

## Strategy for confiscated animals

January 2007

### 1. Aim

Following research on the implementation and enforcement of the zoo Directive (Council Directive 1999/22) and the EU CITES Regulation (Council Regulation (EC) No 338/97) EWLA/Eurogroup concluded that one of the reasons for not closing zoos or not confiscating illegally traded animals is that competent authorities do not know what to do with the animals. It is the responsibility of the Member States to make sure that animals which are confiscated or come from closed zoos are cared for properly.

Article 6 of the zoo Directive states:

#### *“Closure of zoos*

*In the event of a zoo or part thereof being closed, the competent authority shall ensure that the animals concerned are treated or disposed of under conditions which the Member States deems appropriate and consistent with the purposes and provisions of this Directive.”*

Article 16 (3) of Regulation No 338/97 states:

*“Where a specimen is confiscated, it shall be entrusted to a competent authority of the Member State of confiscation which:*

- (a) (...) shall place or otherwise dispose of the specimen under conditions which it deems to be appropriate and consistent with the purposes and provisions of the Convention and this Regulation; and*
- (b) In the case of a live specimen which has been introduced into the Community, may, after consultation with the State of export, return the specimen to that State at the expense of the convicted person.”*

This strategy has been designed as a tool for Member States authorities.

### 2. Principles

- Confiscated animals cannot serve as a direct or indirect benefit to the offenders.
- The welfare of confiscated animals must be ensured.
- Breeding of confiscated animals shall be fully prohibited, except if specimens belong to species listed on Annex A of the EU CITES Regulation or other species with identified conservation problems, which can be introduced in controlled and reliable international breeding programmes.

### 3. Possible recipients of confiscated animals (reception centre)

- Rescue or Rehabilitation centres<sup>1</sup>
- Sanctuaries<sup>2</sup>
- Licensed zoological parks

---

<sup>1</sup> For the purpose of this document, a **rescue centre** is a place that receives and temporarily maintains injured, ill or officially confiscated wild animals. This kind of centre is supposed to be flexible in its capacity to receive different kinds of animals and to keep them only for a very short period of time. A **rehabilitation centre** is a place that receives and maintains animals with the purpose to recover them from physical or psychological injuries. This kind of centre is supposed to be more specialised, retaining the animals for a longer period. When appropriate, some social integration is also undertaken in this kind of centre.

<sup>2</sup> For the purpose of this document, a **sanctuary** is a place that receives and maintains animals on a permanent basis after rescue or rehabilitation, or in the process of rehabilitation. Quite often, rehabilitation centres also serve as sanctuaries for a specific group of species.

#### 4. Quality of reception centres and final destinations

- Any place receiving confiscated animals, whether it is a rescue/rehabilitation centre or a zoological park, must have appropriate facilities, technical and financial resources allowing them to ensure good standards of safety, health and welfare for the confiscated and residential animals.<sup>3</sup>
- The quality of these centres should be under the control of any official entity<sup>4</sup>.
- High standards must be guaranteed whether the reception centre is temporary or the final destination for the confiscated animals.

#### 5. Placement of confiscated animals

- Decisions should be taken by a committee composed of representatives of four entities: one from a reception centre, one from the CITES authorities, one from the veterinary authorities and one from an NGO with expertise in the field (and see also section 6 on breeding of specimens belonging to annex A, EU CITES Regulation).
- The final placement of the animal should be decided by the committee after the legal process is resolved and the appropriate final destination found within 1 year after that.
- The decision should be taken within a pre-defined operational framework. A possible decision-taking cascade is as follows:

- a. Returning to the wild (in the place of origin), whenever the animal's condition, ecological context and the logistics of the operation make it possible, and regardless of the conservation value of the species concerned.
- b. Integration in specialised rehabilitation centres or sanctuaries, whether or not in the country where the animal was confiscated; whenever possible, the final destination of the animal should be as close as possible to its original environment.<sup>5</sup>
- c. Integration in licensed national or foreign zoological parks, preferably if they have some degree of specialisation for the species involved.<sup>6</sup>
- d. Non-specialised zoos, able to safeguard health and welfare of the concerned specimens.<sup>7</sup>
- e. Euthanasia should be considered in the following cases: a high standard of care for the rest of the animals' lives cannot be assured, no possible destination for the animals can be found, or when they do not have the slightest chance of recovering their welfare.

- Within this framework, the reception centre<sup>8</sup> that first received the confiscated specimen should be given the possibility to do a proposal for the final placement.
- It is necessary to create and constantly update a network and a database of national and international potential reception centres (whether rescue/rehabilitation centres, sanctuaries or zoos, with different degrees of specialisation). The pro-active building up of such contacts and the acquisition of some related information (e.g. animal reception availability, transference and other specific requirements, etc.) is very powerful in increasing the opportunities for the animals' placement<sup>9</sup>.

---

<sup>3</sup> Standards could be based on those related to the national laws, guidelines or codes of practice produced in the scope of the zoo directive implementation.

<sup>4</sup> In case this is not possible, the legal zoo criteria for quality of facilities and husbandry should be applied, with appropriate adjustments to special rescue and rehabilitation procedures that may take place.

<sup>5</sup> In some countries, rescue and rehabilitation centres have low standards and their quality is not controlled by any entity. On the other hand, zoological parks might have better facilities and higher technical skills and should also be under the control of the zoo legislation. Where this is the case, the order of this cascade could be reversed.

<sup>6</sup> The same as in 5.

<sup>7</sup> The same as in 5.

<sup>8</sup> The reception centre is the recipient of confiscated animals and, as mentioned before, can be a rescue/rehabilitation centre, sanctuary or a licensed zoological park.

<sup>9</sup> There has been intents to establish such a database: the CITES secretariat has published in 2002 a list of rescue centers compiled by the Species Survival Network, which is available at: <http://www.cites.org/eng/notif/2002/074.shtml>

## 6. Breeding policy for confiscated animals

- A non-breeding policy should be adopted as a baseline. This should be carried out using the most appropriate method recommended by competent technicians (veterinarians), and should be undertaken before the animal is sent to its final destination. Whatever the adopted method, the animals' health and welfare should be entirely safeguarded.
- In case confiscated animals will be definitely placed in zoos, breeding can be considered, as long as welfare is respected and it does not produce surplus animals which are subsequently destroyed. The authorities should be able to check conditions for breeding before considering this possibility.
- When dealing with rare specimens (Annex A of the EU CITES Regulation or species with recognised conservation problems), breeding could be allowed but strictly under the control of a recognised breeding programme (e.g., in the European Union, the EEP's<sup>10</sup>). In this case, the placement of these specimens should be decided also with the intervention of the coordinator of the related programme. Placement could then include any entity where internationally recognised breeding programmes are undertaken.

## 7. Monitoring the confiscated animals

At the latest one year after the final placement of the specimens, the official authorities should monitor the conditions and state of the specimens. Any deaths or problems should be reported and taken into consideration for future placements.

## 8. Legal protection of confiscated animals

- The placement of confiscated animals should be covered by specific national legislation. This legislation should consider not only the animals confiscated under CITES but also under other relevant legislation involving wild animals (e.g. zoo directive, regulation for health requirements, national legislation (such as on the keeping of wild animals as companion animals)).
- Generally speaking, the zoo legislation does not cover the protection of confiscated animals in places other than zoos (but there are some exceptions, e.g. Portuguese legislation). Specific legislation should deal with health and welfare of confiscated animals, but also with routines for decision-making in placement, breeding policies, specific health requirements, specific rehabilitation requirements, etc..
- In the countries where there is not yet legislation covering confiscated animals, the national reception centres should adopt common guidelines on procedures.

## 9. Official financial support of reception centres

- Member States should assist private entities to receive animals that are confiscated under the scope of different laws.
- The regime of financial support should be carefully designed to serve the actual purpose for which it is intended. That is, funds should not be delivered in a regular basis, but as parts of specific projects linked to confiscation episodes. In order to achieve that, the government should build up an annual budget made up upon the foreseen confiscation needs by the authorities (estimated from their annual report).

---

<sup>10</sup> European Endangered species Programme

## 10. Problems raised by this kind of policy and ways to overcome them

PROBLEM	HOW TO OVERCOME
1. The non-breeding policy will create major problems in the final placement of specimens as the reception entities do not have the advantage of breeding the specimen(s).	1. A general culture should be developed that a confiscated animal is not a typical part of the collection and therefore should not be bred. The entity which receives these animals has a great educational opportunity by selling the idea that it receives animals that were illegally acquired. Some zoos have incredibly good exhibitions marketing this fact, and it truly attracts and educates public.
2. Confiscated animals can never be legalised under CITES, which is apparently incompatible with integrating them in breeding programmes	2. Some legal solution should be created because it is not acceptable that an extremely rare specimen (e.g. bonobo) that was confiscated cannot be involved in a specific breeding programme. Or, what would be even more unacceptable, would be to sterilise such a specimen, when controlled breeding programmes are being run elsewhere.