

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

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

Interpretation and implementation matters

Exemptions and special trade provisions

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

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

Background

2. Over the years, the proportion of reported trade in specimens of CITES-listed species taken from the wild has declined, while the proportion from various types of production systems, including captive breeding and artificial propagation, has increased. As reported in document [SC66 Doc. 41.1](#), today, over half of all reported commercial trade in CITES animal species involves specimens from non-wild sources. This trend is mirrored in relation to natural resources more generally. The Food and Agriculture Organization of the United Nations' (FAO) *State of World Fisheries and Aquaculture 2016* states that in terms of food supply, aquaculture provided more fish than capture fisheries for the first time in 2014. This trend is expected to continue.¹ Similarly, areas of planted forests are increasing, while those of natural forests are decreasing.²
3. Between the 16th (Bangkok, 2013) and 17th (CoP17, Johannesburg, 2016) meetings of the Conference of the Parties, Decisions 16.63 to 16.66 on *Implementation of the Convention relating to captive-bred and ranched specimens* were completed. Arising from their implementation, the Standing Committee made a number of proposals to the 17th meeting of the Conference of the Parties including the following two Decisions:

Decision 17.101 directed to the Secretariat

Subject to available resources, the Secretariat shall review ambiguities and inconsistencies in the application of Article VII paragraphs 4 and 5, Resolution Conf. 10.16 (Rev.) 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, submit the review to Parties and stakeholders for comments through a notification, and

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

¹ <http://www.fao.org/docrep/019/i3640e/i3640e.pdf>

² <http://www.fao.org/3/a-i4793e.pdf>

submit its conclusions and recommendations along with the comments of Parties and stakeholders to the Standing Committee.

Decision 17.106 directed to the Standing Committee

The Standing Committee shall review the conclusions and recommendations of the Secretariat under Decision 17.101 and make recommendations to the Conference of the Parties as appropriate.

4. In proposing these two Decisions to CoP17, the Committee noted that more attention needed to be paid to the control of trade in specimens claimed to have been bred in captivity or ranched. Concerns were noted particularly about the confusing and challenging nature of the wording of current CITES Resolutions, about insufficient checks on the legal origin of the breeding stock used in captive-breeding facilities and about the establishment of captive-breeding facilities outside the country of origin of the specimens and species concerned.

Conduct of the review of ambiguities and inconsistencies in the application of Article VII paragraphs 4 and 5 and related Resolutions under Decision 17.101

5. Based on its experiences and interactions with Parties, the Secretariat prepared a preliminary draft of the Review through a desk study. This was submitted to the Standing Committee at its 69th meeting (Geneva, November 2017) in document [SC69 Doc. 32](#). The Standing Committee noted document SC69 Doc. 32 and established an intersessional working on captive-bred and ranched specimens, chaired by the United States of America, with the mandate to provide advice to the Secretariat, upon request, in their fulfilment of Decision 17.101.
6. After having received extensive comments from the Committee's intersessional working group, the Secretariat submitted a revised version of the review report to Parties and stakeholders for comments through Notification to the Parties [No. 2018/048](#) of 15 May 2018.
7. Responses to the Notification to the Parties were received from the following Parties: Brazil, Canada, European Union, Mexico, New Zealand, and Thailand and from the following stakeholders: Environmental Investigation Agency (UK), R.P. Ganesan, Global Eye and the United States Association of Reptile Keepers.
8. Based on the review of the ambiguities and inconsistencies in the application of Article VII paragraphs 4 and 5 and associated Resolutions, the Secretariat submitted its conclusions and recommendations along with the comments of Parties and stakeholders on the review to the Standing Committee in document SC70 Doc. 31.1.
9. The Standing Committee considered many of the Secretariat's recommendations were premature and that further discussion of the issues surrounding the regulation of trade in specimens which had not been taken from the wild was required.
10. Consequently, the Standing Committee agreed to propose to the Conference of the Parties at its 18th meeting the draft decisions below in order to advance the work reflected in document [SC70 Doc. 31.1](#).

Directed to the Animals and Plants Committees

18.AA The Animals Committee, at AC31, and the Plants Committee, at PC25, shall consider the Secretariat's update of the review of CITES provisions related to trade in specimens of animals and plants not of wild source in Annex 7 of document SC70 Doc. 31.1, identify the key scientific issues and challenges in the application of the Convention to non-wild specimens, and provide their recommendations to address these issues and challenges to the Standing Committee in time for SC73.

Directed to the Standing Committee

18.BB The Standing Committee shall:

- a) consider at SC73 the Secretariat's update of the review of CITES provisions related to trade in specimens of animals and plants not of wild source in Annex 7 of document SC70 Doc. 31.1; the underlying CITES policy assumptions that may have contributed to the uneven application of Article VII, paragraphs 4 and 5; the Secretariat's recommendations in the Annexes to SC70

Doc. 31.1; and the recommendations of the Animals and Plants Committees under Decision 18.AA; and

- b) review the key issues and challenges in the application of the Convention to non-wild specimens and make appropriate recommendations, including amendments to existing Resolutions or development of a new Resolution or Decisions, to address these issues and challenges for consideration at the 19th meeting of the Conference of the Parties.
11. The Standing Committee further noted the Secretariat would, as stated in document SC70 Doc. 31.1, update the review of CITES provisions related to trade in specimens of animals and plants not of wild source, in Annex 7 to document SC70 Doc. 31.1, for consideration by Parties at CoP18.
 12. It should be noted that the Standing Committee also agreed to submit three draft decisions related to trade in specimens of artificially propagated Appendix-I species grown from wild-collected seeds or spores/propagules to the Conference of the Parties for adoption. The results of this work would have a bearing on that referred to in the present document. These are detailed in document CoP18 Doc. 59.2.

Recommendations

13. The Standing Committee recommends that the Conference of the Parties adopts the following draft decisions:

Directed to the Animals and Plants Committees

18.AA The Animals Committee, at AC31, and the Plants Committee, at PC25, shall consider the Secretariat's update of the review of CITES provisions related to trade in specimens of animals and plants not of wild source in Annex 7 of document SC70 Doc. 31.1, identify the key scientific issues and challenges in the application of the Convention to non-wild specimens, and provide their recommendations to address these issues and challenges to the Standing Committee in time for SC73.

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- a) consider at SC73 the Secretariat's update of the review of CITES provisions related to trade in specimens of animals and plants not of wild source in Annex 7 of document SC70 Doc. 31.1; the underlying CITES policy assumptions that may have contributed to the uneven application of Article VII, paragraphs 4 and 5; the Secretariat's recommendations in the Annexes to SC70 Doc. 31.1; and the recommendations of the Animals and Plants Committees under Decision 18.AA; and
 - b) review the key issues and challenges in the application of the Convention to non-wild specimens and make appropriate recommendations, including amendments to existing Resolutions or development of a new Resolution or Decisions, to address these issues and challenges for consideration at the 19th meeting of the Conference of the Parties.
14. The Standing Committee also agreed to consider establishing, at its 72nd meeting, an intersessional working group to carry out Decision 18.BB, if adopted, so that work may begin as soon as possible following CoP18.

COMMENTS OF THE SECRETARIAT

- A. Having undertaken the review of ambiguities and inconsistencies in the application of Article VII, paragraphs 4 and 5, and related resolutions called for in Decision 17.101, the Secretariat is well aware that this is a complex matter and understands the Standing Committee's wish for the Animals, Plants and Standing Committees to undertake further reflection before making recommendations to the Conference of the Parties.
- B. The Secretariat will make available at the Conference of the Parties an update of the review of CITES provisions related to trade in specimens of animals and plants not of wild source, incorporating comments from Parties and other stakeholders in Annex 8 of document SC70 Doc. 31.1.
- C. The Secretariat considers that the suggested timeframe constrains the Committees unnecessarily. As the Standing Committee's report is due for consideration at CoP19, the Committee can finalize its report at SC74. Likewise, the Animals and Plants Committees can address this matter at AC31, AC32, PC25 or PC26. As this is a complex issue, the Secretariat recommends that the Committees be permitted to work at their own pace to arrive with a carefully considered report for CoP19. Consequently, the Secretariat recommends the following amendments to the draft decisions:

Directed to the Animals and Plants Committees

- 18.AA The Animals Committee, ~~at AC34~~, and the Plants Committee, ~~at PC25~~, shall consider the Secretariat's update of the review of CITES provisions related to trade in specimens of animals and plants not of wild source in Annex 7 of document SC70 Doc. 31.1, identify the key scientific issues and challenges in the application of the Convention to non-wild specimens, and provide their recommendations to address these issues and challenges to the Standing Committee ~~in time for SC73~~.

Directed to the Standing Committee

- 18.BB The Standing Committee shall:
 - a) consider ~~at SC73~~ the Secretariat's update of the review of CITES provisions related to trade in specimens of animals and plants not of wild source in Annex 7 of document SC70 Doc. 31.1; the underlying CITES policy assumptions that may have contributed to the uneven application of Article VII, paragraphs 4 and 5; the Secretariat's recommendations in the Annexes to SC70 Doc. 31.1; and the recommendations of the Animals and Plants Committees under Decision 18.AA; and
 - b) review the key issues and challenges in the application of the Convention to non-wild specimens and make appropriate recommendations, including amendments to existing Resolutions or development of a new Resolution or Decisions, to address these issues and challenges for consideration at the 19th meeting of the Conference of the Parties.
- D. As Decisions 17.101 and 17.106 have been completed, the Secretariat recommends that they be deleted.

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

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

The proposals will not have any direct budgetary implications, but will have workload implications for the Animals, Plants and Standing Committees.