

DUTIES OF THE CITES SCIENTIFIC AUTHORITIES AND SCIENTIFIC REVIEW GROUP UNDER REGULATIONS (EC) No 338/97 AND (EC) No 865/2006¹.

REGULATION (EC) No 338/97		
ESTABLISHMENT		
Article	Duty	
Article 13.2	Designation of one or more scientific authorities with appropriate qualifications whose duties are separate from those of any designated management authority.	
Article 17.1	SRG established consisting of representatives of each Member State's scientific authority or authorities and chaired by the Commission.	
Article 17.2 (a)	SRG to examine any scientific question relating to the application of the Regulation - in particular Arts 4.1(a), 4.2(a) and 4.6 - raised by the chairman either on his own initiative or at the request of the members of the SRG/Committee.	
Article 17.2(b)	Commission to convey the opinions of the SRG to the Committee.	
IMPORT/EXPORT PERMITS		
Article	Duty	Relevant considerations
ANNEX A-IMPORTS		
Article 4.1(a)(i)	Advise that the introduction into the EU would not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species.	Attachment A
Article 4.1(a)(ii)	Advise that the introduction into the EU is taking place for: <ul style="list-style-type: none"> - the advancement of science, where the species proves to be the only one suitable and where no captive-bred specimens are available - breeding or propagation purposes from which conservation benefits will accrue to the species - research or education aimed at the preservation or conservation of the species - other purposes which are not detrimental to the conservation of the species. 	Attachment B
Article 4.1(c)	Be satisfied that the intended accommodation for a live specimen at the place of destination is adequately equipped to conserve and care for it properly.	Attachment C
Article 4.1(e)	Be satisfied that there are no other factors relating to the conservation of the species which militate against issuance of the import permit.	Attachment D
Article 6	When a Member State rejects an application for a permit or certificate referred to in Articles 4, 5 and 10, in a case of significance in respect of the objectives of Regulation (EC) No 338/97, it shall immediately inform the Commission.	Attachment A
ANNEX B-IMPORTS		
Article 4.2(a)	Advise, after examining available data and considering any opinions from the SRG, that the introduction into the EU would not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species, taking account of current or expected levels of trade.	Attachment A
Article 4.2 (c)	Be satisfied that there are no other factors relating to the conservation of the species which militate against issuance of the import permit.	Attachment D
Article 6	When a Member State rejects an application for a permit or certificate referred to in Articles 4, 5 and 10, in a case of significance in respect of the objectives of Regulation (EC) No 338/97, it shall immediately inform the Commission.	Attachment A
ANNEX A-EXPORTS		
Article 5.2 (a)	Advise, in writing, that the capture or collection of the specimens in the wild or their export will not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species.	Attachment A

¹ Agreed on 6 February 2017.

Article 5.2 (d)	Be satisfied that there are no other factors relating to the conservation of the species which militate against issuance of the export permit.	Attachment D
Article 6	When a Member State rejects an application for a permit or certificate referred to in Articles 4, 5 and 10, in a case of significance in respect of the objectives of Regulation (EC) No 338/97, it shall immediately inform the Commission.	Attachment A
ANNEX B-EXPORTS		
Article 5.4	Advise, in writing, that the capture or collection of the specimens in the wild or their export will not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species.	Attachment A
Article 5.3	Be satisfied that there are no other factors relating to the conservation of the species which militate against issuance of the export permit.	Attachment D
Article 6	When a Member State rejects an application for a permit or certificate referred to in Articles 4, 5 and 10, in a case of significance in respect of the objectives of Regulation (EC) No 338/97, it shall immediately inform the Commission.	Attachment A
ANNEX C-EXPORTS		
Article 5.4	Advise, in writing, that the capture or collection of the specimens in the wild or their export will not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species.	Attachment A
Article 5.3	Be satisfied that there are no other factors relating to the conservation of the species which militate against issuance of the export permit.	Attachment D
ANNEX A-RE-EXPORT		
Article 5.3	Be satisfied that there are no other factors relating to the conservation of the species which militate against issuance of the export certificate.	Attachment D
ANNEX B-RE-EXPORT		
Article 5.4	Be satisfied that there are no other factors relating to the conservation of the species which militate against issuance of the export certificate.	Attachment D
ANNEX C-RE-EXPORT		
Article 5.4	Be satisfied that there are no other factors relating to the conservation of the species which militate against issuance of the export certificate.	Attachment D

INTRA-EU MOVEMENT OF ANNEX A LIVE SPECIMENS		
Article 9.2 (b)	Be satisfied that the intended accommodation at the place of destination in the county of a given SA for a live specimen (of animal or plant) of: <ul style="list-style-type: none"> - a species listed in Annex A - source other than A, C or D - moved within the Community from the location indicated in the import permit or in any certificate issued in compliance with this Regulation is adequately equipped to conserve and care for it properly. An opinion is given to the Management Authority of the Member State in which the specimen is located before the movement (i.e. the authority that received the application for issuing a <i>certificate for movement of live specimen</i>).	Derogation of article 7.1 (a) of Regulation 338/97; Criteria in Article 54 and 56 of Regulation 865/2006; Attachment C

CONFISCATIONS		
Article	Duty	Relevant considerations
Article 16.3 (a)	Advise the competent authority about the placement or disposal of confiscated specimens.	Attachment J

SRG VIEW ON PROPOSED COMMISSION IMPORT RESTRICTIONS		
Article	Duty	Relevant considerations
ANNEX A-IMPORTS		
Article 4.6 (a)	Restrictions because the introduction into the EU would have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species.	Attachment A
Article 4.6 (a)	Restrictions because there are other factors relating to the conservation of the species which militate against issuance of the import permit.	Attachment D

ANNEX B-IMPORTS		
Article 4.6 (b)	Restrictions because after examining available data, the SRG cannot confirm that the introduction into the EU would not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species, taking account of current or expected levels of trade.	Attachment A
Article 4.6 (b)	Restrictions because there are other factors relating to the conservation of the species which militate against issuance of the import permit.	Attachment D
Article 4.6 (c)	Restrictions on live specimens because the species concerned has a high mortality rate during shipment or for which it has been established that they are unlikely to survive in captivity for a considerable proportion of their potential life span.	Attachment E
ANY SPECIES-IMPORTS		
Article 4.6 (d)	Restrictions on live specimens because it has been established that their introduction into the EU presents an ecological threat to wild species of fauna and flora.	Attachment F
Article 6	When a Member State rejects an application for a permit or certificate referred to in Articles 4, 5 and 10, in a case of significance in respect of the objectives of Regulation (EC) No 338/97, it shall immediately inform the Commission.	Attachment A

REGULATION (EC) No 865/2006		
Article	Duty	Relevant considerations
Article 11.3	Advise the MA where there are other factors relating to the conservation of the species that militate against issuance of a specimen-specific certificate, specifically in relation to: - Certificates provided for in Article 8.3 of Regulation 338/97 (certificate for commercial use)	Attachment I
Article 54	Advise the MA that a specimen of an animal species is born and bred in captivity, specifically in relation to: - import of Annex A and B specimens (Article 4.1(a)(i) and (e), Art. 4.2(a) and (c), Art. 7.1 of Regulation 338/97). - export of Annex A and B specimens (Article 5.2(d) and Art. 5.4) - certificates (Art. 8.3 (d) of Regulation 338/97, Art. 48.1 (c)(d) and 59.2 of Regulation 865/2006).	Criteria in Article 54 of Regulation 865/2006. Attachment G
Article 56	Be satisfied that a given specimen is artificially propagated, specifically in relation to: - import of Annex A species (Art. 7.1 of Regulation 338/97).	Criteria in Article 56 of Regulation 865/2006
Article 59.2	Be satisfied that the exemption for specimens referred to in Article 8.3(d) of Regulation (EC) No. 338/97 have been satisfied, specifically in relation to: - exemption certificates issued to captive-bred and artificially propagated specimens (Article 54, 55 and 56 of EC Regulation 865/2006)	Criteria in Articles 54, 55 and 56 of Regulation 865/2006
Article 59.3	Be satisfied that the exemptions referred to in Article 8(3) (e) to (g) have been satisfied, specifically in relation to: - imports of Annex A specimens (Article 4.1(a)(ii) - certificates issued to Annex A specimens under Article 10 of EC Regulation 338/97 to allow commercial use - imports of Annex B specimens subject to an Article 4(6) import restriction (Article 71.4(b) EC Regulation 865/2006	Attachment B
Article 60	Advise the MA that scientific institutions applying for a certificate exempting Annex A specimens held in their collection from the prohibitions of Article 8(1) are intended for captive breeding or artificial propagation from which conservation benefits will accrue to the species, or for research or education aimed at the preservation or conservation of the species.	Attachment H
Article 70	Advise the MA on any amendments that the Commission proposes making to the species listed in Annexes B, C or D.	Criteria in Article 3 of Regulation 338/97

CONTEXT

Advise that introduction into, or export from, the EU would not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species.

Article 4.1(a)(i) - Annex A imports

Article 4.2(a) - Annex B imports

Article 5.2 (a) - Annex A exports

Article 5.4 - Annex B exports

Article 4.6 (a) - Annex A Commission import restrictions

Article 4.6 (b) - Annex B Commission import restrictions

Non-detriment findings

The non-detriment finding should be based on proportionate resource assessment methodologies outlined in Resolution Conf. 16.7, which may include, but are not limited to, consideration of:

Species characteristics

- life history characteristics
- distribution
- habitat adaptability
- migratory/shared
- risk of mortality after capture and before export (for species where the trade is primarily in live specimens)

Biological and conservation status

- abundance
- present/past distribution
- population structure, status and trend (in harvest area, nationally and internationally)
- conservation status (in harvest area, nationally and internationally)
- quality of data
- genetic status/diversity

Harvest characteristics

- types
- volumes
- segment of population (e.g. age, sex)
- trends (historical and current levels and patterns)
- data quality
- conversion characteristics
- (irreversible) effects of the harvest on the habitat

Management regime

- Aims of management regime
- measures currently in place / proposed
- adaptive management strategies
- levels of compliance
- tenure
- effectiveness
- % harvested vs. effectively protected

Conservation benefits

- species/habitat
- other conservation benefits
- local benefits
- other benefits

Threats

- intrinsic and extrinsic factors

Monitoring programmes

- population, including monitoring of proxy indicators
- off take (including market make-up and demand)
- feedback (results are being used to inform and adapt management)

Current or expected anticipated trade levels (imports of Annex B species only)

- past trade history
- volume of legal and illegal trade (known, inferred, projected, estimated)
- existence of any voluntary export quotas set by exporting countries and compliance with these
- predicted or perceived demand in the EU
- level of demand for replacement specimens of those species with a poor survival rate in captivity

The sources of information that may be considered when making a non-detriment finding include, but are not limited to:

- A. relevant scientific literature concerning species biology, life history, distribution and population trends;
- B. details of any ecological risk assessments conducted;
- C. scientific surveys conducted at harvest locations and at sites protected from harvest and other impacts; and
- D. relevant knowledge and expertise of local and indigenous communities;
- E. consultations with relevant local, regional and international experts; and
- F. national and international trade information such as that available via the CITES trade database maintained by UNEP-WCMC, publications on trade, local knowledge on trade and investigations of sales at markets or through the Internet for example.

Further reference material is available, but is not limited to:

- Scientific Authorities are recommended to consider the information included in the Annex to document AC26/PC20 Doc. 8.4 and any subsequent updates available on the CITES website <http://www.cites.org/eng/prog/ndf/index.php> as reference material when making NDF's.
- International Expert Workshop on CITES Non-Detriment Findings, Cancun, Mexico, November 2008 http://www.conabio.gob.mx/institucion/cooperacion_internacional/TallerNDF/taller_ndf.html
- Reference guide produced by the European Commission and TRAFFIC to the *Wildlife Trade Regulations* http://ec.europa.eu/environment/cites/pdf/2007_referenceguide2_en.pdf
- Resolution Conf 16.7 encourages Parties to share their non-detriment findings and the methodology that they use. Member States already share documentation to support their opinions and may wish to consider whether they have further material that could be provided to non-EU Parties in support of capacity development.

Non-detriment findings for timber

A 9-step guidance document which provides assistance with making non-detriment findings (NDFs) for tree species was presented at SRG76 and is available both on CIRCABC and via the Species+ document [library](#)¹. It consists of guidance text and MS Excel worksheets, which are designed to document the details of the NDF-process. The main steps involved in the NDF process for assessing imports of timber are outlined below:

- Steps 1-3 involve the evaluation of whether a detailed, science-based NDF is needed for the species and specimens concerned. Early decision (short cut to Step 9) can be made in some cases.
- Steps 4-7 involve the evaluation of conservation concerns, intrinsic biological risks, harvest impacts, and trade impacts relevant to the species concerned.
- Step 8 involves the evaluation of whether the management measures in place are sufficiently rigorous to mitigate the concerns, risks, and impacts identified.
- Step 9 involves the making of an NDF or other advice to the Management Authority based on the outcomes of Steps 1-8.

¹ https://www.speciesplus.net/#/documents?geo_entities_ids=&event_type=EcSrg&events_ids=256

Assessment of applications for captive-born specimens (source code F)

Whilst decisions on imports for source code F specimens may require a case-by-case assessment based on the relevant facility, it may be appropriate to form a country-level opinion on the basis of whether the following criteria are met:

- a) there is a published quota (source code F),
- b) details of all of the breeding operations contributing to that quota have been provided,
- c) if wild specimens are regularly introduced into breeding facilities, the off-take levels are determined not to be detrimental,
- d) production levels overall are biologically feasible, and
- e) reassurances that source F specimens can be adequately distinguished from wild or other sourced specimens in trade.
- f) the founder stock for the facilities concerned were acquired without detriment to the wild population

SRG opinions and consultation process

The introduction into the EU of Annex A or B species requires that any opinions formed by the SRG are taken into consideration; they are expected to be followed by individual EU Member States (MS) when assessing import applications, unless new information has become available to be taken into consideration, as per Article 4 of Council Regulation (EC) No. 338/97.

SRG opinions given in relation to the advice on imports of Annex A or B species remain valid for subsequent import permit requests, as long as the conservation status and trade levels have not changed significantly. To ensure that adequate monitoring takes place and that trade into the EU does not contribute to the decline of any species in the wild, Management Authorities (MA) are encouraged to keep their Scientific Authorities (SA) informed of permits issued so that they can determine when circumstances have changed or a 'non-detriment finding' (NDF) is in need of review.

There are five types of SRG opinions:

- Positive:** Given current or anticipated levels of trade, introduction into the EU would not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species.
- Negative:** The information available is insufficient to form a positive opinion and/or given current or anticipated levels of trade, introduction into the EU is likely to have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species. This type of opinion may be formalized as an import suspension after consultation with the SRG (published in *Suspensions Regulations*).
- No opinion i):** *No significant trade is anticipated.* The species is not currently (or is only rarely) in trade, and no significant trade in relation to the conservation status of the species is anticipated.
- No opinion ii):** *Decision deferred.* Insufficient data is available on which to issue a confident positive or negative opinion.
- No opinion iii):** *Referral to the SRG.* The species is not currently/only rarely in trade, but is of sufficient conservation concern that the SRG has determined that any relevant application (see applicability of opinions/suspensions below) must be referred to the SRG for a decision before a permit is issued or refused.

SA's may wish to consult with or inform the Commission and SRG at a specific stage during the advice process on import applications for species/country combinations for which an SRG opinion is not in place, but consultation may also be needed under certain circumstances if an opinion is already in place (Figure 1). Similarly, direct consultation by SA's with the CITES Authorities of exporting countries is also advisable in cases where an NDF cannot be made, especially in circumstances where the species/country combination in question have not been previously assessed by the SRG and no decisions have yet been formed (Figure 1). In these instances, it would be merited to communicate to the relevant MA that a response would be required within 10 working days so as not to prolong the process unnecessarily.

Opinions are not formed on a country level for captive-bred specimens, but SA's assessing applications may wish to inquire whether other MS have received similar applications and ask for any supporting information. Decisions may be communicated to the SRG to ensure common implementation of Article 54 of Regulation (EC) No 865/2006 at EU level; but in order to aid other SA's that may potentially need to assess similar applications, decisions and associated information should be made available via the Captive Breeding Database <http://captivebreeding.unep-wcmc.org/Account/LogOn?ReturnUrl=%2f>.

Checking of current opinions

Opinions formed through postal procedures are initially communicated via Commission Notes to all MS MA's and SA's, and are included in the list of opinions formed at meetings of the SRG (available in the 'Summary of Conclusions') after each meeting. These documents are circulated after the meetings and are also available in CIRCABC <https://circabc.europa.eu/faces/jsp/extension/wai/navigation/container.jsp> Furthermore, these opinions are entered into a database maintained by UNEP- WCMC: www.speciesplus.net².

Applicability of opinions/ suspensions

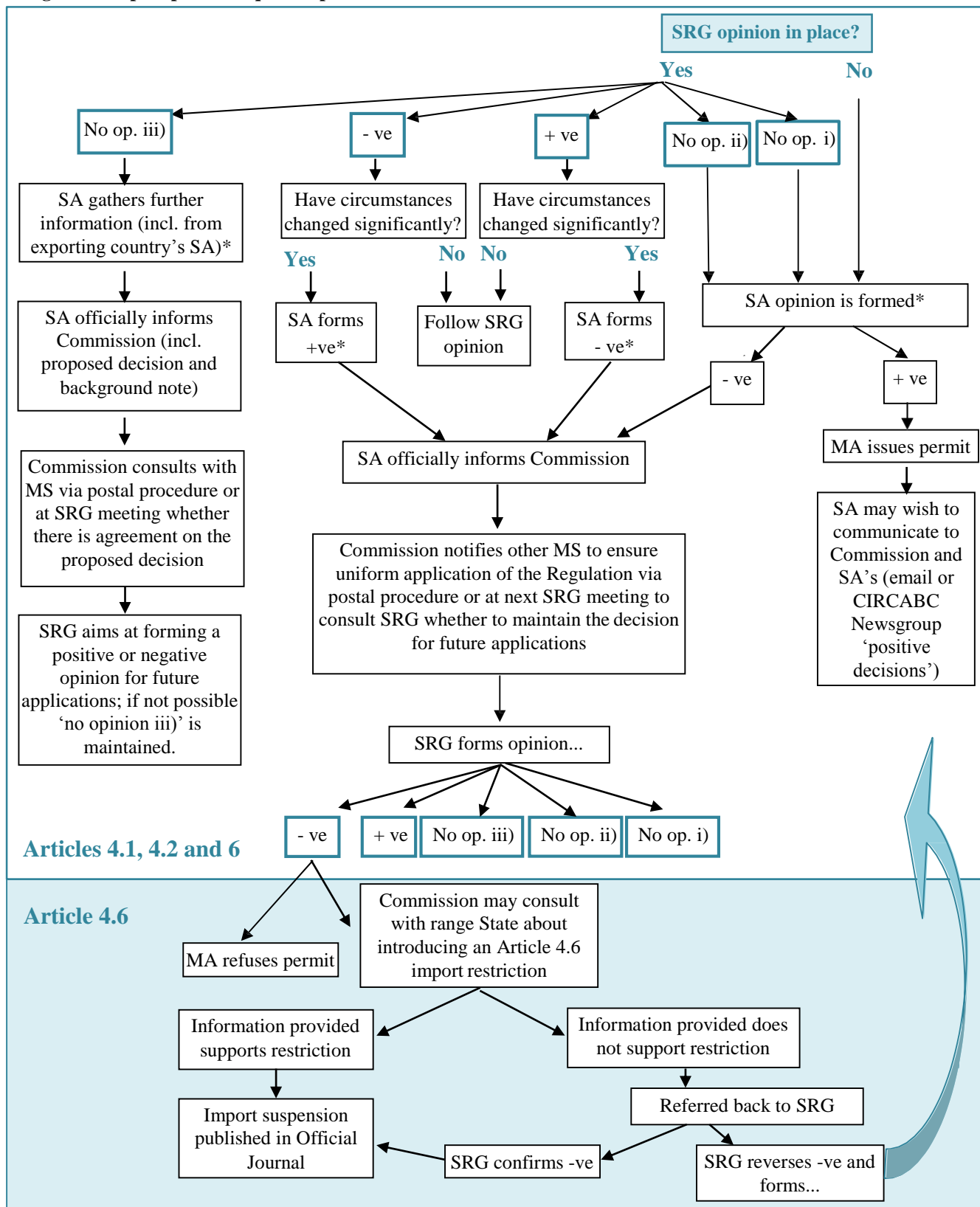
Article 7 of Council Regulation (EC) No. 338/97 introduces derogation for cases such as specimens in transit, personal and household goods, and specific transactions between scientific institutions. Therefore, under certain circumstances, imports are possible even if a negative opinion/suspension is in place, and referral to the SRG is not required even if a no opinion iii) is in place.

Articles 71.2 and 71.4 of Commission Regulation (EC) No. 865/2006 define the circumstances under which import restrictions put in place by the SRG may not apply. These are:

- where an **application for an import permit was submitted prior to the establishment of the restriction**, and the competent management authority of the Member State is satisfied that a contract or order exists for which payment has been made or as a result of which the specimens have already been shipped (Article 71.2);
- specimens **born and bred in captivity** in accordance with Articles 54 and 55, or artificially propagated in accordance with Article 56 (Article 71.4.a);
- specimens being imported **under exceptional circumstances for the advancement of science or for essential biomedical purposes** pursuant to Council Directive 86/609/EEC of 24 November 1986 on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes (6) where the species in question proves to be the only one suitable for those purposes and where there are no specimens of the species which have been born and bred in captivity (Article 71.4.b);
- specimens being imported for **breeding or propagation purposes from which conservation benefits** will accrue to the species concerned (Article 71.4.b);
- specimens being imported for **research or education aimed at the preservation or conservation of the species** (Article 71.4.b); and
- specimens, alive or dead, that are **part of the household possessions of persons moving into the Community to take up residence there** (Article 71.4.c).

²The full version is accessible to all SRG members; please contact species@unep-wcmc.org to obtain a username and password.

Figure 1: Import permit requests - process for Annex A and B taxa³



³ Other requirements must also be met, such as prior sight of export permit, etc.

* SA's that are assessing particular applications may want to consult with other MS SA's to gather more scientific information on particular species/country combinations. It is recommended that this consultation include any relevant documentation received regarding the application and that the Commission be copied in the exchange of comments between SA's. Similarly, it is advisable in certain cases for the Member State of import to contact the CITES Authorities in the country of export if there is specific information required (e.g. on the conservation status of management of the species in the country) that would support the making of a non-detriment finding.

CONTEXT

Advise on the purposes of the introduction into the EU to ensure that they are either one of those specified in Regulation 339/97 or another which is not detrimental to the survival of the species concerned.

Article 4.1(a)(ii) - Annex A imports

The purposes of introduction into the EU must be in line with agreed purposes (Table 1). Under Article 4.1(a)(ii) first indent, the purposes of introduction into the EU must be:

1. The advancement of science, where the species proves to be the only one suitable and where no captive-bred specimens are available (purpose code S or M); or

The following factors should be considered:

- The importance of the science concerned, as endorsed (or not) by the relevant independent technical body in the scientific field concerned.
- The possibility of using alternative species for the objective sought.
- The availability of captive bred specimens elsewhere in the world [applicability of this possibility for plants was apparently not considered in Regulation 338/97]

2. Breeding or propagation purposes from which conservation benefits will accrue to the species (purpose code B or G); or

The following factors should be considered:

- The conservation need for a captive breeding/artificial propagation project, taking account of similar activities elsewhere in the world and *in situ* conservation efforts or lack thereof
- The existence of captive/nursery specimens elsewhere in the world which could be used in place of wild-taken ones.
- The views of the exporting countries' Scientific Authority.
- The views of the relevant international and national studbook keeper or botanical gardens co-ordinator, where such exists.
- The views of the relevant IUCN Species Survival Specialists Group or other experts where such exist.
- The presentation of the case in terms of identification of objectives, planning and research prior to importation.
- The output of the project in terms of co-operation with others in the field and published material on propagation, breeding, husbandry and biology.
- The applicant's track record of captive breeding/artificial propagation generally and with the species in question in particular and the long-term viability of the project. Official/institutional support for the project.
- Photographic evidence of the breeding/propagation facility, where possible, to back up essential written information.
- Existence of any spin-off benefits from removal of specimens from the wild in the range State.

These are not presented in any order of priority and the degree to which any one of them will need to be considered will vary from case to case.

3. Research or education aimed at the preservation or conservation of the species (purpose code S or E); or

The following factors should be considered:

- The conservation need for a research or education project, taking account of similar activities elsewhere.
- The existence of captive/nursery specimens elsewhere which could be used in place of wild-taken ones.
- The views of the exporting countries' Scientific Authority.
- The views of relevant research or education authorities, where such exists.
- The views of the relevant IUCN Species Survival Specialists Group or other experts where such exist.

- The presentation of the case in terms of identification of objectives and planning.
- The output of the project in terms of co-operation with others in the field and published material on research or education.
- The applicant's track record of research or education generally and with the species in question in particular and the long-term viability of the project. Official/institutional support for the project.
- Existence of any spin-off benefits from removal of specimens from the wild in the range State.

4. Other purposes which are not detrimental to the conservation of the species.

Article 4.1(a)(ii) was not intended to undermine the fundamental principle that trade in specimens of Annex A species must only be authorized in exceptional circumstances. The task of the Scientific Authority is to determine whether the purpose of an import, other than those which are obviously primarily commercial, is detrimental to the survival of the species or not. There are no specific resolutions on the subject and no specific guidance within the Regulation. The SRG have determined that the only obvious case of an importation not being detrimental to the survival of the species is if it is clearly beneficial to its survival, i.e. if it produces significant and tangible conservation benefits for the species, or, in exceptional cases, if it is clearly benign but also produces wider benefits to society. The import of Annex A specimens which form part of personal or household effects as part of a change in residence may also be acceptable in exceptional circumstances.

Some examples of purposes that might meet these conditions are:

a) Hunting trophies (purpose code H)

Trophy hunting should be part of a careful species management plan that should, as appropriate:

- be based on sound biological data collected from the target population(s)
- clearly demonstrate that harvest levels are sustainable
- be monitored by professional biologists
- be promptly modified if necessary to maintain the conservation aims
- demonstrate that illegal activities are under control
- produce significant and tangible conservation benefits for the species
- provide benefits to, and be in co-operation with, the local people who share the area with or suffer by the species concerned

b) Re-introductions (purpose code N)

The translocation of 'surplus' specimens from one wild population to re-stock a population in another country or to restore a species, by re-introduction, to a part of its range from which it has been extirpated. Such programmes should be assessed against the IUCN re-introduction guidelines (<http://www.iucnsscrg.org/images/English.pdf>).

c) Educational (purpose code E)

In exceptional circumstances where such importation produces wider benefits to society (if not covered by paragraph 3 above). For example, an import by a museum for a temporary display on the culture of the Inuit which includes a narwhal carving, or a travelling exhibit of native American Indian artefacts that include headdresses with feathers from Appendix I parrots.

d) Law enforcement (purpose code L)

If such importation produces demonstrable conservation benefits or in exceptional circumstances where such importation produces wider benefits to society, for example, where the nature of the offence or enforcement activity is not directly related to an offence under CITES, e.g. tax evasion or fraud case.

e) Personal (purpose code P)

If such importation produces demonstrable conservation benefits or, in exceptional circumstances, e.g. where household effects are being imported under a change of residence with regard to a long-term pet that was legally acquired in the country of origin and without detriment to wild population.

Table 1: Treatment of purposes of Annex A import applications.

Purpose	Treatment
B: breeding in captivity or artificial propagation	Yes, under 1 st indent – 8.3.f (conservation benefit required)
E: Educational	Yes, under 1 st indent – 8.3.g (conservation benefit required) OR under 2 nd indent in exceptional circumstances where wider benefit to society
G: Botanical gardens	Yes, under 1 st indent – 8.3.f or 8.3.g (conservation benefit required)
H: Hunting trophies	Yes, under 2 nd indent - if conservation benefit
L: Law enforcement/judicial/forensic	Yes, under 2 nd indent - if conservation benefit OR in exceptional circumstances where wider benefit to society
M: Medical (including bio-medical research)	Yes, under 1 st indent – 8.3.e (exceptional circumstances etc)
N: Reintroduction or introduction into the wild	Yes, under 2 nd indent - if conservation benefit
P: Personal	No, unless under 2 nd indent – if conservation benefit OR in exceptional circumstances where household effects imported under change of residence
Q: Circuses and travelling exhibitions	No (Art. 4.1.(d))
S: Scientific	Yes, under 1 st indent - 8.3.e (exceptional circumstances etc), or 8.3.g (conservation benefit required)
T: Commercial	No (Art. 4.1.(d))
Z: Zoos	Yes, under 1 st indent – 8.3.f or 8.3.g (conservation benefit required)

CONTEXT

Be satisfied that the intended accommodation for a live specimen at the place of destination is adequately equipped to conserve and care for it properly.

Article 4.1(c) -Annex A imports

To be considered:

- environmental, nutritional and behavioural needs of the species
- size, design, arrangement and equipment of the intended accommodation for a live specimen
- bona fides and experience of the permit or certificate applicant

CONTEXT

Be satisfied that there are no other factors relating to the conservation of the species which militate against issuance of the import permit.

Article 4.1(e) -Annex A imports

Article 4.2 (c) -Annex B imports

Article 5.2 (d) -Annex A exports

Article 5.4 -Annexes B and C exports

Article 5.3 -Annex A re-exports

Article 5.4 -Annexes B and C re-exports

Article 4.6 (a) -proposed Commission restrictions on Annex A imports

Article 4.6 (b) -proposed Commission restrictions on Annex B imports

A full list of all conceivable factors would be impossible to compile, but examples are:

- recommendations from the CITES Animals-, Plants Committee or CITES Standing Committee
- serious concerns about the veracity of statements on the export permit
- unbelievable claims relating to the length of time that the specimens are said to have been in a third country prior to re-export
- unrealistic captive-breeding claims and/or discrepancies in details of captive breeding

CONTEXT

Comment on Commission proposals to restrict imports of live specimens because the species concerned has a high mortality rate during shipment or for which it has been established that they are unlikely to survive in captivity for a considerable proportion of their potential life span.

Article 4.6 (c) -Annex B imports

Live specimens subject to high mortality during shipment.

Comment on Commission import restriction proposals to respond to and implement recommendations arising from Conference Resolution 10.21:

- evaluate information collected under Article 69.3 of Regulation 865/2006
- definition of "high" mortality

Live specimens for which it has been established that they are unlikely to survive in captivity for a considerable proportion of their potential life span.

Comment on Commission import restriction proposals to be made on the basis of:

- determination of the potential life span of the species concerned – where this information is available
- comparison of rates of mortality between captive and wild specimens at different stages of their life history – where this information is available
- examination of any available evidence that the species is unlikely to survive in captivity for a considerable proportion of its potential lifespan – if known

CONTEXT

Comment on Commission proposals for import restrictions on live specimens because it has been established that their introduction into the EU presents an ecological threat to wild species of fauna and flora.

Article 4.6 (d) -species from any Annex

Comment on Commission proposals to be based on examination of the evidence of ecological threat to other native wild species of fauna and flora such as:

- evidence about invasive species from other sources e.g. Global Invasive Species Programme (GISP), Berne Convention studies
- interactions with native species through predation, competition, parasitisation, hybridisation or as a vector of disease etc
- likelihood of escape or deliberate release
- risk of establishment of specimens in the wild and geographical extent of the threat within the EU
- impact on animal and plant species of EU interest/species to be subject to special conservation measures (Directive 92/43/EEC, Annexes II and IV and Directive 79/409/EEC Annex I).
- likely efficacy of any restrictions adopted
- possible knock-on effects of restrictions established (e.g. replacement species in trade)

CONTEXT

Be satisfied that a specimen of an animal species is born and bred in captivity in accordance with Article 54 of Regulation (EC) No 685/2006

A specimen⁴ of an animal species shall only be considered to be born and bred in captivity when a competent management authority in consultation with a competent scientific authority of the Member State concerned is satisfied that:

- (1) It is, or is derived from, the offspring, born or otherwise produced in a controlled environment⁵ either of parents that mated or had gametes otherwise transferred in a controlled environment, if reproduction is sexual, or of parents that were in a controlled environment when development of the offspring began, if reproduction is asexual
- (2) The breeding stock⁶ was established in accordance with the legal provisions applicable to it at the time of acquisition and in a manner not detrimental to the survival of the species concerned in the wild;
- (3) The breeding stock is maintained without the introduction of specimens from the wild, except for the occasional addition of animals, eggs or gametes in accordance with the legal provisions applicable and in a manner not detrimental to the survival of the species concerned in the wild for the following purposes⁷ only:
 - i. to prevent or alleviate deleterious inbreeding, the magnitude of such addition being determined by the need for new genetic material;
 - ii. to dispose of confiscated animals in accordance with Article 16(3) of Regulation (EC) No. 338/97; or
 - iii. exceptionally, for use as breeding stock;
- (4) The breeding stock has itself produced second or subsequent generation offspring in a controlled environment, or is managed in a manner⁸ that has been demonstrated to be capable of reliably producing second generation offspring in a controlled environment.

⁴ These criteria also apply to specimens of Annex B species.

⁵ “a controlled environment” means an environment that is intensively manipulated by man, which may include artificial housing, waste removal, health care, protection from predators and artificially supplied food, for the purpose of producing specimens of the species in question. The boundaries should be designed to prevent animals, eggs or gametes of the species from entering or leaving the controlled environment.

⁶ “breeding stock” means all the animals in a breeding operation that are used for reproduction.

⁷ it should not be possible for a commercial captive breeding operation to import wild-taken specimens of Annex A species as these cannot be imported for primarily commercial purposes.

⁸ it is not necessary for a breeder to actually produce second-generation offspring himself, but must demonstrate that they are using a breeding method that is known to lead to the production of second-generation offspring. Each application needs to be assessed on its own merits on a case-by-case basis, taking into account the number of individuals in the breeding stock, access to unrelated F1 specimens, genetic management, previous breeding success, sex ratio, age at sexual maturity, species rarity in captivity, etc.

CONTEXT

Be satisfied that scientific institutions applying for a certificate exempting Annex A specimens held in their collection from the prohibitions of Article 8(1) are intended for captive breeding or artificial propagation from which conservation benefits will accrue to the species, or for research or education aimed at the preservation or conservation of the species.

Article 60 certificate – Regulation (EC) No 865/2006

The minimum standards expected of scientific institutions holding an Article 60 certificate are as follows (based on Res. Conf. 11.15 Rev. CoP12):

- collections of animal or plant specimens, and records ancillary to them, permanently housed and professionally curated;
- all accessions properly and permanently recorded;
- permanent records maintained for loans and transfers to other institutions holding an Article 60 certificate;
- specimens acquired primarily for purposes of captive-breeding or artificial propagation from which conservation benefits will accrue to the species, or for research aimed at the preservation or conservation of the species that is to be reported in scientific publication, or for purposes of education aimed at the conservation of the species;
- live specimens must be housed in accommodation that is adequately equipped to conserve and care for them properly;
- museum and herbarium specimens must be prepared and collections arranged in a manner that ensure their utility;
- all live Annex A animal specimens covered by the Article 60 certificate should be permanently marked with a uniquely identifying microchip, closed ring, tag or tattoo, etc. unless this is against veterinary advice, in accordance with Chapter XVI of Regulation (EC) No.865/2006;
- acquisition and possession of specimens accord with the laws of the State in which the scientific institution is located; and
- the certificate only covers those specimens of species included in Annex A centrally housed under the direct control of the scientific institution, and managed in a manner to preclude the use of such specimens for decoration, trophies or other purposes incompatible with the principles of Article 60.

CONTEXT

Be satisfied that there are no other factors relating to the conservation of the species that militate against issuance of a specimen-specific certificate, specifically in relation to:

Certificates provided for in Article 8.3 of Regulation (EC) No 338/97 (certificate for commercial use)

The SRG consider the purpose of a transaction-specific certificate (TSC) is to assist in enforcement of CITES [and domestic wildlife] legislation, allowing greater scrutiny of commercial activities involving Annex A species of European or global conservation concern. TSCs are considered by the Enforcement Group to be a practical tool to assist officers address compliance issues, by offering an audit trail and a starting point for investigations, as well as being a crime prevention measure, deterring the laundering of wild specimens into the system.

The SRG have agreed the following guiding principles to assist Member States in determining which species are likely to benefit from the stricter regulation that a TSC provides, to include:

Any live specimen (any source) of a species of European conservation concern and/or globally threatened by trade that are known, or believed, to be subject to illegal taking or illegal trade.

The following factors should be taken into consideration:

- *Status in captivity*: the captive-bred status and abundance of a species in captivity. [One interpretation of the above is that a species might not require a TSC if it is so readily available in captivity, due to captive breeding, that the likelihood of specimens being taken illegally from the wild are very small.]
- *Take from the wild/Trade status (illegal)*: levels of actual or potential illegal take and/or trade and whether it is having a detrimental impact on the conservation status of the species. [If there is no evidence to suggest that a species has been, or is likely to be, affected by illegal take and/or trade, or there is no evidence to demonstrate that the EU or Member State has been involved (directly or indirectly) in illegal take/trade then there is no obvious benefit from restricting to a TSC. Equally, some level of illegal take may occur which may be inconsequential when set against the size of the population.]
- *Take from the wild/Trade status (legal)*: whether a species has been traded legally historically, in what volume and whether the EU or Member State has been involved (directly or indirectly) in that trade.
- *Market demand/value*: the level of demand for live specimens for a particular species by falconers, breeders, zoological institutions or private keepers and others – some rare species command high prices which may drive illegal trade.
- *Other domestic controls*: e.g. whether the species is a registerable species.

CONTEXT

Provide advice to the competent authority on the placement or disposal of confiscated specimens:

Article 16.3 – Regulation (EC) No 338/97

Confiscated specimens shall be placed or otherwise disposed of under conditions which are deemed to be appropriate and consistent with the purposes and provisions of the CITES Convention and Regulation (EC) No 338/97. The MA is to consult with its SA and the decision must achieve the following (based on Resolution Conf. 10.7 (Rev. CoP15)):

- 1) maximize conservation value of the specimens without in any way endangering the health, behavioural repertoire, or conservation status of wild or captive populations of the species;
- 2) discourage further illegal or irregular trade in the species; and
- 3) provide a humane solution, whether this involves maintaining the animals in captivity, returning them to the wild, or employing euthanasia to destroy them.

Factors to be considered:

- conservation status (endangered or threatened species: evaluate whether and how these animals might contribute to a conservation programme for the species); and
- legal, social, economic and biological factors

For the placement or disposal of dead specimens of part and derivatives thereof, the SA may recommend *bona fide* scientific, educational, enforcement or identification purposes, or the saving in storage or destruction of specimens whose disposal for these purposes is not practicable.

For live specimens, the SA may recommend one of the following options:

A. Maintenance of the individuals in captivity

- *Rescue centres*: established specifically to treat injured or confiscated animals
- *Lifetime-care facilities*: devoted to the care of confiscated animals
- *Specialist societies or clubs*: devoted to the study and care of single taxa
- *Humane societies*: placement with private individuals who can provide humane lifetime care
- *Universities and research laboratories*: maintain collections of exotic animals for many kinds of research. Transfer to an establishment that conducts research under humane conditions may offer an option, and one which may eventually contribute information relevant to the species' conservation. In many cases, the lack of known provenance, and the potential that the animal has been exposed to unknown pathogens will make transfer to a research institution an unlikely option
- *Sale (Annex B, C and D only)*: parties involved in commercial activities can help offset the costs of confiscation. However, sale should only be considered in certain circumstances, such as where the animals in question are not threatened and not subject to a legal prohibition on trade and there is no risk of stimulating further illegal or irregular trade. Sale to commercial captive breeders may contribute to reducing the demand for wild-caught individuals. However, there is a risk of creating a public perception of the State's perpetuating or benefiting from illegal or irregular trade. It is also impossible to assure the welfare of the animals following placement, unless specific legal provisions apply

Maintenance of the individuals in captivity	
Benefits	Disadvantages
<ul style="list-style-type: none"> • educational value • potential for captive breeding for eventual reintroduction • possibility for the confiscating authority to recover, from sale, the costs of confiscation 	<ul style="list-style-type: none"> • Potential to encourage undesired trade • Cost of placement • Disease • Captive animals can escape from captivity and become pests

B. Returning the individuals in question to some form of life in the wild

- *Reintroduction*: attempt to establish a population in an area that was once part of the range of the species but where it has become extinct.
- *Reinforcement of an existing population*: the addition of individuals to an existing population of the same taxon.

Reinforcement can be a powerful conservation tool when natural populations are diminished by a process which, at least in theory, can be reversed. Such activities are common in many western countries, and specific programmes exist. Reinforcement carries with it the very grave risk that individuals held in captivity, even temporarily, are potential vectors for disease back into a wild population. Reinforcement should therefore only be employed in instances where there is a direct and measurable conservation benefit (demographically or genetically), as when reinforcement is critical for the viability of the wild population into which an individual is being placed.

Returning the individuals in question to some form of life in the wild	
Benefits	Concerns
<ul style="list-style-type: none"> • existing population is severely threatened • strong political/educational statement - promote local conservation values 	<ul style="list-style-type: none"> • welfare • conservation value and cost • source of individuals (genetic pollution) • disease

Any reintroduction or reinforcement activities should be undertaken in line with the relevant IUCN guidelines.

C. Euthanasia

Euthanasia may be considered if:

- Return to the wild is either unnecessary (e.g. very common species), impossible, or prohibitively expensive; and
- Placement in a captive facility is impossible; and
- There are serious concerns that sale will be problematic or controversial;
- During transport, or while held in captivity, the animals have contracted a chronic disease that is incurable and, therefore, a risk to any captive or wild population

Further information is available through:

- IUCN-Species Survival Commission Specialist Groups
- <http://www.iucn-tftsg.org/contact/> and <http://www.turtlesurvival.org/contact> (Marine Turtles)
- World Association of Zoos and Aquariums: www.waza.org
- Species Survival Network (SSN): http://www.ssn.org/cites_rescue_intro_EN.htm (Facilities and organizations that could offer assistance)
- http://ec.europa.eu/environment/cites/pdf/studies/enforcement_trade.pdf (Managing confiscated specimens)