



Animal &
Plant Health
Agency

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Our Ref: ATIC1974

[REDACTED]
{By Email}

18 March 2020

Dear [REDACTED]

PROVISION OF REQUESTED INFORMATION

Thank you for your request for information on Article 10 certificates which we received on 28 January 2020. Your request has been handled under the Environmental Information Regulations 2004 (EIR).

The information you requested and our response is detailed below:

I would be obliged if you would provide the undermentioned information / copy documents for the period from the inception of the undermentioned Regulations to the date of this letter :-

1. details of all Applications made to you (including the total number of applications) and granted by you under Council Regulation (EC) No 338/97 for an Article 10 certificate in accordance with the provisions set out in Article 8(3) of the Council Regulations (EC) No 338/97, and
2. details of all applications made to you (including the total number of applications) and granted by you under the Commission regulation (EC) number 865/2006 for an Article 10 certificate and
3. details of the number of applications made for the issue of an Article 10 certificate.

APHA wrote to you on the 20 February 2020 to ask for clarification on your request which we received on the 22 February 2020.

1. How many applications have you received for Article 10 certificates for the sale of rhino horn between 2015 and 2020, and
2. of the number of applications received between 2015 and 2020 how many applications have been granted and how many have been refused, and
3. how many applications have been received between 2015 and 2020 for the sale of rhino horn under Article 10 certificates by CITES but returned without proper consideration on the grounds of a blanket ban?

Between 01/01/2015 & 09/03/2020

5 Article 10 Applications were received for Taxon Family **Rhinocerotidae**

2 Issued –

- (Rhino Foot, 1920's) &
- (Skull, 1900).

2 refused –

- (Rhino horn Cup, circa 20th century) &
- (Rhino horn cup, acquired 1990).

1 Awaiting advice other –

- (Unworked Rhino Horn, circa 1810).

Article 10 Certificate Applications

Due to the blanket ban on Rhino horn we receive very few actual applications for **Article 10 Certificates (A10)**. We do not record the enquiries we receive for Rhino horn A10's, as we immediately advise applicants that an application would almost certainly be likely to be refused, so we have no statistics on the numbers of general enquiries.

We use various codes to record the derivatives of species applied for. For the species family **Rhinocerotidae**, the most used codes to classify Rhino horn would be HOC – Horn or HOR - Horn carving, however these have not always existed, or necessarily been used consistently during the five years of your requested search period. A simple search for A10 applications under HOC & HOR returns just 3 applications all of which have been refused see table below.

Article 10 Certificates applied for Rhinocerotidae from 01/01/2015 - 31/12/2019		
Period	HOC & HOR - Horn & Horn carving	Outcome
01/01/2015 - 31/01/2015	0	
01/01/2016 - 31/01/2016	2	Refused
01/01/2017 - 31/01/2017	0	
01/01/2018 - 31/01/2018	0	
01/01/2019 - 31/01/2019	1	Refused
01/01/2019 - 09/03/2020	0	
	3	TOTAL

Other commercial use data, purpose T.

You have specifically requested data on **Article 10 certificate** applications, but these are not the only type we receive where the applicant has stated they are for commercial use, which could include sale.

In total we have 181 records of applications for the species ***Rhinocerotidae*** over your search period, for all types of CITES permits, including import, export and re-export permits, which have been recorded as being for commercial purpose 'T'.

For the most likely Rhino horn related codes this breaks down as follows, and includes permits issued and returned used and unused:

HOC (horn carving) – 121 applications

CAR - (carving) - 52

HOR – (horn) - 2

For APHA to determine which of the above pertain to your enquiry APHA would be required to inspect each of the individual applications. This information has been exempted from release citing Section 12(4)(b) (manifestly unreasonable) of the Environmental Information Regulations.

Section 12

Section 12(4)(b) provides that whether APHA searching for all the information requested if by doing so we would exceed the appropriate cost limit of £600, which equates to 24 hours of staff time. This is the case for the information that you have requested.

Public Interest Test

By virtue of regulation 12(4)(b) of the EIR, APHA may refuse to disclose information if the request for the information would involve the diversion of resources and incur excessive cost, in all the circumstances of the case, the public interest in applying the exception outweighs the public interest in disclosing the information. In reaching our decision with respect to the public interest, we considered the following matters:

We recognise that there is a public interest in disclosure of information concerning Rhino horn. To that end we have provided links to publicly available information and supplied what information was readily available. Regulation 12(4)(b) of the EIR also requires public authorities to apply a presumption in favour of disclosure. However, there is a strong public interest in withholding the information. Your request covers a substantial amount of information and staff resource. Examining each individual permit application to

determine whether we hold the information you have requested would involve a significant cost and diversion of resources from APHA's other work.

We want to be as open as possible in answering requests for information. The Environmental Information Regulations (EIR) itself also requires us to provide reasonable advice and assistance to those seeking to make such a request. Your request is quite specific and although every effort has been made through various searches of our systems and records apportioning relevant spending according to a categorisation that may not cover all the information would cover an enormous amount of information. Determining whether it is all held and gathering it together would therefore involve a significant cost and diversion of resources from the Agency's other work. APHA came to that conclusion following an examination of a proportion of the source data. It should be noted that applications comprise of varying amounts of permits issued per application. The random selection chosen may not have been entirely representative, but it does provide a base to extrapolate time and resource.

APHA consider that your request falls under regulation 12(4)(b) on manifestly unreasonable grounds in determining whether all the information is held. Having carried out the above public interest test, we have concluded that, in all the circumstances of the case, the public interest falls in favour of applying the exception.

Please see below for information that is publicly available and might help in your enquiry.

Information on the importation of CITES listed species of wildlife is published here:

<https://trade.cites.org/>

Instructions on how to use it are here:

<https://www.cites.org/sites/default/files/common/resources/TradeDatabaseGuide.pdf>

The Convention on International Trade in Endangered Species (CITES) Trade Database, managed by UNEP-WCMC on behalf of the CITES Secretariat, is a unique resource that holds over 13 million records of trade in wildlife and over 50,000 scientific names of taxa listed by CITES. Contracting Parties including the Animal and Plant Health Agency (APHA) provide annual reports to the CITES Secretariat including full

Information disclosed in response to this EIR request is releasable to the public. In keeping with the spirit and effect of the EIR and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on GOV.UK, together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

An Annex is attached which explains the copyright that applies to the information being released to you and contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact the Access to Information Team at the email address below or postal address at the top of this letter.

Yours sincerely

ACCESS TO INFORMATION TEAM

Email: enquiries@apha.gov.uk

Annex

Copyright

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs or logos) can also be used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

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Complaints

If you are unhappy with the service you have received in relation to your request, you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to the Access to Information Manager at the address at the top of this letter or email enquiries@apha.gov.uk and the team will arrange for an internal review of your case.

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted APHA's own complaints procedure. The ICO can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF