

**Partial Regulatory Impact
Assessment**

**On a Proposal to regulate the
keeping of species subject to
control under the Convention on
International Trade in Endangered
Species**



July 2005
Department for Environment, Food and Rural Affairs

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1. Title of proposal

1.1 Regulations on the keeping of certain species subject to control under the Convention on International Trade in Endangered Species. Transposition and implementation of powers given to member states under Article 8.2 of Council Regulation (EC) No. 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein. (The Article 8.2 Proposals).

2. Purpose and intended effect of measure

Objective

2.1 The intention of the proposals is to prohibit the keeping of certain categories of endangered species of wild animals and plants subject to control under the Convention on International Trade in Endangered Species (CITES). Measures taken under these powers are intended to be used to address three distinct areas of concern as follows:

- preventing the illegal trade in CITES specimens;
- restricting the keeping of alien invasive species, where these pose a serious ecological threat to native species or habitats; and
- protecting species at particular risk of illegal or unsustainable trade such as tigers, rhinos, primates, etc.

2.2 The aim would be to use these powers to prohibit the keeping of specimens that fall into these particular categories, subject to certain clearly defined exceptions. It is also intended to give the Secretary of State reserve powers to exempt keepers from these general prohibitions where it can be shown that there are exceptional reasons for doing so

Devolution

2.3 The Regulation will be applicable throughout the UK.

Background

2.4 Along with 166 other countries Party to the Convention, the UK seeks to protect endangered animals and plants by restricting and monitoring international trade in them. CITES is implemented throughout the EU by means of Council Regulation (EC) No 338/97 (the 'CITES Regulations') which requires a permit to be issued before CITES specimens can enter or leave the Community. The sale and movement

of specimens within the Community is also strictly regulated in certain circumstances.

2.5 Article 8.2 of the Council Regulation provides discretionary powers that enable member states to prohibit the holding of specimens, in particular live animals of the species listed in Annex A (the most endangered species), although it does not preclude the possibility of applying these restrictions to live specimens of species listed in the other Annexes, or parts or derivatives of such specimens. These powers may only be used in furtherance of conservation objectives consistent with the provisions of the Regulations.

Risk Assessment

2.6 The UK is a major market for CITES species, with some 40,000 permits or certificates issued every year to help facilitate this trade - far more than is issued by any other EU member state. Many of the commonly traded species provide a very profitable return. For example caviar currently retails at about £740 per gram, while common marmosets can cost in excess of £500 each. For the most endangered (Annex A) species the profits can be very high indeed, with rhino horn fetching some £10,000 a kilo on the black market, while a pair of critically endangered Lear's Macaws are thought to be worth about £50,000. Given such high market values, the risk that unscrupulous traders will seek to satisfy these markets from illegal sources is correspondingly high.

2.7 Commercial trade in wild taken specimens of Annex A species is prohibited and the sale of captive bred or artificially propagated specimens is only permitted under licence. It is also an offence to sell any CITES specimens that have been imported illegally. However, it is not an offence to possess such specimens, or to give them away. Also the Regulations provide for free circulation of goods within Europe, which makes it very difficult to monitor which rare or conservation sensitive species are coming into the UK market. There is therefore growing concern that unscrupulous traders are taking advantage of this gap in our knowledge to evade the strict controls on the commercial trade in CITES specimens.

2.8 There is increasing evidence to suggest a growing involvement of organized crime in the trafficking of protected species of flora and fauna. The extent of this illicit trade is now estimated by the International Criminal Police Organization (Interpol) to be second only to trafficking in illicit drugs in terms of financial turnover. The global trade in wildlife specimens is estimated to be about £80-90 billion. While the proportion of this trade that is illegal is difficult to determine, it is estimated that the financial cost of the illicit global wildlife trade runs into several billion pounds and that the environmental costs are immeasurable. An assessment of the global patterns of illegal trade in

CITES specimens and its impact on EU and UK markets is provided at Annex A.

2.9 Representations have been made to the Government by a number of organisations suggesting that the illegal trade in CITES specimens will not be fully addressed without recourse to further regulation:

- In 2003 the Royal Society for Prevention of Cruelty to Animals (RSPCA) raised concerns about a number of species that do not survive well in captivity in the UK and noted that adequate controls were not in place to ensure that traders complied with the requirements of the CITES Regulations.
- The Royal Society for the Protection of Birds (RSPB) has long campaigned for the existing controls on the possession of native birds of prey to be extended to other exotic species in order to help the enforcement authorities detect the illegal trade in these species;
- TRAFFIC (UK) and the World Wildlife Fund (WWF) have also been campaigning for tighter enforcement of the existing CITES Regulations.
- In May 2005 the World Parrot Trust petitioned the European Commission to support a ban on the trade in all wild birds.
- In June 2005 a report published by the International Fund for Animal Welfare (IFAW) entitled "Born to be Wild: Primates are not Pets" called on the Government to use its powers under Article 8.2 to ban the keeping of primates as pets.

2.10 We have a duty to monitor observance of the CITES Regulations and to take steps to secure compliance if we have reason to believe these controls are being infringed. Without the kind of possession controls outlined in the options below we will not be able to fully address the concerns identified. The proposals will address these issues by giving the enforcement authorities powers to help identify which species are particularly vulnerable to illegal trade. It will also enable them to determine whether a keeper is lawfully in possession of such specimen and enable them to keep track of where they are being kept. A further advantage is that it provides an additional element of certainty for those seeking to obtain legally acquired specimens. Similar powers under the Wildlife and Countryside Act 1981 have already been successfully used to identify keepers of native birds of prey and it is argued that the powers under Article 8.2 should be used to secure similar advantages to other equally vulnerable species.

2.11 The consultation paper sets out some possible criteria for identifying those species considered to be at high risk of illegal or unsustainable trade. Although the final list of high risk species has yet to be identified, and will be the subject of a further consultation exercise, three key areas have already been identified for action as follows:

- non-native invasive plant and animal species – steps are already being taken to eradicate the American Bullfrog and Ruddy Duck from the wild in the UK and stricter controls are needed to ensure that the market for these species is encouraged to wither away by preventing potential keepers acquiring new specimens and ensuring that existing specimens are kept securely;
- primates – imports of these species are currently limited to zoos, research establishments and specialist keepers and stricter controls are needed to ensure these species are being traded legally and do not end up in the hands of persons who lack the appropriate accommodation or expertise to care for them;
- species subject to calls for stricter measures - some highly endangered species such as tigers, bears, rhinos and Tibetan antelopes are so threatened by the illegal trade in their parts or derivatives that the CITES Parties have called for all countries to adopt stricter domestic measures to help close down the markets for these specimens.

A more detailed assessment of the threat facing these species is provided at Annex A.

3. Consultation

Other Government Departments consulted

3.1 In preparing the proposals outlined in this Partial Regulatory Impact Assessment, Defra has consulted, the devolved administrations, the Department of Trade and Industry, Home Office and HM Treasury.

Consultation with the European Commission and other member states

3.2 The European Commission was consulted and its views sought on the government's proposed use of the powers in Article 8.2. They have confirmed that the proposals for Annex A specimens are proportionate and broadly compatible with the aims of the Council Regulation (EC) Regulation 338/97. However, the European Commission also commented that, while the powers under Article 8.2 are available to prohibit trade in Annex B specimens, such measures

will need to be proportionate and that we will need to the underlying objectives cannot be achieved by less restrictive measures.

3.3 A number of other EU member states have stricter domestic legislation regulating the keeping of certain live animals but none rely wholly on Article 8.2 to achieve this. However, both Germany and Italy make use of this power to prohibit the holding of Annex A specimens not covered by Article 10 sale exemption certificates

Public consultation

3.4 A pre-consultation exercise (30 July 2004 – 19 November 2004) was conducted amongst key stakeholders on the options set out in Section 4 below. The views of relevant trade and conservation organisations were also sought. Approximately 20 responses were received. Copies of these were placed in the Defra library from January 2005 and a brief factual summary is available on the Defra website. The results of this consultation helped inform the Government's thinking on what is a complex subject and has contributed to the evidence upon which this RIA draws. Although a wide range of views were expressed, it was clear that the majority of respondents strongly supported increased regulation in this area.

4. Options

4.1 Option 1: Do nothing.

4.2 Option 2: To use the powers under Article 8.2 of the CITES Regulations to develop targeted prohibitions by:

- a) - imposing a general prohibition on the keeping of CITES specimens that have been acquired unlawfully;
- b) - developing a list of CITES species and specimens at greatest risk of illegal or unsustainable trade, which should not be kept without prior notification to the Secretary of State;
- c) - developing a list of highly threatened CITES species, the keeping of which is prohibited in all but the most exceptional circumstances; and
- d) within the overall framework outlined at (a)-(c) above:
 - restricting the future keeping of invasive species such as the Ruddy duck and American bullfrog to existing keepers notified to the Secretary of State, zoos and research establishments;

- restricting the private keeping of primates to specialist keepers notified to the Secretary of State; and
- prohibiting the keeping of certain parts and derivatives of tigers, bears, rhinos and Tibetan antelopes acquired after the relevant implementing Regulations come into force.

[Note - the full list of species drawn up under (b) & (c) above would be subject to a further consultation exercise and the notification requirement referred to at (b) would be made under Article 16.]

4.3 Option 3: limiting the controls outlined in Option 2 to live animals only.

4.4 Option 4: limiting the controls outlined in Option 2 to those live animals that are rare in captivity and have a high market value and which are threatened in the wild.

Risk Assessment

4.5 Option 1 would mean that the problems identified above would not be addressed and would leave certain gaps in the existing controls. These would be vulnerable to exploitation by unscrupulous traders and therefore risks allowing the current situation to deteriorate. The number of species under threat from illegal or unsustainable trade is increasing and the enforcement authorities need to have the powers and the flexibility to be able to address this.

4.6 Option 2 - the principle risks are that this proposal may take away scarce resources from other conservation priorities, or place unreasonable restrictions on the rights of individuals to the use and enjoyment of their property. It would also place an additional regulatory burden on those affected and some might find the new procedures complex and difficult to understand. Additional costs would be incurred by both keepers and government and some animal keepers might find it difficult to meet the standard of care and accommodation required. There is also a risk that the cost or complexity of these proposed Regulations will deter some keepers from complying with these requirements, thereby driving the trade underground.

4.7 Option 3 would still be subject to the same risks as identified for option 2, although on a smaller scale. It would also not address the fact that a large proportion of the illegal trade is in dead specimens, or parts or derivatives thereof, some of it involving critically endangered species such as tigers and rhinos.

4.8 Option 4 would be subject to the same risks as options 2 and 3. Also the strict border controls developed to address the problems experienced in relation to the trade in primates and non-native invasive species would not be backed up by parallel domestic controls.

5. Costs and Benefits

Business sectors affected

5.1 Commercial Dealers and importers of live Annex A specimens - Most recently the number and activity of such dealers has decreased greatly as zoos tend to carry out their own transactions, and the requirements and associated costs of rabies quarantine have greatly reduced the number of commercial suppliers importing primates and small mammals. Most dealers in Annex A specimens sell them on to zoos or other specialist keepers and will already have obtained the relevant Article 10 certificates. They are therefore unlikely to be significantly affected by these proposals.

5.2 Pet shops - the number of pet shops offering, on open sale to the general public, specimens of the type covered by this review is relatively low. Most of the trade is through specialist suppliers, particularly in birds and reptiles, who tend to advertise in specialist magazines. They may lose a small number of customers for this relatively narrow niche market. There may, however, be an indirect impact on business in that the additional regulatory requirements may deter members of the public from making casual purchases of these types of animals.

5.3 Private breeders/suppliers – there are currently several hundred small scale breeders producing birds of prey, tortoises, parrots and other exotic animals for specialist keepers. These keepers already have to apply for Article 10 certificates to sell their progeny and consequently these proposals will have little direct impact on this sector of the trade.

5.4 Primate breeders – There is some evidence to suggest that breeders are selling primates to non-specialist keepers and it is hoped that the measures proposed in this review will help to prevent this. Those keepers currently engaged in supplying the unregulated market in primates may therefore lose business as a consequence of these proposed changes.

Consumers and citizens

5.5 These proposals are aimed primarily at private keepers but one possible consequence is that the additional bureaucracy involved may deter casual customers. The impact of this on the overall trade is likely to be marginal as these animals are normally purchased by specialist keepers who are not likely to be baulked by the need to obtain

additional documentation or provide suitable accommodation. We will, however, be consulting with key stakeholders to reduce the risk of any unintended consequences arising from this proposed legislation.

5.6 These Regulations will certainly restrict the right of private individuals to use and enjoy certain types of CITES specimens but such rights have to be weighed against the wider conservation interest. Only a relatively small number of individuals are likely to be affected and procedures can be put in place to enable them to keep their CITES specimens provided they can show these were lawfully acquired and (in the case of live animals) that they are suitably equipped to house and care for them. We will be seeking views from key stakeholders during the course of this consultation exercise to reduce the risk of any unintended consequences arising from these proposals.

Different social groups – including ethnicity, gender, age,

5.7 The new arrangements will not impact disproportionately on any particular racial or ethnic grouping. It is also considered unlikely to impact differentially on rural communities, gender equality, disabled people, children and young people, older people, income groups, devolved countries and/or particular regions of the UK.

Analysis of costs and benefits

5.8 Option 1: - By doing nothing we would avoid incurring a small but significant increase in administrative costs. Traders and private keepers of CITES specimens would also be spared the cost and inconvenience of having to comply with yet another regulatory burden. Against this has to be weighed the cost to species biodiversity of not taking action to address the problems identified.

5.9 Option 2: - These proposals focus resources on those areas where the risk of illegal or unsustainable trade is highest and strikes a reasonable balance between the rights of the individual and the need to ensure that the CITES Regulations are properly enforced. These controls would make it much more difficult for keepers to evade the strict controls on the trade in the species concerned, while ensuring that specimens legitimately in trade can be more clearly identified to the advantage of both purchaser and vendor.

5.10 Some keepers may incur additional costs as a result of having to improve the security or suitability of the accommodation provided for their animals, while primate keepers will also be expected to meet any fees charged for the certificate of competence they will be required to obtain. While the detail of these arrangements have yet to be determined it is expected that the costs will be similar to comparable inspections made under the Zoo Licensing Act 1981, where Inspectors are paid around £58 per hour plus VAT and travel and subsistence

costs. The proposal is also likely to result in a modest increase in Defra's running costs but these should either be recoverable from the keepers themselves, or achieved through savings made elsewhere.

5.11 Options 3 & 4: - The options at 3 & 4 are subject to the same risks as Option 2, but focus resources on a much smaller area. As a consequence the proposals are more selective in imposing a regulatory burden on traders and keepers and also reduce the administrative burdens involved. The disadvantage is that they would also leave gaps in the coverage of possession controls that could be exploited by unscrupulous traders to the detriment of the conservation of those species.

Costs and benefits checklist

Economic Impacts

5.12 The proposal will not result in receipts or savings to the Government, but some keepers of live animals may incur additional costs in meeting the required standards of care and accommodation. Small breeders may also face a fall in demand as these changes may serve to deter casual purchasers from buying these animals. Breeders of Ruddy ducks and American bullfrogs are also likely to see the market for their animals disappear.

5.13 The proposals will impact mainly on the public sector, in particular on the resources of front-line delivery staff involved with enforcement (mainly the Police and Defra's Wildlife Inspectorate). In the absence of detailed information about the internal trade in these specimens it is difficult to provide a precise cost estimate. The Government will incur some initial start up costs in drawing up Regulations, developing and promoting new guidelines and setting up the monitoring software, although it is not expected that these will exceed £200,000, There will also be some minor additional running costs of about £30,000 per year but these could be met through charges or by efficiency savings made elsewhere.

Social Impacts

5.14 These proposals are unlikely to have any major social effects. They will, however, place new burdens on private individuals and create new offences for those who choose to ignore or evade these regulatory requirements. They will not, however, have any impacts on racial equality, nor will there be any differential impact on the various social groupings within society.

Environmental impacts

5.15 The overall impact of these proposals on the environment is likely to be small. The welfare of some animals will be improved and those species threatened by illegal trade will receive greater protection by making them less attractive and more difficult to acquire. The opportunities for non-native invasive species to escape to the wild will also be greatly reduced.

Compliance costs

5.16 Compliance costs for a typical business are difficult to quantify because of the wide variety in types of businesses that breed or sell these animals. It is recognised that, if adopted, this proposal may lead to regulatory changes that will impact on pet shops and on Private breeders/suppliers (and also possibly on other markets such as the provision of taxidermy services). At this stage, in the absence of any developed proposals or costings, it is impossible to assess the potential impact on competition in such markets as may be affected. However, potential competition issues will be kept under consideration and once firm regulatory proposals emerge they will be subject to a final RIA which will seek to address these compliance costs.

5.17 No work has yet been commissioned to develop the lists of controlled species referred to under Option 2 (b) & (c) at paragraph 4.2 above but it is expected that both lists should be relatively short. The handling procedure should not therefore add significantly to existing workloads.

5.18 The numbers of primates, Ruddy ducks and American bullfrogs currently in private hands is difficult to estimate but is likely to be relatively low. We will, however, try to obtain independent confirmation of these estimates and would be pleased to receive any information you may have on this matter.

5.19 The number of undocumented tiger, bear, rhino or Tibetan antelope parts or derivatives currently in circulation is even more difficult to assess, although it is quite likely that there is a large number of tiger skins in private hands. We should therefore be grateful for any views you may have on this point.

5.20 Traders in CITES Annex A specimens already have to apply for import permits and sale exemption certificates, so these proposals should not add significantly to their existing burdens. We will, however, have to make sure that we do not duplicate procedures under other domestic legislation such as the Dangerous Wild Animals Act 1976. Traders may be required under one or more of the proposals to notify the Secretary of State of their possession of some Annex B species but these should not add significantly to existing burdens. Other significant compliance costs are not envisaged.

Costs to charities and voluntary organisations

5.21 Most charities or voluntary organisations will be unaffected by these proposals. However, it is possible that some animal rescue centres may incur additional costs in having to bring their accommodation up to the required standard. We will therefore be seeking their views on the effect that these proposals may have on the work that they do.

Other costs

5.22 No other costs have been identified. Consultees are invited to comment on any other costs that they believe are likely to fall upon business as a consequence of the proposed policy options outlined at paragraphs 4.6 to 4.8 above.

Costs for a typical business

5.23 These costs have yet to be fully identified but a detailed assessment will be provided in the full RIA.

6. Consultation with small business: the Small Firms' Impact Test (SFIT)

6.1. The Government is in regular contact with the Pet Care Trust (PCT) and with the governing body of the National Association of Private Animal Keepers (NAPAK), who represent many of the individuals and businesses involved in the keeping of animals and the pet industry.

6.2 Pet shops are likely to form the largest group of small businesses affected by the proposals outlined in the consultation. In addition there are several hundred small scale breeders producing exotic animals for specialist keepers. Most pet shops, breeders, and taxidermists fall under the official definition of small businesses, in that they have fewer than 50 employees, are not generally owned by someone else and have a turnover below £4.44 million.

6.3 A pre-consultation exercise involving key stakeholders has already been conducted with representative bodies of small businesses and we received no specific feedback from small businesses on the questions posed. The response indicated that stakeholders were primarily concerned with protecting the rights of people to keep any species in captivity, particularly primates, to preserve the livelihoods of those legitimately selling primates and, in general, to preserve the rights of people to pursue a lifestyle of their own free from what they believed to be unnecessary and unduly burdensome control and legislation.

6.4 This Partial RIA progresses to stage 2 of the SFIT process. In order to fully scope out the issues, stakeholders are invited to answer the questions

below in order that we might identify whether the proposals will have a disproportionate impact on small businesses:

- (a) From the guidance that has been provided so far, have you been able to understand what effect the proposals will have on your business?
- (b) What is your view of the overall concept of the Government's proposed regulation?
- (c) How does the proposed approach differ from what you already do?
- (d) What plans does your business have before and after implementation to comply with the proposed measures?
- (e) Will it change how your business operates generally, and how it relates to other businesses and consumers?
- (f) Do you consider the proposals to be a challenge or a threat to your business/ the industry as a whole? Explore what challenges/threats are and reasons for this.
- (g) Who will be in a better position to exploit challenges and respond to threats – small businesses or larger organisations?
- (h) Is the sector you work in likely to expand or contract, as a result of introducing the proposals – will there be new entrants or mergers?
- (i) What affect do you think it will have on income/profit both within the industry and your firm? What are the implications of this for your business, the industry and the consumer?
- (j) How do you think your business will operate in five years time? (i.e. After the proposed measures have been operational for some time).
- (k) Are there any other matters you wish to raise in connection with these proposals?

7. Competition Assessment

7.1 Completion of the Competition Filter test indicates that the proposals outlined are unlikely to have impacts upon UK traders in a manner materially different to European competitors engaged in similar trade. The proposals have been checked against the competition filter. The policy options are not expected to have an impact on shares of the legal market for exotic animals.

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| THE COMPETITION FILTER TEST |
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|---|-----|
| Q1: In the market(s) affected by the new regulation, does any firm have more than 10% market share? | Yes |
| Q2: In the market(s) affected by the new regulation, does any firm have more than 20% market share? | No |
| Q3: In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share? | No |

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| Q4: Would the costs of the regulation affect some firms substantially more than others? | No |
| Q5: Is the regulation likely to affect the market structure, changing the number or size of firms? | No |
| Q6: Would the regulation lead to higher set-up costs for new or potential firms that existing firms do not have to meet? | No |
| Q7: Would the regulation lead to higher ongoing costs for new or potential firms that existing firms do not have to meet? | No |
| Q8: Is the sector characterised by rapid technological change? | No |
| Q9: Would the regulation restrict the ability of firms to choose the price, quality, range or location of their products? | No |

8. Enforcement, sanctions and monitoring

8.1 The proposals would be enforced by the Police using powers and penalties to be attached to the existing enforcement regulations. They would be assisted in this by Defra's Wildlife Inspectorate and enforcement co-ordination team. The Wildlife Inspectorate consists of a small HQ team based in Bristol, and a panel of about 100 part-time fee-paid consultants located throughout the UK. Its role is to undertake inspections at the premises of keepers of endangered species and/or traders of registrable birds to ensure the appropriate wildlife legislation is being followed. All inspections are generated, monitored and controlled by the headquarters staff within an overall inspection strategy, which is reviewed annually.

8.2 The Control of **Trade in Endangered Species** (Enforcement) (Amendment) Regulations 2005 were laid before Parliament on 27 June 2005 and come into effect on 21 July 2005. The Regulations amend the **Control of Trade in Endangered Species** (Enforcement) Regulation 1997 (S.I. 1997/1372). creating a number of criminal offences in relation to Article 8 of Council Regulation No. 338/97, in particular, they create offences related to the purchase and sale of specimens listed in Annex A of the Principal Regulation or of specimens listed in Annex B which have been imported or acquired unlawfully. As provided by section 307 of the Criminal Justice Act, these Regulations increase the maximum sentence for COTES offences tried summarily from three to six months imprisonment, and for offences tried on indictment - from two to five years imprisonment. Offences attracting a five-year penalty will also become arrestable.

9. Implementation and delivery plan

9.1 The legislative vehicle for those proposals require secondary legislation under the European Communities Act.

9.2 Subject to ministerial approval and the response to this consultation exercise, any new regulations that are agreed will come into force by no later than the first quarter of 2007.

10. Post-implementation review

10.1 The revised arrangements can be monitored in the course of ongoing and regular consultation meetings between Defra and representatives of the business and trade sectors and with Wildlife & Countryside Link, as part of Defra's overall monitoring of the wildlife trade

10.2 The effectiveness of regulation in significantly reducing the number of species will be monitored and assessed by means of a formal review of the system after two years of operation.

10.3 The lists of species subject to these Regulations will be kept under continuous review and updated at least every 3 years.

11. Summary and recommendation

11.1 Subject to the outcome of this consultation, option 2 is the recommended proposal, with option 3 as a fallback in the event that lack of resources or practical difficulties prevents implementation of option 2.

12. Declaration

I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.

Signed by the responsible minister (This remains blank until the legislation is to be sent to Parliament. It then becomes a final RIA)

Date

Minister's name, title, department

Contact point

Insert name, address and phone number of an official who can answer any queries on the assessment or proposed legislation.

OVERVIEW OF ILLEGAL TRADE IN CITES SPECIES

The Global Scale of Legal Trade

1. CITES wildlife trade involves all forms of wildlife including:
 - timber species such as mahogany and ramin;
 - products used for ornamentation such as tiger skins, hawksbill turtle shells , giant clam shells, hard corals;
 - ornamental plants like cacti, orchids and aloes;
 - medicinal and aromatic plants including agarwood, American ginseng;
 - animals used in traditional medicine including tigers, all rhinos, bears, musk deer and saiga antelope;
 - fisheries products such as sturgeons, humphead wrasse, basking shark and queen conch;
 - curios and carvings, birdwing butterflies and live animals including parrots, raptors, primates, a wide variety of reptiles and ornamental fish.

2. Estimates of the value of the legal international wildlife trade based on declared import values in the early 1990s totalled USD160 billion (roughly GBP90 billion) per annum. The figure excluding timber and fisheries was USD15 billion (roughly GBP9 billion) (Broad *et al.* 2003). The EU is one of the largest and most diverse markets for CITES-listed species, accounting for an estimated one third of legal global imports. Between 1996 and 2002:
 - 6million live birds (83% of global reported trade);
 - 1.5 million live reptiles (16% of global reported trade); and
 - 572 tonnes of sturgeon caviar (46% of global reported trade)

were imported into the EU. The EU is ranked first in the world for legal imports of birds and caviar, and second in the world for live reptiles, reptile skins and live mammals (Theile, *et al.*, 2004).

The Scale of Global Illegal Trade

3. Estimating the scale and value of the illegal international wildlife trade presents a considerable challenge. Crime is, by definition, a hidden activity which defies any accurate measurement. One estimate suggested that it was USD5-8 billion (UNEP, 1998). However, the nature of the illegal trade means that no reliable data are available to support these estimates (Broad *et al.*, 2005). What is clear, however, is that the value of the global illegal wildlife trade runs into billions of dollars and its environmental costs, in terms of the negative impacts on endangered species, are immeasurable (Cook *et al.*, 2002).

4. In six wildlife trade prosecutions that occurred in the UK between 1996 and 2002, the monetary value of wildlife involved totalled £4,058,000. These cases involved commodities from highly endangered – and highly valued – species such as rhino horns and shahtoosh shawls, certain parrots and birds of prey (TRAFFIC International). Although some offenders are either linked directly or indirectly with legitimate trade networks, there is increasing evidence that more organised crime elements are becoming engaged in the most lucrative areas of trade (including caviar). There are also instances of wildlife trade being associated with the illegal trade in drugs. In 1996, for example, it was reported that Heathrow Customs officers had discovered heroin packed into the shells of live snails, and investigators in Rome found heroin hidden inside elephant tusks (Cook et al, 2002).

5. The low risk of detection and low penalties relative to the high value of certain wildlife products serve as an incentive for criminal elements to engage in this trade. For example, 138 shahtoosh shawls seized by the Metropolitan Police in 1997 were valued at £353,000. An estimated 1000 Tibetan Antelope would have been required to provide the wool for these shawls, some of which were valued at over £12,000. The company from which the shawls were confiscated pleaded guilty and was fined only £1,500 (Cook et al., 2002).

6. Illegal wildlife trade also poses significant potential risks to human and animal health, as clearly illustrated by concerns over the potential links between the wildlife trade and the SARS virus outbreak in Asia. Similarly, it poses risks to native ecological systems through the potential introduction of alien invasive species.

7. Illegal traders adapt to changing circumstances. They target new species when others become depleted, shift to new markets or develop new smuggling methods and routes to avoid detection. Today, many wild plants and animals and wildlife products are transported in personal luggage and through the post. Sales over the Internet are also an emerging trend. Although trade is often a threat secondary to habitat destruction, for species such as Tibetan Antelope, Black Rhinoceros and Lear's Macaw, trade has become the most immediate and direct threat to their long-term survival in the wild (Holden, 1998). Fifty-two parrot species are threatened with extinction as a direct result of harvest for the cage bird trade according to BirdLife International (Anon., 2004).

Traditional Medicines

8. The trade in species used in traditional medicines (TM) illustrates the global reach of the trade in endangered species from source countries in Asia to consumer countries throughout the world. Surveys conducted in 2000 by TRAFFIC in five Western European countries revealed that 31% of the 149 sites that were visited offered TM products claiming to contain ingredients of species such as Tiger, Musk Deer, Saiga Antelope, American Ginseng, Costus root *Saussurea costus* and several species of orchids (Theile, 2000). Of 41 premises surveyed in the UK, 22 stocked TM ingredients claiming to contain Annex A protected species including Costus root, leopard bone, bear bile and musk (Pendry, 2000). In Brussels, the Federal Police in 2000 confiscated more than 6000 musk and tiger bone plasters from a single shop

(Theile, 2000). In 1996, eight sea containers containing medicinal derivatives of tiger, rhino, bears, musk deer, saiga antelope and pangolin were seized along with hawksbill turtle shell and dried orchid roots (Lowther et al, 2002).

Elephant Ivory

9. The Metropolitan Police seized ivory products with a street value in excess of £85,000 in a series of raids in London shops in November 2004. The operation, spearheaded by the Metropolitan police in collaboration with the Gloucester and Avon and Somerset constabularies, resulted in the seizure of 142 elephant ivory items were seized with a value of £60,000, including a substantial amount of un-worked and partially worked ivory (estimated at 80kg), as well as 32 carved ivory items and 14 shaving bowls with tortoiseshell inlay, with an estimated street value of £25,000. The continuing existence of poorly regulated and uncontrolled ivory markets, particularly in Africa and Asia, is one of the greatest threats to elephants today, as revealed by analysis of data provided by Elephant Trade Information System (ETIS), which receives significant support from Defra. From there, trade can spill over into other end use markets in North America and Europe, including the UK (Pendry, 2005). African elephant populations stood at 1.3 million in 1979 (Dublin et al, 1997); current estimates indicate that the population has fallen to approximately a half a million (Blanc et al, IUCN/SSC African Elephant Specialist Group, 2002).

CITES Trade Within the EU

10 The globalisation of world trade and advances in technology have all provided new avenues for trade. At the same time, the creation of a common market within the EU has resulted in fewer controls on intra-EU wildlife trade. Particular species are consistently threatened by organised crime groups. Birds are subject to high levels of crime, especially birds of prey and parrots. Reptiles, particularly tortoises, are also frequently targeted by organised criminals. Other major groups include plants (timber, bulbs, moss and orchids), fish (sturgeon and toothfish), TMs (rhinos, bears and tigers).

11. In recent years, an increasing number of live parrots and reptiles have been seized in the new Member States to the EU, including some rare and strictly protected species. For example, between 2000 and 2002, 248 parrots were seized in the Czech Republic and 172 in Slovakia. Among them were several Annex A species such as the rare and highly priced Cuban Amazon (Theile et al, 2004). Illegal specimens of the rare Saint Lucia Amazon are also reported by Czech authorities. These birds are only found on the Caribbean island of Saint Lucia and the total population in the wild is estimated at not more than 300 to 350 birds. The species is strictly protected in Saint Lucia and only 14 live specimens have been reported in international trade between 1975 and 2002; no imports to the Czech Republic have been reported (Theile et al, 2004).

12. Tortoises and birds of prey also feature significantly in seizures in the EU. Between 2000 and 2001 Polish authorities seized a total of 2237 Horsfield's Tortoises on the Polish-Ukrainian border alone (Theile et al, 2004). These Annex B species are popular among European hobbyists and adults

can fetch prices of around € 200 in the EU. Live specimens of these tortoises originating from the wild have been banned from import into the EU since 1999 (Theile et al, 2004). In recent years several hundred specimens of the Annex A listed Kleinmann's Tortoise are believed to have been smuggled into Poland every year. Kleinmann's Tortoises are considered *Endangered* by IUCN and wild populations occur only in Egypt and Libya (IUCN, 2003) (Theile et al, 2004). It is believed that a significant portion of tortoises smuggled into Poland are destined to be traded to neighbouring EU countries, mainly western Europe (Theile et al, 2004).

13. As the demand for reptiles in Europe is increasing, so too is smuggling, and the UK is a major destination. Many reptiles are protected by laws in their country of origin and a large number of imported reptiles are regulated in trade under CITES or EU legislation. Research conducted by TRAFFIC Europe indicates that both legal and illegal traders are becoming more organised. Recent seizures in the UK include a consignment of Annex B spiny tailed lizards at Heathrow from Sudan in transit to the US in January 2001. This contained 68 Bell's dabb lizards and 81 eyed dabb lizards (Inskipp, C. 2003).

14. Between 2000 and 2002, Polish authorities seized a total of 710 kg of caviar. Around 80% originated from the Russian Federation or was smuggled into Poland through the Ukraine (Theile et al, 2004). The majority of it was destined for western Europe, mainly Germany. The amount of caviar seized equals approximately 20% of the total volume of caviar legally imported by Poland between 1998 and 2002 (Theile et al, 2004).

CITES Trade Within the UK

15. The UK plays a very significant part in both the legal and illegal trade. UK seizures of illegal consignments constituted 12 per cent of all recorded shipments of CITES-listed species, compared with the EU average of 7.5 per cent. Either the UK receives a higher proportion of illegal commercial shipments than its EU counterparts, or UK enforcement is more effective in detecting illegal shipments (Cook, D. et al, 2002). Either way, the need for effective laws to support skilled law enforcement bodies is readily apparent.

16. The UK is a major consumer country for:

- reptiles and amphibians for the pet trade, particularly green iguanas with animals arriving in legal shipments of 2,000-5,000 per consignment.
- Birds of prey for falconry as well as caged and aviary birds
- Exotic plants such as tree ferns
- Timber, such as mahogany;
- Taxidermy specimens ; and
- Traditional and herbal medicines.

The importance of the UK in the chain of trade in protected species also signals the potential opportunities for illegal trade to exploit networks and routes used by the legal trade (Anon, 2002). Examples of seizures made in

the UK main ports of entry by Customs include rhino horns concealed within statues, stained ivory hidden in wood shipments, live hatchlings of rare bird species mixed with shipments of domestic chicken hatchlings and even suitcases filled with rare birds stuffed into tubes (Anon, 2002).

17. Various examples illustrate the role of the UK in illegal wildlife trade and the serious, organised and international nature of the illegal trade in the UK:

- From 1999 – 2000, around 50% of all live animal specimens seized were reptiles;
- Parrots and macaws made up 18 per cent of live animal seizures;
- Dead items, ranging from taxidermy specimens to traditional Asian medicine pills, made up 75 per cent of seizures (Anon, 2002).
- a gorilla skull and a female tiger with a litter of cubs amidst a large number of other wildlife specimens were seized from a London Taxidermy shop in 2000 (Lowther, J. et al, 2002);
- In 1996, a taxidermist, based in Wales, was found in possession of more than 700 dead specimens including many highly endangered species, e.g. a Siberian tiger skull, a Philippine eagle skull and a ring-tailed lemur – all fully protected under CITES (Lowther, J. et al, 2002).
- 1998, four people pleaded guilty to conspiring to sell a collection of more than 120 rhino horns, estimated to be worth £2.88m (Lowther, J. et al, 2002);
- In 1998, Customs officers raided the premises of a well-known bird breeder, seizing three Lear's Macaws and six Blue-headed Macaws, both species classified by IUCN as Critically Endangered and included in CITES Appendix I and EU Wildlife Trade Regulation Annex A. A breeding pair of Lear's Macaws is estimated to be worth over £50,000 on the black market (Lowther, J. et al, 2002).

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TRADE IN NON-NATIVE INVASIVE SPECIES

General

1. Invasive non-native species can cause serious problems by transforming our ecosystems, altering natural habitats and threatening native species. This issue has been identified by the Convention on Biological Diversity as one of the primary threats to biodiversity globally.

Bullfrogs

2. The North American bullfrog (*Rana catesbeiana*) was imported legally from the 1980s and up to 1997, as part of the pet trade. They were sold legally through garden centres and occasionally pet shops, normally in the tadpole phase, and some were kept in garden ponds. The tadpoles take 2-3 years to metamorphose, and if they survive this long, the juvenile frogs can move away from the original garden pond into other areas.

3. There is no major climatic or physiological barrier to breeding in the UK. Once established, a population is likely to continue to breed and to spread. Bullfrogs are very effective predators and could predate a range of small mammals, invertebrates, amphibians, reptiles, fish and birds. Other dangers are competition with native species, and risk of pathogen contamination to native amphibians.

4. Bullfrogs have been positively confirmed at only 6 sites in the last 3 years, in Kent, Sussex, London, Dorset and Hampshire. All but one of these sightings was of single animals, and most have been removed from the wild. The single known breeding site is near Tunbridge Wells, and this has been the subject of control attempts by English Nature since late 1999. To date around 10,000 bullfrogs have been removed from the wild at this site; recent surveys indicate the population has been severely reduced, but survey and control operations will continue in 2005 to attempt to ensure eradication.

5. In an information note published in 2001¹, English Nature stated that the capture efforts had not proved to be exceptionally costly, when taking into account the potential loss of biodiversity. Practical work, including surveillance, between 1999 and 2001 was estimated at around £20,000, not including officer time and "in kind" operations. The costs would certainly have been considerably higher had the frogs been allowed to disperse further before taking action.

¹ Brian BANKS, Catherine BECKETT, Jim FOSTER, Tom LANGTON and Kevin MORGAN:

Information note provided to complement poster presentation at the Fourth World Congress of Herpetology, Bentota, Sri Lanka, 2-9 December 2001.

Ruddy duck

6. Ruddy ducks (*Oxyura jamaicensis*) are a North American species imported into wildfowl collections in the United Kingdom. Some birds escaped from these collections and formed a free flying population that now numbers around 6,000 birds. Ruddy ducks only occur in small numbers in the rest of Europe. The evidence suggests that emigration of Ruddy ducks from the UK accounts, in most part, for the small but increasing numbers of Ruddy ducks occurring on the continent.

7. Ruddy ducks have been proven to hybridise with the White-headed duck in Spain. The White-headed duck is classified as globally threatened, with the latest estimated world population of no more than 10,000 birds. The West European population of White-headed ducks is estimated at around 2,300 birds, all of which are found in Spain. This population has grown from only 22 individuals in the 1970s because of a determined and costly effort by the Spanish Government and conservationists.

8. The Bern Convention White-headed duck Action Plan states that the extinction of the White-headed duck is only likely to be prevented if rapid action is taken to control Ruddy ducks in Europe. The UK holds the largest number of Ruddy ducks, and numbers here are growing. The Government considers that, as the only native European species of stiff tailed duck, action needs to be taken to ensure that the White-headed duck does not become extinct.

9. A number of other European countries including Spain, Portugal and France have also already taken positive action. However the numbers in continental Europe are small - fewer than 10 breeding pairs per year. Efforts to control the source population in the UK would be crucial to controlling the European population as a whole. Other European countries are awaiting UK action, before embarking on control programmes locally.

10. In February 2003, following an extensive scientific pilot study to test feasibility, the Government announced that it agreed in principle to the eradication of the ruddy duck from the United Kingdom, subject to further research into the efficiency of control techniques, and the submission of a LIFE bid for co-funding of future work. CSL submitted a bid in September 2003 with Defra support, which was unsuccessful. It was amended and resubmitted in November 2004, and has been well-placed on the list of projects the EU has indicated it is considering. A final decision is expected in late August/September. The total cost of the project will be £3,337,000 over 5 years. Approximately £1.5 million has been spent on control work to date.

REGULATING THE TRADE IN PRIMATES

Current Policy

1. In licensing the import of live primates, the Government has to be satisfied that the specimens have been lawfully acquired and that the trade will not have a harmful effect on the conservation status of the species concerned, or on the extent of the territory occupied by the relevant population of that species. It also has to be satisfied that the intended accommodation is adequately equipped to conserve and care for it. The vendor of such animals is also required to ensure that the intended recipient is adequately informed of the accommodation, equipment and practices required to ensure that the specimen will be properly cared for.

2. Although the CITES Regulations are aimed primarily at securing the conservation of species by regulating the international trade in them, the impact of the trade on the long term welfare of the animals is also a factor that needs to be taken into account before permitting trade. Where captive environments do not meet an animal's needs, welfare may be compromised and suffering, disease and death may occur. Clearly a trade that gives rise to suffering and early death cannot be sustainable in the longer term.

3. As the Companion Animal Welfare Council has made clear², primates have highly developed mental abilities which need to be taken into account whenever these species are maintained in captivity. A balance therefore needs to be struck between the potential advantages of allowing this trade and the potential welfare costs. Therefore in developing its policy on the trade in primates the Government has long taken the view that these species are not suitable for the general pet trade and has restricted imports to zoos, research establishments and specialist keepers.

Threat Assessment

4. There are thought to be over 300 different species of primates of which about 114 are considered to be under threat.³ More than 32,000 primates are traded worldwide every year of which about 25% are thought to be traded illegally.⁴ The financial rewards are high with illegal trade thought to generate a turnover of 2000%.⁵ For example,

² Report on the Welfare of non Domesticated Animals Kept for Companionship

³ IUCN Red List of Threatened Species. Of these 20 are listed as critically endangered, 48 as endangered and 46 as vulnerable.

⁴ 'Trafficking in misery: The Primate Trade', Linda Howard and Dena Jones, Animal Issue, Vol 31, No 3, Autumn 2000.

⁵ BBC1 TV 'Panorama: Animal Underworld', February 2002.

capuchins sell for around \$3.50 on the Bolivian market but can fetch up to \$7,000 in the US.⁶

5. In the UK some 6099 primates were imported under CITES permits over the period 2001 -2003, mostly for research. Over the same period quarantine licences were issued for some 6731 primates, the difference being accounted for by trade with the rest of the EU which does not require CITES import permits. Some 15 primates have been confiscated by Customs since 1999 and, given the high value of some of the rarer species, the temptation to evade our strict import controls remains high. Rare and endangered primates are also readily advertised for sale from all over the world on the Internet.

6. Estimates of the numbers of primates in captivity are difficult to judge. Although some 665 are currently licensed under the Dangerous Wild Animals Act, this does not cover all primates and a review of the Act has recommended that some primate species should be de-listed.⁷ Animal rescue centres report a growing interest in keeping primates as pets and the Monkey Sanctuary Trust has suggested that the real figure may be as high as 3,000. They also report that, despite our strict border controls, increasing numbers of primates have to be rescued because the owners lack the accommodation or the expertise to care for them properly.

7. The internal trade in the more endangered primate species is also strictly controlled and the department has issued some 221 sale exemption certificates for these species over the last 5 years. Of these 31 were for Cotton top tamarins, yet these are frequently advertised for sale on the Internet and in Cage and Aviary Birds. Only 8 sale certificates were issued for this species to just 3 keepers last year, which would suggest that the controls are being widely evaded. Although this species breeds well in captivity, there are currently less than 3000 of these animals left in the wild and the trade therefore needs to be monitored closely. There is also a lot of anecdotal evidence to suggest that these and many other endangered primate species are being offered for sale without any kind of licence.

- 8. It is clear that many primate species are coming under increasing threat in the wild and that illegal trade is a significant factor in this. It is also clear that our domestic controls on the sale of endangered primates are being evaded and that, despite our very strict border controls, primates are still ending up in the

⁶ Stella Scythe 'No Compromise', issue 24, Esperanza de Libertad, Bolivia and Linda Howard, AESOP, pers comm., 2005.

⁷ A. G Greenwood, PA Cusdin & M Radford "Effectiveness Study of the Dangerous Wild Animals Act 1976, June 2001

hands of those who lack the ability to house and care for them properly.

SUMMARY OF THE THREAT POSED BY ILLEGAL TRADE IN TIGER PARTS AND DERIVATIVES

1. Tigers could once be found from Bali to the Caspian Sea. As human populations grew, loss of habitat became the greatest threat to the species' survival and is believed to have been responsible for the extinction of the Bali Tiger (1940), the Caspian Tiger (late 1970s) and the Javan Tiger (1980s). Trophy hunting and pest control also were key factors in the demise of the Tiger (Mills and Jackson, 1994).

2. Today, the main threats to Tigers are believed to be:

- human-tiger conflict as a result of livestock predation or attacks on humans;
- habitat loss due to land clearance for settlements and conversion to agriculture;
- financial gain from the sale of live specimens, parts and derivatives (Anon, 2002); and
- parts and derivatives taken from Tigers killed as pests and then illegally traded (Anon, 2002).

Although it is believed that the traditional Asian medicine trade continues to be one of the main driving forces behind the illegal killing of Tigers, the trade in skins is also thought to be a significant driving force. Seizures, notably in EU Member States, of medicines purporting to contain Tiger bone, as well as seizures in or close to range states of actual Tiger bones illustrate the on-going problem of illicit trade.

3. The following examples illustrate the scale of the illegal trade in both skins and medicinal products.

- In July 1999, 11 Tiger skins and worrying array of other wildlife products were seized in Ruili, Yunnan Province, on the border with Myanmar (Anon., 2002).
- In November 2001, Forestry Police in Baoshan city, Yunnan Province, seized 23 Tiger skins and 33 Leopard skins (Anon., 2002).
- The TRAFFIC India Informer Network discovered on 12 January 2000, four Tiger skins, 175 kg of bones from Tiger and other species, 132 Tiger claws, 70 Leopard skins and 18 000 Leopard claws in Khaga, Uttar Pradesh, destined most likely for China and the Middle East. Two days later, four Snow Leopard skins and one Tiger skin were discovered and, in the previous month, December 1999, three Tiger skins and 50 Leopard skins were seized, all in Uttar Pradesh (Anon., 2002).
- In early 2000, the Federal Police in Brussels confiscated more than 6,000 musk and Tiger bone plasters from a single shop (Theile, 2000).
- A 2004 report by TRAFFIC on trade in the Sumatran Tiger revealed that at least 50 Sumatran Tigers were poached per year between 1998 and

2002. The latest available figures show that there are only 400-500 Tigers left in the wild in Sumatra (Shepherd and Magnus, 2004).

- In October 2003, the largest ever seizure of Asian big cat skins occurred in Tibet, involving 31 Tiger and 581 leopard skins (WPSI, 2004)
- More recently, reports from India have emerged highlighting that the battle against poaching and illegal trade is far from over. In May 2005, Tigers were reported to be disappearing from the Sariska reserve in western Rajasthan state, India. In April 2005, police arrested a man from Madhya Pradesh who admitted to killing as many as 30 big cats - Tigers and Leopards - over the past two years. Panna national park, once home to 34 Tigers according to official records, has not had a Tiger sighting in two years. One wildlife biologist estimated that "not more than eight to 10 Tigers" are left in Panna (Shaini, K. 2005).

4. Surveys conducted in 2000 by TRAFFIC in five Western European countries revealed that 31% of the 149 sites that were visited offered TM products claiming to contain ingredients of endangered, including Tiger bone. Of 41 premises surveyed in the UK, 22 stocked TM ingredients claiming to contain Annex A protected species, while in Brussels the Federal Police in confiscated more than 6000 musk and tiger bone plasters from a single shop (Theile, 2000). In 1996, eight sea containers containing medicinal derivatives of tiger, rhino, bears, musk deer, saiga antelope and pangolin were seized along with hawksbill turtle shell and dried orchid roots (Lowther et al, 2002).

5. Despite an apparent fall in consumption of Tiger bone medicines in former major consuming states, there is little evidence of a major reduction in poaching. While traditional Asian medicines should continue to be treated as a key threat to wild Tigers, efforts to eliminate trade in skins and curios also need to be expanded (Nowell, 2000).

Estimates of national Tiger populations in the early and late 1990s

| Country | Early 1990s | Late 1990s |
|----------------|--------------------|-------------------|
| Bangladesh | 300 – 460 | 362 |
| Bhutan | 50 – 240 | 67 – 81 |
| Cambodia | 100 – 200 | 500 – 700 |
| China | 30 – 80 | 71 – 97 |
| India | 2750 – 3750 | 2500 – 3750 |
| Indonesia | 600 – 650 | 400 – 500 |
| Lao PDR | Present | Present |
| Malaysia | 600 – 650 | 491 – 510 |
| Myanmar | Present | 230 – 465 |
| Nepal | 150 – 250 | 93 – 97 |
| North Korea | <10 | >8 |
| Russia | 150 – 200 | 330 – 371 |
| Thailand | 150 – 600 | 250 – 501 |

| | | |
|--------------|--------------------|--------------------|
| Vietnam | 200 – 300 | <100 |
| Total | 5090 - 7390 | 5421 - 7555 |

Source: Nowell, K. *Far from a Cure: the Tiger Trade Revisited*. TRAFFIC International

For further information on trade in and driving forces behind the killing of Big Cats (briefing document): http://www.traffic.org/cop12/ABC_CoP12.pdf

For further detailed information: *Far from a Cure: the Tiger Trade Revisited*. TRAFFIC International

SUMMARY OF THE THREAT POSED BY ILLEGAL TRADE IN RHINO HORN PRODUCTS

1. Around 18,000 rhinoceroses currently occur in the wild, of which over 11,000 are Southern White Rhino, the populations of which has recovered dramatically since the early 1900s owing to intensive management, and 3600 Black Rhino (IUCN SSC African Rhino Specialist Group, 2004). Of the three Asian species only the Indian Rhino has a population exceeding 1000 individuals (Foose & Strien, 1997). Habitat degradation and land transformation remains a significant threat, particularly for the Javan and Sumatran rhinoceros, which occur in extremely low numbers (Mainka, 1997).
2. Poaching, however, remains the most immediate threat to rhino species. The horn is used in traditional Asian medicine and African rhinoceros horn also is in demand for use in the manufacturing of traditional dagger handles in the Middle Eastern countries of Yemen and Oman (Mainka, 1997). While demand has been the underlying cause of population declines, a number of other factors have facilitated and catalysed poaching and illegal trade, notably poverty, corruption, lack of institutional capacity, inadequate expenditure on field conservation as well as limited financial support from non-range states (Mainka, 1997).
3. Levels of illegal trade are believed to have dropped in Africa although there is continuing evidence that rhino horn, sometimes from legally-held stocks, is still moving into the hands of black-market traders and markets. Traditional Asian medicines purporting to contain rhino horn are still found by enforcement authorities in consumer countries, including within EU Member States (Theile, 2000).
4. Poaching remains of grave concern in Asia. Recent reports indicate on-going, and a possible increase, in poaching of rhinos for their horns. In late July 2005, Nepalese authorities announced the arrest of eight major rhino horn poachers and traders, one of whom confessed to trading 20 horns. In mid-July 2005, ten rhinos were reportedly killed in Chitwan National Park. Once considered a conservation success story when the population rose from 100 in the 1970s to 544 in 2000, a rhino census conducted in March 2005 revealed the population had plummeted to 372 individuals (WWF Nepal, 2005).
5. Surveys conducted in 2000 by TRAFFIC in five Western European countries revealed that 31% of the 149 sites that were visited offered TM products claiming to contain ingredients of endangered, including rhino horn. Of 41 premises surveyed in the UK, 22 stocked TM ingredients claiming to contain Annex A protected species, while in Brussels the Federal Police in confiscated more than 6000 musk and tiger bone plasters from a single shop (Theile, 2000). In 1996, eight sea containers containing medicinal derivatives

of tiger, rhino, bears, musk deer, saiga antelope and pangolin were seized along with hawksbill turtle shell and dried orchid roots (Lowther et al, 2002).

6. At £10,000 a kilo the temptation to trade in rhino horns remains high and seizures made in the UK main ports of entry by Customs include rhino horns concealed within wooden statues. Also, in 1998, four people pleaded guilty to conspiring to sell a collection of more than 120 rhino horns, estimated to be worth £2.88m (Lowther, J. et al, 2002). Strong powers are therefore needed to help eliminate the market for rhino horn in this country.

SUMMARY OF THE THREAT POSED BY ILLEGAL TRADE IN BEAR BILE, PAWS AND GALL BLADDERS

Source: Servheen in Williamson and Phipps (2001), unless otherwise stated.

1. There are eight bear species in the world. Of these, six are declining due to combinations of human-caused mortality and habitat loss. Of the five species in Asia, including the giant panda, the sun bear, sloth bear, Asiatic black bear, and brown bear are declining but specific information is available only for Japan. Population data for most bear species, with the exception of the polar bear and the American Black Bear, are extremely hard to come by and often, at best, educated guesses; consequently bear population estimates are not provided.

2. Habitat loss is a major reason for the decline in the populations of the four bear species in Asia noted above; the other reason is continuing unmanaged killing of bears for food, as pest control, and for commercialisation of bear parts for traditional medicine. The high level of human activity in Asian bear habitat also results in serious population and habitat fragmentation; many species in Asia are now separated into small isolated populations that are vulnerable to extinction.

3. Several of the world's bear species are used in the traditional medicine trade: the Asiatic black bear, the brown bear, the sloth bear, sun bear, and to some extent the North American black bear. The killing of Asian bears for use in traditional medicines presents a serious threat to many of the small, isolated populations because this killing is unregulated and unmanaged. Brown bears also are hunted as 'trophies', and a number of seizures of illegally imported bear trophies have been made in the EU (Hofer, 2002).

4. Bear 'farms' have attracted considerable attention world-wide due to concerns mainly focusing on the welfare aspects. There are also legitimate conservation concerns regarding these farms and the status of captive breeding of bears supplying them, as well as continued reports of illegal trade in live bears possibly to supply these farms. Seizures of medicines containing or purporting to contain bear bile continue to be made within Asia and also within the EU, including in the UK (Pendry, S, 2000; and Theile, S, 2000). Strong powers are therefore needed to help eliminate the market for bear products in this country.

SUMMARY OF THE THREAT POSED BY ILLEGAL TRADE IN TIBETAN ANTELOPE HAIR

Unless otherwise stated, the sources for the following information are:

1. Mills, J.A. (undated). *Fashion Statement spells death for Tibetan Antelope*. TRAFFIC East Asia and TRAFFIC India.
2. Anon. WCS and WWF (undated). *Don't buy shahtoosh*. Wildlife Conservation Society and World Wide Fund For Nature.

1. The Tibetan Antelope, also referred to as Chiru, lives at elevations of around 14,000 feet on the Tibetan Plateau, China. The species has dwindled from a population of at least 1 million in the early 1900s to around 70,000 today. This dramatic population decline is attributed solely to the targeted killing for their wool to make shawls known as shahtoosh or ring-shawls. Three to five chiru being required to make one shawl.

2. There are no legal sources for shahtoosh. In China, the species is protected as a Class 1 protected species (no killing allowed); the species has also been listed in the CITES Appendices since 1975 first in Appendix II and then in Appendix I (1979). The Chinese Government has set aside several large reserves to protect the animal, but the size and remoteness of the territory make it extremely difficult to patrol. The animals are shot or trapped and the wool is smuggled out of China into the Indian state of Jammu and Kashmir where it is woven into shawls. Prices can reach up to £15,000 for one high-quality shawl.

3. The main markets include the US, the UK, Hong Kong, Italy, and France. Recent seizures have been made also in Spain and Switzerland. With Operation Charm, the Metropolitan Police Wildlife Crime Unit made one of the world's largest seizures of shahtoosh shawls from an exclusive shop in Mayfair, in 1997. Wildlife Officers seized 138 shawls of all sizes. It is estimated that more than 1,000 Chiru, or nearly 2% of the world's population, would have been killed to provide the wool for the seized shawls. The prices of individual shawls ranged from £1,000 to £15,000, and the total of the price tags was £353,000. In the first successful prosecution against the shahtoosh trade in the UK, the company was fined £1,500 and the court ordered that they forfeit the shawls (Anon, *undated*), an extremely low penalty given the value of the goods confiscated. Demand for shahtoosh and the subsequent illegal killing of these animals to meet this demand remains the main threat to the long-term survival of this species.

ESTIMATED MARKET VALUE OF SELECTED SPECIMENS

| Species / commodity | Source | Price – GBP |
|--|----------------------------|---|
| Tiger skins(<i>parts and derivatives not included</i>) | TRAFFIC International | £500 - £2,500 dependent on condition |
| Rhino horn | TRAFFIC International | £10,000 /kg |
| Bear gall bladders (<i>bile & paws unknown</i>) | TRAFFIC International | £700 to £4,000+ |
| Shahtoosh | Anon, <i>undated</i> | £15,000 |
| African grey parrots | TRAFFIC International | £275 for adult pair from wild / up to £600 for captive bred young |
| Lear's macaws | TRAFFIC International | £50,000 /breeding pair |
| Common marmosets | TRAFFIC International | £300 – 500 |
| Golden cheeked gibbons | Monkeyworld | £10,000/breeding pair |
| Geoffroy's tamarin | Monkeyworld | £1000 + |
| Capuchin monkeys | Monkeyworld | £3000 + |
| Pygmy marmoset | Monkeyworld | £2000 |
| Red-handed tamarin | Monkeyworld | £1000+ |
| Caviar | Theile <i>et al</i> , 2004 | £742 per gram |
| Ivory | TRAFFIC International | £100 – 500+ / kg, dependent upon quality |
| Rhinoceros iguanas | TRAFFIC International | £1,000 – 3,000+ dependent on spp |
| OTHER | | |
| Agarwood | TRAFFIC International | £6,000 /kg |
| Golden eagle | TRAFFIC International | £3,000 |
| Cheetah cub | TRAFFIC International | £6,000 |
| Pair of radiated tortoise | TRAFFIC International | £5,000 |
| Horsfield's tortoise | TRAFFIC International | £150 |

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KEEPING OF WILD ANIMALS - SUMMARY OF EXISTING POWERS

The key powers relating to the keeping of wild animals in the UK are set out in detail below:

CITES Controls

These are set out in detail in Council Regulation (EC) No. 338/97. The key provisions are as follows:

- Article 4 – requires the prior presentation of a valid import permit before CITES specimens can be imported into the EU. The importing authority must also be satisfied that:
 - the specimen was lawfully acquired;
 - trade will not be detrimental to the conservation of the species; and in the case of live animals that
 - the place of destination is adequately equipped to house and care for the specimen concerned.

- Article 4.6 – enables the Commission to establish a general prohibition on the importation of species from particular countries on the grounds that:
 - it is unable to make a “no detriment” finding for the species concerned;
 - there are other conservation reasons for refusing entry;
 - specimens of the species are unlikely to survive in captivity for a considerable proportion of their potential life span; or that
 - the species poses an ecological threat to wild species of native fauna and flora.

- Article 8.1 – prohibits all commercial activities in relation to trade in the most endangered Annex A species, including keeping for sale, unless an exception has been granted for one of the reasons set out at paragraph 8.3.

- Article 8.2 – enables member states to prohibit the holding of specimens, in particular live specimens of species listed in Annex A. Although this power is available to prohibit the keeping of Annex B or C specimens the presumption is that the power would only be used in exceptional circumstances as there is a presumption in favour of trade in these species. It is expected that the power would be used reasonably and proportionately to

achieve the conservation objectives set out in the regulation and it is not considered to be available to achieve welfare objectives.

- Article 9.1 – enables member states to issue certificates to authorise the movement of Annex A specimens from the premises designated on the original import permit.
- Article 9.4 – places a duty on vendors of Annex B specimens to ensure that the recipient is adequately informed of the accommodation, equipment and practices required to ensure the specimen will be properly cared for.
- Article 9.6 – enables the Commission to establish restrictions on the keeping of live specimens of species for which restrictions have been established under Article 4.6 above.
- Article 14.1 – requires member states to monitor compliance with the Regulation and, where they have reason to believe the provisions are being infringed, take appropriate measures to ensure compliance or instigate legal action.
- Article 16 – requires member states to take appropriate measures to impose sanctions for infringements of the Regulation.

Animal Welfare

Maintaining good welfare standards comes within the scope of the Dangerous Wild Animals Act and the Zoo Licensing Act. In addition the Protection of Animals Act 1911 makes it an offence to cause unnecessary suffering to an animal. Under the Performing Animals (Regulation) Act 1925 keepers of performing animals including circus animals have to be registered with the local authority. Under the Pet Animals Act 1951 a keeper of a pet shop has to be licensed by the local authority.

The proposals in the Animal Welfare Bill that will impact on the keepers of wild animals are:-

- The extension of the duty to promote welfare (already present in farmed animal law) to keepers of companion and captive animals.
- The introduction of a power to enable regulations to be made concerning the keeping of animals, this would allow banning certain types of animal if that was the only course for securing good welfare.
- Tightening up the law on disqualification orders which are currently fairly easy to circumvent.

In addition the government are committed to tightening up the way that performing animals are regulated. Proposals include the licensing of circus animal trainers. There is also a commitment to regulate animal sanctuaries.

Animal Experiments

The use of animals in experiments and other scientific procedures and their welfare conditions are regulated by the Animals (Scientific Procedures) Act 1986. The policy responsibility for this lies with the Home Office. The 1986 Act gives special protection to endangered species by prohibiting the use of CITES Appendix I listed species in any licensed experiments. With regards to primates specifically, the UK government has made it clear that it will never license animal experiments using Great Apes (Gorillas, Chimpanzees, Bonobos or Orang Utans).

Zoo Licensing Act

The Zoo Licensing Act 1981 (which transposes the EC Zoos Directive) applies to establishments which keep wild animals for exhibition to the public (with exemptions for pet shops and circuses which have their own legislation). It requires the inspection and licensing by local authorities of zoos with four main aims. These are to ensure:

- high standards of animal care and husbandry in zoos;
- high standards of health and safety for zoo visitors;
- participation of zoos in measures to conserve biodiversity, and;
- participation of zoos in promoting public education and awareness in relation to conservation of biodiversity.

Defra provides guidance to local authorities, including on the standards of animal care and husbandry which are expected to be maintained. The conservation and education requirements were introduced in 2003 to give effect to the EC Zoos Directive which recognised zoos' potential to contribute. The Act enables licence conditions to be imposed on zoos and ultimately includes powers to close failing zoos.

Dangerous Wild Animals Act 1976

The Dangerous Wild Animals Act was originally introduced as a private members bill in response to public concern about the keeping of dangerous pets, especially big cats. Its primary aim is to ensure that where private individuals keep dangerous wild animals they do so in circumstances which create no risk to the public. There are some ancillary welfare provisions.

Licences are required for any animal which appears on the Schedule to the Act. These are issued by the relevant local authority, and will only

be granted when the authority is satisfied that it would not be contrary to public interest on the grounds of safety or nuisance, that the applicant is a suitable person and the animal's accommodation is adequate and secure. Local authorities may impose licence conditions and seize animals which are held in contravention of the Act.

The Act does not apply to any dangerous wild animal kept in a zoo, circus, pet shop or registered scientific establishment as these premises are registered under their own specific legislation.

In the past, animals no more dangerous than domestic cats and dogs have been added to the Act's Schedule as a means of providing welfare protection. This has undermined the Act's credibility and is thought to have been a factor in causing widespread non-compliance. Following a 5-year review process, there are current proposals to focus the Act more closely on its original purpose of regulating only those animals which are genuinely dangerous.

Animal Health Controls

The Animals and Animal Products (Import and Export) Regulations implement EU legislation relating to intra Community trade in live animals and germplasm and imports from third countries of live animals. These Regulations apply to England only. Similar Regulations apply in Scotland, Wales and Northern Ireland. The aim of the AAP Regulations is to protect public and animal health by preventing the introduction or spread of disease into England. The EU legislation implemented in these Regulations contains strict health requirements which must be met by animals being imported into England or exported to other Member States. In particular, these Regulations implement the Balai Directive (EU Directive 92/65/EEC) which sets out strict animal health conditions for movement of primates between Member States. The Directive is limited to health provisions, and does not lay down any requirements concerning welfare.

Rabies Controls

Controls on rabies-susceptible animals imposed under the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 are primarily concerned to ensure the effective containment of the animals and the safety of those who have charge of them.

Depending on the species concerned, animal units in authorised quarantine premises at zoos, wildlife and other establishments must receive a reasonable amount of daylight (not required for acclimatisation centres); have an adequate and constant supply of fresh air; have heating; and have fresh drinking water available.

Hygiene rules for these establishments include a requirement for food and drinking bowls and any other utensils used by an animal in quarantine to be in good condition, and be made of a material that can be adequately cleaned and disinfected.

Balai Directive

The 'Balai' Directive 92/65/EEC (as amended by Council Regulation 1282/2002) applies to movement of primates between Member States. This Directive requires that if primates are moved between Member States, they are moved only between approved bodies.

An approved body must be used for one or more of the following purposes of display or education of the public, conservation or research. It must meet strict operational controls (set out in Annex C to the Directive) which include supervision by an approved veterinarian. It is the responsibility of the approved veterinarian to ensure day to day compliance with the conditions in Annex C of the Directive to maintain the high standard of disease security which the premises must meet. There must be a disease surveillance programme in place which includes a requirement for close observation of each animal at least once per day by suitably qualified staff and immediate notification to the approved veterinarian if any of the animals appear unwell or die. There must be procedures for clinical, laboratory and post mortem testing of animals without delay. There must also be a controlled procedure for introducing new animals (including isolation and monitoring as appropriate).

A derogation does allow primates from a non-approved origin to be accepted by an approved premises, subject to appropriate isolation and testing. SVS has been instructed to liaise with the policy team in Page Street if someone should wish to rely on this derogation.

Detailed instructions have been issued to SVS staff on the implementation of Directive 92/65/EEC and in particular the procedure for the approval of bodies, centres and institutes.

Bird Registration

Section 7 of the Wildlife and Countryside Act 1981 makes it a requirement that any bird listed in Schedule 4 to the Act and kept in captivity must be registered with the Department. Each bird must be registered under a unique mark that is acceptable to the Department. In most cases this means a uniquely numbered ring supplied by Defra. The vast majority of registerable birds are birds of prey, but a report carried out by Defra's scientific advisors the Joint Nature Conservation

Committee (JNCC) suggests that certain species of parrots be added. The report will be subject to a full public consultation in due course.

Wildlife & Countryside Act

Both the Wildlife and Countryside Act 1981 and the Conservation (Habitats &c) Regulations 1994 contain measures controlling the keeping of wild animals. The Regulations prohibit the keeping or offering for sale or exchange of live (or dead) animals of a European Protected Species (i.e. species native within the EU). This includes otter, wild cat, and all cetaceans. The 1981 Act includes an offence of possessing or controlling any live (or dead) wild animal included on Schedule 5. Mammalian species on Schedule 5 are native species and include red squirrel and pine marten. It is a defence if you have previously obtained a licence, under the Act or the Regulations, enabling you to keep the species for purposes including the protection of zoological collections, conserving wild animals, or for science or education. The 1981 Act also prohibits possession or sale of live or dead wild birds or their eggs, subject to exceptions (listed on a Schedule) and to licensing provisions allowing exemptions for similar purposes.

Guidance on the Keeping of Wild Animals

Specific guidance on the keeping of wild animals is not given to CITES applicants. Our scientific advisors would however wish to be satisfied that the proposed accommodation is adequately equipped to protect and care for the specimen(s).

In respect of animals in zoos, Defra publishes comprehensive guidance, *The Secretary of State's Standards of Modern Zoo Practice* (the 'Standards'), to assist local authorities and zoo inspectors in their licensing and inspection role which also can also be used to aid zoo operators in understanding what is required. The Standards cover welfare and husbandry issues such as provision of food and water, provision of a suitable environment, provision of animal health care, provision of an opportunity to express most normal behaviour, provision of protection from fear and distress and transportation of live animals. The Standards also cover non-welfare issues such as the public safety, stock record-keeping, conservation and public awareness/education requirements. The Standards set out general principles and are not specific to each species or species group, hence the need for local authorities to be supported by expert zoo inspectors.

Definitions

A number of key words or phrases are used in this paper, which should be interpreted as follows:

- Wild or exotic animals – this term is not defined in the CITES Regulations but we tend to rely on the definition given in section 21 of the Zoo Licensing Act 1981, which refers to animals not normally domesticated in Great Britain. Animal in this context means any species of fauna listed in the CITES Regulations. The definition also does not make any distinction as to wild taken or captive bred specimens and both types of specimens are subject to the CITES controls
- Sensitive species – there is no statutory definition of this term, which is generally taken to mean species that are difficult to keep, or do not survive well, in captivity. The EU Scientific Review Group has in practice found it very difficult to interpret and apply the existing provisions of the CITES Regulations in this regard and there is currently no agreement as to which species do not survive well in captivity.
- High risk species – again there is no statutory definition of this term, which is generally taken here to mean species which are known, or believed, to be threatened by illegal taking or illegal trade which is likely to be detrimental to their survival in the wild. It is also taken to include alien invasive species, where the risk relates to their potential damage to native fauna and flora.
- Captive bred species – these are defined in detail at Article 24 of Commission Regulation 1808/01 and are taken to mean F2 specimens that are born to parents that were themselves born in captivity from lawfully acquired breeding stock.
- Specialist keepers – again there is no statutory definition of this term but our current advice to primate keepers is that import permits will not be granted unless we are satisfied that the intended final accommodation is adequately equipped to protect and care for the specimens. We also do not accept applications from dealers unless they are able to say who is to finally receive the specimens. The key point here is that the keeper must be able to demonstrate that he or she is suitably equipped and sufficiently experienced to house and care for the animals properly.