primordialmente comerciales, contiene varias incongruencias e interpretaciones que deben de ser atendidas, sugerimos se abra un Grupo de Trabajo en el marco de los Comités de Flora y Fauna para su revisión.

**3.2 Ambigüedades e incoherencias**





Oficio N° SGPA/DGVS/ 005378 /2018

**Página 8, renglones 335 a 337:**

Estamos de acuerdo con este punto, por lo que habría que enmendar la Resolución 5.10 (Rev. CoP15) eliminando esta alusión, así como todo aquello que no se encuentre formalmente descrito en la Resolución 10.16:

*Además, el texto atribuye exigencias a la Resolución Conf. 10.16 (Rev.) que no se encuentran en esa Resolución, por ejemplo, las importaciones deben tener como objetivo prioritario la protección a largo plazo de las especies afectadas.*

**Página 9, renglones 374 a 377:**

Esta aseveración por parte de la Secretaría, es tendenciosa a permitir el incumplimiento de la Convención. Eliminar este párrafo, pues el hecho de que el plantel parental haya sido adquirido hace varias generaciones, no lo exime del requisito de haber sido fundado de forma legal:

*Esto es válido en particular si el plantel reproductor original fue adquirido hace muchos años, cuando puede no haber habido ninguna razón para creer que la documentación que confirmaba el origen legal de los especímenes podría ser importante muchos años más tarde.*

**Página 9, renglones 388 a 390:**

El procedimiento actual en la Resolución 10.16 contiene un candado que limita la introducción de ejemplares silvestres previo visto bueno de la Autoridad Científica, por tanto, sugerimos no realizar cambio alguno en esta sección:

*Tal vez sea necesario lograr un equilibrio entre la necesidad de contar con procedimientos claros y simples y la viabilidad económica y biológica de algunos establecimientos.*

**Página 9, renglones 395 a 396:**

Estamos de acuerdo con esta parte. Lo que se podría hacer es enmendar la Res. Conf. 10.16, en el párrafo 2 b) ii) C 2), para indicar que es responsabilidad de la Autoridad Científica el "avaluar" que se está demostrando la capacidad del criadero de reproducir F2:

Página 8 de 10





Oficio N° SGPA/DGVS/005878 /2018

*También, algunas Partes sostienen que esto podría obstaculizar determinadas operaciones de cría en cautividad con fines comerciales,*

**Página 10, renglón 404:**

Realizar un trabajo armonizado con el Grupo de Trabajo que está realizando un análisis a esta Resolución en particular:

*5. Resolución Conf. 11.11 (Rev. CoP15) sobre Reglamentación del comercio de plantas*

**Página 10, renglones 436 a 438:**

El párrafo 4 contiene suficientes candados y alusión a legal procedencia y adquisición no detrimental, no obstante, la exportación resultante de esta condición particular sería con código A y existe el vacío de poder identificar estos casos con un código en particular de forma similar al R. Sugerimos el considerar esta posibilidad e integrar el párrafo 4 ya sea dentro de la Res. 12.3 o bien extender el alcance de la Resolución 11.16 sobre Ranqueo:

*Parece bastante incongruente que el párrafo 4 de la Resolución permita que se describan especímenes extraídos del medio silvestre como reproducidos artificialmente en determinadas circunstancias.*

**Página 13, renglones 547 a 549:**

Estamos de acuerdo con la Secretaría en que no existe una provisión en la Resolución 9.19 que permita a las Partes evaluar que un nuevo registro de vivero en efecto cumple con las disposiciones señaladas en el Anexo 1 de dicha Resolución. Por tanto, a fin de que cualquier Parte pueda impugnar la eliminación de un vivero fraudulento, el procedimiento descrito en esta Resolución debería homologarse, o bien integrarse al que se encuentra en la Resolución 12. 10:

*Si bien, según recuerda la Secretaría, ésta no ha eliminado ningún vivero del registro a solicitud de otra Parte, parecería más apropiado que las inscripciones impugnadas fueran juzgadas por los pares de otras Partes a través del Comité Permanente en lugar de por la propia Secretaría.*





**SEMARNAT**

SECRETARÍA DE  
MEDIO AMBIENTE  
Y RECURSOS NATURALES



SUBSECRETARÍA DE GESTIÓN PARA LA PROTECCIÓN  
AMBIENTAL  
DIRECCIÓN GENERAL DE VIDA SILVESTRE

Oficio N° SGPA/DGVS/005378 /2018

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

**ATENTAMENTE**  
**EL DIRECTOR GENERAL DE VIDA SILVESTRE**  
**AUTORIDAD ADMINISTRATIVA CITES DE MÉXICO**



**LIC. JOSÉ LUIS PEDRO FUNES IZAGUIRRE**

"Por un uso eficiente del papel, las copias de conocimiento de este asunto son remitidas vía electrónica".

C.c.e.p. Q.F.B. Martha Garciarivas Palmeros. Subsecretaría de Gestión para la Protección Ambiental. - [marthagrivas@semarnat.gob.mx](mailto:marthagrivas@semarnat.gob.mx)  
Biol. Amado Ríos Valdez.- Coord. de Asesores de la Subsec. de Gestión para la Prot. Amb.- [coordinacion.sgpa@semarnat.gob.mx](mailto:coordinacion.sgpa@semarnat.gob.mx)  
Biól. Hesiquio Benítez Díaz.- Dir. Gen. de Coop. Intl. CONABIO.- Aut. Científica de México ante la CITES. [hbenitez@conabio.gob.mx](mailto:hbenitez@conabio.gob.mx)  
Lic. Karla Acosta Resendi. - Dir. Gen. de Insp. Amb. en Puer., Aer. y Fron. - Aut. Obs. y Apl. de la Ley CITES. [kiacosta@profspa.gob.mx](mailto:kiacosta@profspa.gob.mx)  
Lic. Luz María Ortiz Ortiz. - Directora General Adjunta de Acuerdos Amb. Multilaterales de la UCAI. - [luz.ortiz@semarnat.gob.mx](mailto:luz.ortiz@semarnat.gob.mx)  
M. en C. Paola Mosig Reidl.- Coordinadora de la Autoridad Científica CITES.- [pmosig@conabio.gob.mx](mailto:pmosig@conabio.gob.mx)  
M.V.Z. Leonel Francisco Urbano Gutiérrez. - Subdirector de Acuerdos y Convenios para la Vida Silv. - [luchano@semarnat.gob.mx](mailto:luchano@semarnat.gob.mx)  
M.V.Z. Miguel Ángel Flores Mejía. - Jefe de Depto. de Acuerdos Internacionales para la Vida Silv. - [miguel.flores@semarnat.gob.mx](mailto:miguel.flores@semarnat.gob.mx)



From: Miguel Flores Mejia <miguel.flores@semarnat.gob.mx>  
 To: "info@cites.org" <info@cites.org>  
 Cc: Jose Luis Pedro Funes Izaguirre <josel.funes@semarnat.gob.mx>, 'Hesiquio Benitez' <hbenitez@conabio.gob.mx>, Paola Mosig Reidl <pmosig@conabio.gob.mx>, Leonel Urbano Gutierrez <leonel.urbano@semarnat.gob.mx>  
 Date: 23-06-18 01:26  
 Subject: RV: Notificación a las Partes 2018-048 CITES

**David Morgan**  
**Officer-In-Charge**  
**Secretary General CITES**

Estimado Sr. Morgan,

En alcance al envío de información respecto de la Notificación a las Partes 2018/048 “Examen de las disposiciones de la CITES relativas al comercio de especímenes de animales y plantas de origen no silvestre”, enviada el día de ayer 21 de junio, le solicito atentamente aplicar el siguiente cambio al documento SGPA/DGVS/005878/2018.

Página 5 de 10 y página 6 de 10

**Dice:**

**Página 7 Cuadro:**

Se propone los siguientes cambios:

Código de origen	Apéndice	Documento(s) requerido(s)	¿Se necesita un Dictamen de Extracción No Perjudicial?	¿Se necesita un Dictamen de Adquisición Legal?	¿Se permite la importación con fines primordialmente comerciales?	Disposiciones de la Convención
C/A	I	Certificado de cc/ra	NO*	NO*	1 SÍ NO	Art. VII.5
	II	Certificado de cc/ra	NO*	NO*	2 SÍ NO	Art. VII.5
D	I = II	Permiso de exportación	3 SÍ	SÍ	SÍ	SÍ

Disposiciones de la Convención:

Dado que las disposiciones pueden cambiar dependiendo los propósitos sería conveniente Incluir un cuadro indicando origen y propósito.

Los cambios sugeridos para el cuadro, se identifican con los números **1, 2 y 3**.

**1 y 2:**

Aquí debería de ser NO en ambos casos. Para códigos de origen C, debería de estar dado de alta como D para poder exportar con fines comerciales (de acuerdo a la Res. 12.10). Y para códigos de origen A, también debería de estar registrado con código D de acuerdo a la Res. 12.03. Por lo tanto, sugerimos eliminar todo el renglón referente a Ap. I para códigos C/A (estaría mal clasificado con ese código).

**3:**

En teoría no se requiere un NDF para la exportación de todos los ejemplares producidos en este tipo. Solamente se necesita un NDF para demostrar el cumplimiento de la Resolución 10.16 y la 12.10 en el momento del registro de un criadero ante la CITES y para dictaminar las introducciones ocasionales de ejemplares silvestres para mantener al criadero. Es

necesario hacer una acotación al respecto.

**Debe decir:**

(los cambios se resaltan en amarillo para su fácil ubicación):

**Página 7 Cuadro:**

Se propone los siguientes cambios:

Código de origen	Apéndice	Documento(s) requerido(s)	¿Se necesita un Dictamen de Extracción No Perjudicial?	¿Se necesita un Dictamen de Adquisición Legal?	¿Se permite la importación con fines primordialmente comerciales?	Disposiciones de la Convención
C/A	I	Certificado de cc/ra	NO*	NO*	I NO	Art. VII.5
	II	Certificado de cc/ra	NO*	NO*	SI	Art. VII.5
D	I= II	Permiso de exportación	2 SÍ	SÍ	SÍ	SÍ

**Disposiciones de la Convención:**

Dado que las disposiciones pueden cambiar dependiendo los propósitos sería conveniente Incluir un cuadro indicando origen y propósito.

Los comentarios para el cuadro, se identifican con los números 1 y 2.

**1:**

Para códigos de origen C y A Apéndice I, para poder exportar con fines comerciales los especímenes deberían de provenir de criaderos o viveros registrados ante la CITES (de acuerdo a la Res. 12.10 y 12.03 respectivamente), y en ese momento se convertirían en -y clasificarían con- código "D" (dejaría de ser correcto clasificarlos como C o A).

**2:**

En teoría no se requiere un NDF para la exportación de todos los ejemplares producidos en este tipo. Solamente se necesita un NDF para demostrar el cumplimiento de la Resolución 10.16 y la 12.10 en el momento del registro de un criadero ante la CITES y para dictaminar las introducciones ocasionales de ejemplares silvestres para mantener al criadero. Es necesario hacer una acotación al respecto.

Atentamente

MVZ. Miguel Ángel Flores Mejía

Jefe del Departamento de Acuerdos Internacionales para la Vida Silvestre

Tel.: (55) 56 24 34 93

Dirección General de Vida Silvestre

Ejército Nacional 223, Piso 13, Col. Anáhuac,

Del. Miguel Hidalgo, C. P. 11320, Ciudad de México.



**Notification No. 2018/048**  
**Review of CITES provisions relating to the trade in specimens of animals and plants not of wild source**

Request for comments from Parties and stakeholders:

1. Decision 17.101 directs the Secretariat to:  
*[...] review ambiguities and inconsistencies in the application of Article VII paragraphs 4 and 5, Resolution Conf. 10.16 (Rev.) on Specimens of animal species bred in captivity, Resolution Conf. 12.10 (Rev. CoP15) on Registration of operations that breed Appendix-I animal species in captivity for commercial purposes, Resolution Conf. 11.11 (Rev. CoP17) on Regulation of trade in plants, Resolution Conf. 9.19 (Rev. CoP15) on Registration of nurseries that artificially propagate specimens of Appendix-I plant species for export purposes, Resolution Conf. 5.10 (Rev. CoP15) on Definition of 'primarily commercial purposes' and Resolution Conf. 12.3 (Rev. CoP17) on Permits and certificates as it relates to the use of source codes R, F, D, A and C, including the underlying CITES policy assumptions and differing national interpretations that may have contributed to uneven application of these provisions, as well as the captive breeding issues presented in document SC66 Doc. 17 and legal acquisition issues, including founder stock, as presented in document SC66 Doc. 32.4.*
2. The Secretariat presented a provisional draft of this review to the Standing Committee at its 69th meeting (Geneva, November 2017). The Committee made comments on the provisional draft and formed a working group which has provided further advice to the Secretariat.
3. In the Annex to the present Notification, the Secretariat provides the text of its review which it submits to Parties and stakeholders for comment.
4. Parties and stakeholders are requested to provide comments on the ambiguities and inconsistencies presented in the document, and to present other possible interpretations, ambiguities or inconsistencies for consideration, which, if they wish, could include their own country's approach. Such ambiguities and inconsistencies could occur both within each of the provisions for captive breeding and artificial propagation, but also between the relevant provisions. The Secretariat would also particularly appreciate comments on the underlying CITES policy assumptions related to this issue.
5. In accordance with Decision 17.101, all comments received from Parties and stakeholders will be presented to the Standing Committee (in the language in which they were submitted).

**New Zealand response (submitted by New Zealand CITES Management Authority/New Zealand CITES Scientific Authority)**

Contact details: New Zealand CITES Management and Scientific Authorities

Department of Conservation, 18-32 Manners Street, Wellington 6011, New Zealand

Email: [cites@doc.govt.nz](mailto:cites@doc.govt.nz)

Application of Article VII paragraphs 4 & 5		
Page	Line	Comment
5	191-192	It would be helpful to know how many Parties do this
5	202-204	Guidance should be provided to establish clearly the documentation requirements for Article VII 4 and 5 as either a certificate of captive breeding /artificial propagation (not subject to provisions of Articles III, IV or V) or as a permit (subject to provisions of Articles III, IV or V).

5	205-210	Agree that Article VII para 5 controls on trade are weaker i.e. no import permit is required or NDFs. Certificates of CB/AP are rarely encountered. New Zealand currently issue Export/Re-export/Import permits using source codes A and C and similarly accept permits with these codes from exporting countries. Permits rather than certificates are issued in NZ due to stricter domestic measures whereby the issuance of a permit requires an NDF. The issuance of permits however is inconsistent with Article VII para 5 where a Cert of CM/AP should be issued where a MA is satisfied the specimen is captive bred or artificially propagated for non-commercial purposes e.g. in the case of zoo imports and exports. It is possible that import permits are being issued unnecessarily whereby if the Certificate of CB/AP were issued (as required in Article VII 5)) instead of a permit, the import permit would not be required (Res Conf 12.10).
		Additional comment: Is there a possibility that countries are applying the down listing from App I to App II for all captive bred/artificially propagated specimens rather than those solely from Registered Facilities?
Resolution Conf 12.3 (Rev CoP17) Permits and certificates		
Page	Line	Comments
5	218-221	Disagree that these codes are straightforward. Source codes A and C are being widely applied to 'permits' in contrary to the definition of the codes in Res Conf 12.3, where they should only be applied to 'certificates' under Article VII, paragraph 5. Source code D is rarely encountered on permits; the use of A & C are however common
6	235-237	Table format makes the requirements very clear and could be included in Res Conf 12.3 (Rev CoP17)
6	246-251	Source codes, A and C, are applied to Export/Re-export and Import permits issued by New Zealand due to their non-commercial nature. It should be clearly stated in a Resolution that these codes should be applied exclusively to Certificates of Captive Breeding and Certificates of Artificial Propagation, noting that this information is provided in 'Guidelines for the preparation and submission of CITES Annual Reports (January 2017)'
6	253-254	Clear guidance for the use of source code 'F' is provided in flow chart on page 6 of 'A guide to the application of CITES source codes' This useful document is rarely referred to and should be included as a reference in Res Conf 12.3 Is it possible that F is being mistaken for 'Farmed'?
7	258-260	Reference to Res Conf 9.19 (Rev CoP15) should be included in the definition of source code D. It is noted that it is not a requirement that artificially propagated plants must be sourced from a CITES registered facility in the same way that captive bred animals are.
7	263-265	Agree - 'Other' is vague. Consider including tick boxes for Certificate of Captive Breeding and Certificate of Artificial Propagation
Resolution Conf 5.10 (Rev CoP15) Definition of 'primarily commercial purposes'		
Page	Line	Comment
7	271-272	Agree, Resolution should 'recommend' application Article III paragraphs 3 (c) and 5 (c) AND Article VII 4 & 5
		Additional comment: the exporting country should declare that the trade is not for primarily commercial purposes, to prevent commercial exports of animals and plants (by breeders or propagators) to organisations or individuals who will use the specimen for non-commercial purposes - e.g. as a pet or a plant in a garden. It seems as though some Parties regard this as a non-commercial transaction. It seems that this would require an amendment to the Convention text, which is very difficult. It depends to some extent on how many Parties abuse this loophole. See also Line 429



		Additional comment: General Principles 3) where the burden of proof is on the importer. This is only effective where the Import permit is obtained before the Export permit. Many Parties have different procedures around permitting and will issue an export permit prior to the issuance of an import permit for Appendix I specimens even though this is a provision of Article III 2(d).
Resolution Conf 10.16 (Rev) Specimens of animal species bred in captivity		
Page	Line	Comment
8	322-326	This probably applies to many African Grey breeding operations where the shift to Appendix I has required such documentation which was not needed when they were in App II; likewise for non-listed species suddenly put into App I.
8	331-337	Allowing specimens from the wild to be added to the breeding stock of captive facilities makes sense from a genetics perspective, but the Resolution needs tightening. We suggest that it should be a requirement to report 'top-ups' from the wild in trade statistics, even for CITES-listed species WITHIN a country. We also suggest potentially requiring the SA to certify that such top-ups are not detrimental to the survival of the species in the wild OR are necessary to allow the survival of the species (e.g. in instances where the wild population is heading to oblivion and can only be maintained through artificial propagation or captive-breeding – white rhinos, orange-fronted parakeets).
8	338-344	We are generally positive of the suggestion to restrict trade of captive-bred specimens to F2 or beyond, in instances where it is difficult to prove the legal origin of the breeding stock. However we caution that this may be too restrictive if legal origin is well documented and it is a long-lived late-breeding species (e.g. parrots, tortoises)
Resolution Conf 11.11 (Rev CoP17) Regulation of trade in plants		
Page	Line	Comment
9	376-387	Agreed, even when in 4 (iv A. an NDF is required. Maybe however be open to abuse given that registration is not compulsory and as such an export permit could be issued for Appendix I W sourced with a source code of D
Resolution Conf 12.10 (Rev CoP15) Registration of operations that breed Appendix-1 animal species in captivity for commercial purposes		
Page 10	413-429	This is a real problem and allows for laundering of illegally obtained wild specimens masquerading as captive-bred. This are needs tightening substantially. The recent listing of African Grey Parrots will lead to more abuse of this Resolution. SC needs to get tougher on Parties that don't follow the rules, not only for the sake of wild populations of App I species, but also to create a level trading field for those (breeders and) Parties that have done the right thing. It is disingenuous for Parties to turn a blind eye to commercial breeding - any transfer of money (beyond recompensing the actual cost of vet checks permits and freight) is a commercial transaction. How many Parties abuse this Resolution?
Resolution Conf 9.19 (Rev CoP15) Registration of nurseries that artificially propagate specimens of Appendix-1 plant species for export purposes		
Page	Line	Comment
11	471-473	Standard procedure' should include a requirement that an NDF must be obtained
11	473	Any unregistered nursery can apply for an export permit. There seems little advantage in a nursery becoming registered. Certificates of Artificial Propagation may be pre-issued by an MA which could provide a degree of convenience to the exporter. It would be preferable if animals and plants were treated in a consistent way.



No. 0902.3/ 2915



CITES Management Authority  
Department of National Parks,  
Wildlife and Plant Conservation  
61 Paholyothin Rd., Chatuchak,  
Bangkok 10900, THAILAND  
Tel./Fax. (66)2 940 6449

14 June B.E. 2561 (2018)

Dear CITES Secretariat,

**Subject : Request for comments from Parties and stakeholders**

Reference is made to Notification to the Parties no. 2018/048 dated 15 May 2018. Please find the attachment for the comment on the draft review of CITES provisions relating to the trade in specimens of animals and plants not of wild source.

Your continued assistance is, as always, highly appreciated.

Yours sincerely,

(Mr. Somkiat Soontornpitakkool)

Director of CITES MA of Thailand

Department of National Parks, Wildlife and Plant Conservation

CITES Secretariat  
International Environment House  
11 Chemin des Anémones  
CH-1219 Châtelaine, Geneva, Switzerland  
Tel: +41 (22) 917 81 39/40  
Fax: +41 (22) 797 34 17



The comment on the draft review of CITES provisions relating to the trade in specimens of animals and plants not of wild source.

Samples of wildlife parts or other derivatives of wildlife acquired in accordance to Article VII on Paragraph 4 and 5 are required to include clarifications on the meaning of the Source Code. This requirement seeks to reduce confusion or ambiguity in Source Code classifications, especially for Source Codes C, F, and R. Additionally, there should be assigned types, procedures, or categorizations of source codes which are accepted and clarified in order to facilitate implementations and proper usages of source codes.

**CITES Secretariat**International Environment House  
Chemin des Anemones  
1219 Châtelaine  
Geneva, Switzerland

June 22, 2018

**Re: Review of CITES Provisions Relating to The Trade in Specimens of Animals and Plants Not of Wild Source**

Dear Secretariat,

On behalf of the Environmental Investigation Agency, UK (EIA), we hereby submit this response to CITES Notification 2018/048 in relation to the '*Review of CITES provisions relating to the trade in specimens of animals and plants not of wild source*'. We have reviewed the draft report contained in the Annex to the Notification and our comments on the same are provided below. As requested in the Notification, where applicable our comments are provided with reference to the relevant page and line of the draft report.

Introductory comments: We welcome the opportunity to comment on the draft report prepared by the Secretariat in consultation with the Standing Committee Working Group established to consider this subject. In particular, we fully support the recognition in the draft report that a 'one size fits all' policy approach would not be suitable in tackling the issues related to trade in specimens of animals and plants not of wild source. For some Appendix-I species such as tigers (*Panthera tigris*) and other Asian big cats, the Conference of the Parties have expressly recognised the threat posed by commercial trade in captive specimens to wild populations and have called for limiting captive breeding of tigers to levels supportive only for conservation purposes and for ensuring that tigers are not bred in captivity for trade in their parts and derivatives.<sup>1</sup>

Page 3, Lines 77-79: We support the acknowledgment of the fact that "[w]hen the Convention was drafted, captive breeding and artificial propagation of wild fauna and flora species were relatively limited and certainly intensive production of many species for commercial purposes was rarely undertaken" and that this is no longer the case with growing commercial trade in captive specimens. To ensure that trade in captive sourced CITES specimens does not threaten these species in the wild, it is critical that comprehensive recommendations are adopted to effectively address the escalating trade in captive-sourced CITES-listed specimens. Indeed, Article XI(3)(e) of the Convention provides the broad mandate to the Conference of the Parties to "review the progress made towards the restoration and conservation" of CITES-listed species and to make recommendations "for improving the effectiveness" of the Convention."

Page 3, Lines 114-119: As mentioned above, EIA fully supports the acknowledgement that "[b]enefits and disadvantages for the conservation of the species, of trade in specimens of CITES-listed species bred in captivity or artificially propagated, may vary between species". We also support the recognition that a targeted approach has already been applied in the case of tigers. Tigers are endangered with fewer than 4,000 individuals remaining in the wild. Trade continues to be the primary threat to the survival of wild

tigers and has led to their recent disappearance from areas of otherwise suitable habitat. Given the highly endangered status of tigers and the significant trade threat, in 2007 CITES Parties adopted Decision 14.69 which continues to be applicable and reads as follows: "*Parties with intensive operations breeding tigers on a commercial scale shall implement measures to restrict the captive population to a level supportive only to conserving wild tigers; tigers should not be bred for trade in their parts and derivatives.*" During deliberations at the 14<sup>th</sup> Conference of the Parties which adopted this Decision, one Party argued that CITES is a mechanism to control only international trade rather than domestic trade, and proposed the addition of the word "international" before "trade" in the Decision. However, CITES Parties overwhelmingly rejected this proposal, proactively determining that Decision 14.69 should apply to internal as well as international trade.<sup>ii</sup> In CITES Notification No. 2008/059, the CITES Secretariat provided guidance on specific actions that Parties could adopt towards implementation of Decision 14.69 including: the establishment of a national individual animal registration process, incorporating a marking system using, for example, microchips or DNA profiling; the segregation of sexes to prevent further breeding; the development of a strategic plan, incorporating deadlines, for the phasing-out of intensive breeding operations on a commercial scale or their conversion to operations devoted solely to the conservation of tigers; and the development of a policy with regard to what will happen to tigers currently in intensive breeding operations.<sup>iii</sup> Since 2007, a number of recommendations have been adopted by the Conference of the Parties and Standing Committee to implement Decision 14.69 and Resolution Conf. 12.5 (rev. CoP17), *Conservation of and trade in tigers and other Appendix-I Asian big cat species*, in relation to tackling the growing trade in captive sourced tiger parts and derivatives.<sup>iv</sup>

Page 4, Lines 137-143: In the case of tigers, there is substantial evidence to demonstrate that a parallel trade (legal or illegal) in captive sourced parts and derivatives undermines both enforcement efforts to address illegal trade in wild-caught specimens and efforts to reduce demand for tiger and other big cat products. For example, EIA investigations and research have found that wild-caught tiger parts and derivatives are sold alongside captive-sourced tiger specimens in Laos<sup>v</sup> - a Party which is currently subject to compliance measures under Article XIII of the Convention including for its role in tiger farming and breeding of tigers on a commercial scale for trade in their parts and derivatives. Demand for tiger parts is exacerbated by the availability of captive-bred tiger parts and this unchecked demand has in turn exacerbated the trafficking and consumption of other big cat parts such as leopard, jaguar and African lion bones, teeth and claws, which are marketed as "tiger".<sup>vi</sup>

Page 4, Lines 144-149: In the case of captive tigers in China, Laos, South Africa, Thailand and Vietnam, none of the facilities engaged in commercial scale breeding, and none of the facilities engaged in legal and illegal trade in specimens of captive bred tigers are providing any conservation benefits. Examples of captive tiger facilities that are linked to illegal tiger trade and other transnational wildlife crime are available.<sup>vii</sup>

In closing we concur that not all species can be treated the same, and for this reason matters relating to captive tigers and other Asian big cats threatened by trade in parts and derivatives of captive specimens should be dealt with under species-specific matters under Asian big cats such as through the review of implementation of Resolution Conf. 12.5 (Rev CoP17) and associated Decisions (rather than under the 'Trade in specimens bred in captivity or artificially propagated' agenda matters).

We hope that the CITES Parties and the Secretariat find these comments of use and thank you for your kind consideration. Please let us know if you have any questions.

Sincerely,



Shruti Suresh  
Senior Wildlife Campaigner  
Environmental Investigation Agency, UK (EIA)

---

References:

<sup>i</sup> CITES Decision 14.69.

<sup>ii</sup> CoP14 Com. II Rep 14 (Rev.1).

<sup>iii</sup> CITES Notification 2008/059.

<sup>iv</sup> See, e.g., SC65 Com. 4 and SC65 Sum. 9; CITES Decisions 17.224, 17.226, and 17.229.

<sup>v</sup> EIA (2015), *Sin City: Illegal wildlife trade in Laos' Golden Triangle Special Economic Zone.*

<sup>vi</sup> EIA (2017), *Cultivating Demand: The growing threat of tiger farms;* EIA (2017), *The Lion's Share: South Africa's trade exacerbates demand for tiger parts and derivatives.*

<sup>vii</sup> EIA (2017), *Cultivating Demand*



From: Ganesan RP <[ganesanrp@gmail.com](mailto:ganesanrp@gmail.com)>  
To: CITES HO <[info@cites.org](mailto:info@cites.org)>  
Cc: Malin Rivers <[malin.rivers@bgci.org](mailto:malin.rivers@bgci.org)>, Megan Barstow <[megan.barstow@bgci.org](mailto:megan.barstow@bgci.org)>, UNEP <[unepinfo@unep.org](mailto:unepinfo@unep.org)>, UNFCCC <[secretariat@unfccc.int](mailto:secretariat@unfccc.int)>, UN CCD <[secretariat@unccd.in](mailto:secretariat@unccd.in)>, Prof Ramesh Chand <[rc.niti@gov.in](mailto:rc.niti@gov.in)>, Secy MoA <[secy-agri@nic.in](mailto:secy-agri@nic.in)>, cSTEP <[cpe@cstep.in](mailto:cpe@cstep.in)>, TERI <[mailbox@teri.res.in](mailto:mailbox@teri.res.in)>, CPR India <[cprindia@cprindia.org](mailto:cprindia@cprindia.org)>  
Date: 22-06-18 17:50  
Subject: Comments on Draft review of CITES .... Not of wild Source. Notification no 2018/048 dt 15 May 2018

---

Respected sirs

I thank for your initiative to resolve the ambiguities and confusion in understanding in CITES provision for "not from wild source"

We, dry land farmers who grow an endangered species, Red Sanders ( *Pterocarpus santalinus*) are suffering due to these kind of lapses.

We have been representing to government of India, IUCN and CITES for some time.

Please find recent representation to IUCN

<https://www.slideshare.net/GanesanRP/red-sanders-is-not-an-endangered-species-representation-to-iucn-by-rp-ganesan>

We understand that even if IUCN delist's it from redlist, the restriction will not go till CITES updates it. So we are trying out in all directions to remove the lapses and remove hurdles for export of Red sanders wood from small dry land farmers, which is a medicine also.

Please find the comments on "DRAFT REVIEW OF CITES PROVISIONS RELATING TO THE TRADE IN SPECIMENS OF ANIMALS AND PLANTS NOT OF WILD SOURCE" in presentation / pdf format.

I am not a Biologist, but an engineer turned treeculturist. So please bear with me for any errors.

But know that Trees are healthy wealth of the globe.

<http://wca2014.org/healthy-wealth-from-degraded-dry-lands-with-trees/>

Thanking you

RP Ganesan  
A stack holder - An endangered tree grower  
Hosur  
India

## Comments on

REVIEW OF CITES PROVISIONS RELATING TO THE TRADE IN  
SPECIMENS OF ANIMALS AND PLANTS NOT OF WILD SOURCE

Refer notification no. 2018/048 dt 15 May 2018

By Ganesan RP - A stack holder  
( An Endangered species Tree grower)

**Communication address**  
H 96, New ASTC Hudco,  
Hosur 635109,  
Tamilnadu state, India  
ganesanrp@gmail.com

## A Big Thanks

**For recognizing the ambiguities and confusion in  
Artificially propagated source and related regulations**

1000s of dry land endangered Red Sanders tree growing  
farmers in India are suffering due to these ambiguities &  
confusion

Refer our struggle

[https://www.slideshare.net/GanesanRP/red-sanders-  
action-required-by-govt-of-india-and-progress](https://www.slideshare.net/GanesanRP/red-sanders-action-required-by-govt-of-india-and-progress)

(google Red sanders action required by govt of India)



## Nurseries, Line - 454

- In India nursery is referred to place where tree sapling are produced not the trees grown.
- So better to use some other word
  - Farmlands or
  - Private farm land by farmers / companies.

## Distinguish Wild Vs Farmers land clearly

- In parties like India there is no separate policy & procedures for wild and farmers land (propagated source)
- FAO itself is under the process of defining “Forest”.
- CITES uses word wild
- So please add definitions for wild, forest and farmlands including in article I of CITES.

## Please specify clearly

- Even though CITES encouraged artificially propagated material particularly by farmers to meet the demand & additional income for them.
- So, please clearly specify “ All species artificially propagated by the farmers in their private land should not be restricted for international trade”, just ensure only the authenticity of felling at farmer’s land. Preferably in article III, IV, V & VII

It is very easy for trees.

## Better sub-classify forest land

- Forest land in India is
  - Govt land
  - Comes under the control of Forest department of Ministry of Environment , Forest and climate change
  - Subclassification
    - Reserve Forest, may be wild as per CITES
    - Plantation forest, Artificially propagated
    - But no semi-natural forest classification in India
- Need not allow felling and trade of appendix I, II & III species from plantation forest also.
- Shall be allowed once it comes out of IUCN Redlist.

## A permanent setup for CITES

- The official in MA / SA are often get transfer. So, they are not getting familiar with CITES provisions.

### **Solution**

- Better insist for permanent setup like National Biodiversity Authority
- And insist for CITES certification in MAs, SAs and Colleges
- Insist at least 5 persons from SA and 5 Persons from MA for CITES certification

## Permission / Certification

- Tree growing farmers are bombarded with many certification from many departments.
- Simplify, as small farmers like India (small holding), can not understand complex procedures
- One certificate from SA, after verifying with revenue records proving famers private land shall be allowed for export.
- We find forest range officers are not familiar with any of CITES provisions.

## Born Vs Bred Line 45 (table)

- Needs more clarity and clear definition between born and bred
- This table is good.

## Define Treeculture (Agroforestry)

- Like agriculture, horticulture, sericulture, apiculture, define “Treeculture”
- Treeculture is better than Agroforestry
- The word forest implies “**wilderness**”
- The word culture implies “**artificial propagation**”



## Sub- classify Artificially Propagated source code 'A''

- Under artificially propagated source, there shall be difference between
  - Propagated at Farmers land (A1),
  - Propagated at Non forest public lands (A2)
  - and Propagated at forest lands (A3).
- A1, source materials should be facilitated for easy trade.
- A3, forest wood should be restrictive

## Conservation measure

- Even if is artificially propagated in forest land, don't allow it export as long as the species in Endangered list / Redlist
- At least insist them to plant 5 times of tree to be felled in the planted forest 5 years before applying for permission to fell.
- Even for confiscated source, insist them as above before trade.

## Confiscated source

- Govt gets income while exporting confiscated endangered materials.
- Insist to propagate 5 times of the trees that would be felled.
- Next permission shall be after proving that the planted species has grown at least 10 ft height. ( similar method for other species)

## Software / On-line

- Create a software, incorporating provisions and explanations.
- Online application with required details and proofs.
- Monitor the permissions with time frame.
- If permission are denied, let them record the reason.
- The reasons shall be monitored by CITES HO Expert group

## Table, Line 236

- The table is good
- Better to create such table for easy understanding, compare and choose.

- IUCN / CITES objective are good
- Needs to make it more clear with simple language and on-line software application method
- These provisions shall shall be made part of education at college levels

Thanking you



## GLOBAL EYE

### NOTIFICATION 2018/048 – COMMENTS

---

Lines 137 – 143: Discusses the relative potential benefits and drawbacks of captive breeding for conservation, and then makes the statement “*There seems to be little empirical evidence to support either of these hypotheses*”.

This statement is not accurate and does not reflect the number of scientific studies presented in peer reviewed literature available that discuss these mechanisms and the many papers which support the hypothesis that captive breeding does not provide conservation benefit to the species being bred, as demand for wild caught remains high, and in many cases drives demand for the wild caught species.

Some such papers are as follows, this list is not exhaustive, but provides evidence of the scientifically reviewed empirical information available. These papers also contain large number of other relevant papers to this topic:

Drury, R., *Reducing urban demand for wild animals in Vietnam: examining the potential of wildlife farming as a conservation tool*, Conservation Letters – A Journal of the Society for Conservation Biology, 2009

Brooks, E.G.E, *The conservation impact of commercial wildlife farming of porcupines in Vietnam*, Biological Conservation, Vol 143, Issue 11, 2808-2814, 2010

Bush, E. R, Baker, S. E., Macdonald, D. W., *Global Trade in Exotic Pets 2006-2012*, Conservation Biology, Vol 28, No. 3, 663-676, 2014

Lyons, J. A. & Natusch, D. J. D, *Wildlife laundering through breeding farms: Illegal harvest, population declines and a means of regulating the trade of green pythons (Morelia viridis) from Indonesia*, Vol 144, Issue 12, 3073-3081, 2011

Williams, S. J., Jones, J. P. G., Annewandter, R. and Gibbons, J. M., *Cultivation can increase harvesting pressure on overexploited plant populations*, Ecological Society of America, 24 (8), 2050-2062, 2014

Bulte, E.H. & Damaniat, R., *An Economic Assessment of Wildlife Farming and Conservation*, Conservation Biology, 19 (4), 1222-1233, Conservation Biology, 2004

Kirkpatrick, R.C & Emerton, L, *Killing Tigers to Save Them: Fallacies of the Farming Argument*, Conservation Biology, Volume 24, No. 3, 655-659, 2009

Burivalova, Z. et al, *Understanding consumer preferences and demography in order to reduce the domestic trade in wild-caught birds*, Biological Conservation, 209: 423-431, 2017

Fleming, L.V., Douse, A. F. & Williams, N. P., *Captive breeding of peregrine and other falcons in Great Britain and implications for conservation of wild populations*, Endangered Species Research, Vol 14, 243-257, 2011

Fraser, D. J., *How well can captive breeding programs conserve biodiversity? A review of salmonids*, Evolutionary Applications, Vol 1, Issue 4, 2008

Dolman, P. M., Collar, N. J., Scotland, K. M., Burnside, R. J., *Ark or park: the need to predict relative effectiveness of ex situ and in situ conservation before attempting captive breeding*, Journal of Applied Ecology, Vol 52, Issue 4, 2015

**COMMENT:** This report should refrain from making sweeping statements such as that made in the above mentioned paragraph, which are inaccurate, and are likely to be picked up and repeated for years to come. As demonstrated above, there is significant amount of scientific data available on whether captive breeding is contributing to positive outcomes for the species involved. While there have been some success stories, the overwhelming data shows that commercial captive breeding does not provide the desired positive outcomes for the species, with many continuing to decline in the wild.







CITES Secretariat  
International Environment House  
Chemin des Anémones  
CH-1219 Chatelaine  
Geneva, Switzerland  
[info@cites.org](mailto:info@cites.org)

June 20, 2018

Subject: Notification No. 2018/048

Thank you for the opportunity to provide comments in response to Notification No. 2018/048. The United States Association of Reptile Keepers (USARK) offers the following comments for your consideration.

USARK is a non-profit education, conservation and advocacy organization promoting awareness, responsible care and professional unity for herpetofauna. USARK advocates for the practice of herpetoculture: the non-traditional agricultural pursuit of farming high quality captive bred reptiles and amphibians for conservation projects, zoos, museums, research facilities, education, entertainment and pets. USARK is dedicated to conservation through captive propagation, espouses the ideal of "preserving reptiles and amphibians for our future," and advocates a Keepers Code of Ethics. Members of USARK are veterinarians, researchers, academics, breeders, husbandry product manufacturers, feed producers, hobbyists and pet owners.

**Lines 193-194:** The Secretariat's draft review states that "[w]ith respect to Article VII.5., it is not clear if the use of certificates of captive breeding/artificial propagation is obligatory or not." What is clear, however, is that other Parties must accept such certificates ("a certificate ... shall be accepted in lieu of any of the permits or certificates required under the provisions of Article III, IV or V"). Accordingly, where the Management Authority is satisfied that a specimen of an animal species was bred in captivity and issues a certificate to that effect, the Convention states that it shall be accepted.

Instead of accepting such certificates as proof of the bona fide nature of the breeding program and the captive-bred status of the specimen(s) concerned, some Parties are effectively second-guessing the findings made by Parties of exporting countries. For example, earlier this year, agents with the U.S. Fish and Wildlife Service's (FWS) Office of Law Enforcement seized twenty-eight splash-back poison arrow dart frogs (*Adelphobates galactonotus*) at the Port of Miami despite the fact the shipment was accompanied by a valid CITES permit from the Dutch Management Authority. In this instance, the importer went above the legal requirements and also provided certification of the frogs' captive bred status and lineage of the parental stock. Furthermore, the documentation identified the frogs with the source code "C," which is all FWS regulations require. See 50 C.F.R. § 23.43(b)(1).

In effect, some Parties appear to be operating from a presumption that trade is illegal rather than the reality that the great majority of trade is perfectly in compliance with CITES requirements. Casting a shadow over all trade based on illegal or questionable trade by a few leads to disrupted

United States Association of Reptile Keepers (USARK)  
[www.USARK.org](http://www.USARK.org) | [info@USARK.org](mailto:info@USARK.org)





trade and transport, also potentially raising, even creating, welfare concerns. Therefore, as a general rule, the findings of Parties as evidenced by permits and certificates should be accepted by Parties for imports and the review mechanism established by Resolution Conf. 17.7 should be used to identify potential issues for animal species subject to significant levels of trade. Other compliance and enforcement mechanisms are available and obviously can be invoked in urgent cases, regardless of the level of trade. A more positive approach will be possible when some of the other implementation issues discussed below are addressed.

**Lines 261-265:** As the Secretariat notes, the standard CITES form is used both as a permit and as a certificate and checking of the “Other” box does not add clarity. USARK suggests the creation of a standalone form to be used for purposes of certificates issued under Article VII, paragraph 5. This will create greater clarity for governments, the regulated community, and customs officials. It also should lead to increased uniformity in understanding of and implementing the Convention for captive bred specimens.

**Lines 280-291:** USARK agrees that the examples in the annex of Resolution Conf. 5.10 (Rev. CoP15) raise significant questions and suggests the removal of text that is not found in the referenced resolutions. In particular, any text that imposes additional or new regulatory requirements not agreed by the Parties – such as the example provided by the Secretariat (i.e., that imports must be aimed as a priority at the long-term protection of the affected species) certainly should be deleted.

**Lines 322-341:** USARK agrees with the Secretariat’s description of the challenges to prove legal origin of, for example, founder stock acquired many years ago. To overcome these significant challenges, which include demands by some Parties of import for documentation from periods of time in which such documentation was not required, a different approach is needed going forward.

USARK supports the notion of simplification in the interest of harmonized interpretation and implementation of the Convention, noting, however, that an absolute restriction on augmenting breeding stock through the occasional addition of a specimen taken from the wild and/or trade in specimens born in captivity but which are not “demonstrably F2 or beyond” would be inappropriate and potentially adverse to conservation objectives.

Thank you for your time and have a good day.

Sincerely,  
/s/ Phil Goss  
President of USARK  
President@USARK.org  
[www.facebook.com/UnitedStatesAssociationOfReptileKeepers](http://www.facebook.com/UnitedStatesAssociationOfReptileKeepers)

United States Association of Reptile Keepers (USARK)  
[www.USARK.org](http://www.USARK.org) | [info@USARK.org](mailto:info@USARK.org)

