

CAPTIVE BREEDING and ARTIFICIAL PROPAGATION



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Since trade in animals that were born and bred in captivity, and trade in plants that were artificially propagated does not have the same potential impact on wild populations of fauna and flora, CITES and the EC Wildlife Trade Regulations include provisions that are less strict for trade in such specimens. This document is an introductory paper on the legal obligations of EU traders who trade in captive-bred animals and artificially propagated plants to, from and within the EU.

1. Useful definitions

Commission Regulation (EC) No. 865/2006, as amended by *Commission Regulation (EC) No. 100/2008*, gives definitions with regard to specimens that were born and bred in captivity and/or artificially propagated.

- Date of acquisition means the date on which a specimen was taken from the wild, born in captivity or artificially propagated, or, if such date is unknown or cannot be proven, any subsequent and provable date on which it was first possessed by a person.
- First generation offspring (F1) means specimens produced in a controlled environment from parents of which at least one was conceived in or taken from the wild, most often called **born in captivity**.
- Second generation offspring (F2) and subsequent generation offspring (F3, F4, etc.) means specimens produced in a controlled environment from parents that were also produced in a controlled environment, most often called **born and bred in captivity**.
- Breeding stock means all the animals in a breeding operation that are used for reproduction.
- A controlled environment means an environment that is manipulated for the purpose of producing animals of a particular species, that has boundaries designed to prevent animals, eggs or gametes of the species from entering or leaving the controlled environment, and the general characteristics of which may include, but are not limited to, artificial housing, waste removal, health care, protection from predators and the artificial supply of food.

2. When is an animal considered born and bred in captivity?

The above definitions are linked to specific provisions outlined in the EC Regulations, under which specimens of species listed in their Annexes are considered to be born and bred in captivity (Art. 54 and 56 of *Reg. (EC) No. 865/2006*).

A **specimen of an animal species** listed in the Annexes is only considered to be born and bred in captivity when the Management Authority is satisfied that (Art. 54 of *Reg. (EC) No. 865/2006*):

- It is, or is derived from, the offspring (young) born or otherwise produced in a controlled environment 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.

- The breeding stock 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 in the wild.
- The breeding stock is maintained without the introduction of specimens from the wild, except for the occasional addition of animals, eggs or gametes (the magnitude of such addition being determined by the need for new genetic material), 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 purposes only: to prevent or reduce damaging inbreeding, to dispose of confiscated animals ([see CITES Resolution Conf. 10.7](#)) or exceptionally, for use as breeding stock.
- The breeding stock has already produced second (or subsequent) generation offspring, or is managed in a manner that has been demonstrated to be capable of reliably producing second generation offspring in a controlled environment.

2.1 Establishment of the ancestry of a specimen

The Management Authority can also decide that it is necessary to establish the ancestry of an animal for example through the analysis of blood or other tissue (Art. 55 of *Reg. (EC) No. 865/2006*). In such cases, such analysis, or the necessary samples, must be made available to the Management Authority. For the provisions of marking of captive-bred specimens (see [Marking](#)).

3. When is a plant considered artificially propagated?

A **specimen of a plant species** is only considered to be artificially propagated when the Management Authority is satisfied that (Art. 56 of *Reg. (EC) No. 865/2006*):

- The plant was grown, or is derived, from plants, seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules under controlled conditions.

Note: Controlled environment in this regard means 'a non-natural environment that is intensively manipulated by human intervention which may include tillage, fertilization, weed control, irrigation, or nursery operations such as potting, bedding and protecting from weather'.

- The cultivated parental stock was established in accordance with the legal provisions applicable to it on the date of acquisition and is maintained in a manner not detrimental to the survival of the species in the wild.
- The cultivated parental stock is managed in such a way that its long-term maintenance is guaranteed.
- In the case of grafted plants, both the root-stock and the graft have been artificially propagated in accordance with the above three points.

3.1 Timber and timber products

Timber and timber products from trees grown in mono-specific plantations are considered as being artificially propagated in accordance with the first of the above four points.

4. What are the conditions for international trade in animals born and bred in captivity, or artificially propagated plants?

Because the main focus of CITES and the EC Wildlife Trade Regulations is the conservation of wild species, specimens of species listed in Annex A that were born and bred in captivity or were artificially propagated are treated as specimens of species listed in Annex B (Article 7.1 *Reg. (EC) No. 338/97*). In the case of artificially propagated plants, provisions relating to the introduction and import into the EU, as well as export and re-export from the EU, may be lifted under specific conditions with regard to: 1) the use of phytosanitary certificates; 2) trade by registered commercial traders and scientific institutions; and 3) trade in hybrids (see [Permits](#)).

5. What are the conditions for any commercial activities in captive born and bred animals or artificially propagated plants inside the EU?

5.1 For specimens of species listed in Annex A

In general, any commercial activity (purchase, offer to purchase, acquisition for commercial purposes display to the public for commercial purposes, use for commercial gain and sale, keeping for sale, offering for sale or

transporting for sale) involving specimens of Annex A-listed species is prohibited (Art. 8.1 of *Reg. (EC) No. 338/97*). However, under certain conditions you may be allowed to use the specimen commercially, provided that a ‘**sale exemption certificate**’ has been issued by the Management Authority (Art. 8.3 of *Reg. (EC) No. 338/97*) (see [Permits/ 2.](#)) for:

- Animals born or bred in captivity, or artificially propagated plants, including parts or derivatives of these organisms, or
- Animals or plants that are intended for breeding or propagation purposes from which conservation benefits for the survival of the species in the wild will be obtained.

Exemptions: The above-mentioned certificate is not needed in case the activity involves (Art. 62 of *Reg. (EC) No. 865/2006*) (see [Permits/ 2.](#)):

- Birds of species listed in Annex X of *Reg. (EC) No. 865/2006* (see [Marking](#)) and hybrids thereof, that were born or bred in captivity, provided that the specimens of annotated species are marked either with a ring or with a microchip in accordance with the relevant provisions.
- Artificially propagated plants.
- Worked specimens that were acquired before 1947 and in accordance with the relevant provisions

Note that a travelling exhibition certificate may be used as an internal trade certificate, exempting the holder from the prohibition to display the specimens to the public for commercial purposes and may also be used in lieu of an import permit, export permit or re-export certificate.

5.2 Use of pre-issued certificates

Breeders can obtain, from the Management Authority, pre-issued certificates that allow commercial activities with specimens of Annex A-listed specimens that were born and bred in captivity or artificially propagated, provided that they maintain breeding records, which must be submitted to the Management Authority when requested.

Individuals can also obtain from the Management Authority pre-issued certificates that allow the selling of dead captive-bred specimens of Annex A-listed species (and/or small numbers of dead specimens that were legally taken from the wild within the EU), provided that this person (applicant):

- Keeps detailed records on specimens/species sold, the person(s) from whom specimens were acquired as well as to whom they were sold, where appropriate, cause of death (if known), and provides these records to the Management Authority when requested; and
- Submits to the Management Authority an annual report with details on sales performed during that year, the species concerned, the type and number of specimens and how the specimens were acquired.

(see [Permits/ 2.5.2](#), Wild taken Annex A specimens).

5.3 For specimens of species listed in Annex B, C and D

For those three annexes, the EC Wildlife Trade Regulations include no additional provisions (other than the provisions described under *Internal trade in the EU*, see [Permits/ 2.](#)) for the commercial use **inside the EU** of specimens that were born and bred in captivity or were artificially propagated.

6. CITES Resolutions relevant to captive breeding and artificial propagation

The Community does not implement the recommendations of the Conference of the Parties to CITES set out in [Resolution Conf. 12.10 \(Rev.CoP14\) - Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes](#) with regard to restrictions on trade in specimens of Appendix I-listed animal species produced by commercial captive breeding operations. Registration of such operations with the CITES Secretariat is not a requirement for trade from or to the Community.

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