

# Conf. 12.8

(Rev. CoP17)\*

## Review of Significant Trade in specimens of Appendix-II species

RECALLING that Article IV, paragraph 2 (a), of the Convention requires, as a condition for granting an export permit, that a Scientific Authority of the State of export has advised that the export will not be detrimental to the survival of the species concerned;

RECALLING that Article IV, paragraph 3, requires a Scientific Authority of each Party to monitor exports of Appendix-II species and to advise the Management Authority of suitable measures to be taken to limit such exports in order to maintain such species throughout their range at a level consistent with their role in the ecosystem;

RECALLING also that Article IV, paragraph 6 (a), requires, as a condition for granting a certificate of introduction from the sea, that a Scientific Authority of the State of introduction from the sea has advised that the introduction will not be detrimental to the survival of the species concerned;

CONCERNED that some States permitting export of Appendix-II species are not effectively implementing Article IV, paragraphs 2 (a), 3 and 6 (a), and that, in such cases, measures necessary to ensure that the export of an Appendix-II species takes place at a level that will not be detrimental to the survival of that species, such as population assessments and monitoring programmes, are not being undertaken, and that information on the biological status of many species is frequently not available;

RECALLING that the proper implementation of Article IV is essential for the conservation and sustainable use of Appendix-II species;

NOTING the important benefits of the review of trade in specimens of Appendix-II species by the Animals and Plants Committees as set out in Resolution Conf. 8.9 (Rev.), adopted by the Conference of the Parties at its eighth meeting (Kyoto, 1992) and amended at its 11th meeting (Gigiri, 2000), referred to as the Review of the Significant Trade, and the need to clarify further and simplify the procedure to be followed;

RECALLING that, at its 12th meeting (Santiago, 2002), the Conference of the Parties mandated the Animals and Plants Committees to develop terms of reference for an evaluation of the Review of Significant Trade with the objective of assessing the contribution of the Review of Significant Trade to the implementation of Article IV, paragraphs 2 (a), 3 and 6 (a), and its impact over time on the trade and conservation status of species selected for review and subject to recommendations;

NOTING that, in Resolution Conf. 16.7 (Rev. CoP17) on *Non-detriment findings*, the Conference of the Parties recommended that Scientific Authorities take into account certain concepts and guiding principles in considering whether trade would be detrimental to the survival of the species;

ACKNOWLEDGING that the intent of the Review of Significant Trade process is to ensure that trade in Appendix II species is being conducted sustainably and in accordance with Article IV of the Convention, and to identify remedial action where it is needed with the ultimate intent of improving the implementation of the Convention;

EXPECTING that the implementation of recommendations and actions resulting from the Review of Significant Trade process will improve the capacity of the Scientific Authorities to carry out their non-detriment findings by improving range States' science-based conservation and management actions and improving coordination and communication between Scientific and Management Authorities on the issuance of export permits;

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\* Amended at the 13th and 17th meetings of the Conference of the Parties.

AFFIRMING that the Review of Significant Trade process should be transparent, timely, and straightforward;

NOTING the *Guide to CITES compliance procedures* found in Resolution Conf. 14.3 on *CITES compliance procedures* and FURTHER NOTING the guidance for Parties regarding the management of export quotas elaborated in Resolution Conf. 14.7 (Rev. CoP15) on *Management of nationally established export quotas*; and

NOTING that Resolution Conf. 4.25 (Rev. CoP14) on *Reservations* recommends that any Party having entered a reservation with regard to any species included in Appendix I treat that species as if it were included in Appendix II for all purposes, including documentation and control;

## THE CONFERENCE OF THE PARTIES TO THE CONVENTION

### **Regarding conduct of the Review of Significant Trade**

1. DIRECTS the Animals and Plants Committees, in cooperation with the Secretariat and experts, and in consultation with range States, to review the biological, trade and other relevant information on Appendix-II species subject to significant levels of trade, to identify problems and solutions concerning the implementation of Article IV, paragraphs 2 (a), 3 and 6 (a), in accordance with the following procedure and as outlined in Annex 1 of this Resolution:

#### **Stage 1: Selection of species/country combinations to be reviewed**

- a) the Secretariat shall, within 90 days after each meeting of the Conference of Parties, commence, or appoint consultants to commence, preparation of a summary from the CITES Trade Database of annual report statistics showing the recorded level of direct exports for Appendix-II species over the five most recent years, and an extended analysis of trade to inform the preliminary selection of species/country combinations, to be completed in sufficient time for the first regular meeting of the Animals or Plants Committee following that meeting of the Conference of the Parties (see Annex 2 of this Resolution);
- b) on the basis of recorded levels of direct exports and information available to the Animals or Plants Committee, the Secretariat, Parties or other relevant experts, a limited number of species/country combinations of greatest concern shall be included in Stage 2 of the review process by the Animals or Plants Committee at their first regular meeting following a meeting of the Conference of the Parties; and
- c) in exceptional cases, outside of steps 1 a) and b) above, and where new information provided to the Secretariat by a proponent indicates that rapid action may be needed concerning problems relating to the implementation of Article IV (for a species/country combination), the Secretariat:
  - i) will verify that the proponent has provided a justification for the exceptional case, including supporting information;
  - ii) may produce, or request a consultant produce a summary of trade from the CITES Trade Database in relation to the species/country combination concerned as necessary; and
  - iii) will, as soon as possible, provide the justification and, if appropriate, a trade summary to the Animals or Plants Committee for their intersessional review and decision on whether or not to include the species/country combination in Stage 2 of the review process;

#### **Stage 2: Consultation with the range States and compilation of information**

- d) the Secretariat shall:
  - i) within 30 days after the meeting of the Animals or Plants Committee at which species/country combinations are selected, or within 30 days after the Committee has selected a species/country combination on an exceptional basis, notify selected range States that their species has been selected, providing an overview of the review process and an explanation for the selection. The Secretariat shall request range States to provide

the scientific basis by which it is established that exports from their country are not detrimental to the survival of the species concerned and are compliant with Article IV, paragraphs 2 (a), 3 and 6 (a) of the Convention. In its letter, the Secretariat shall provide guidance to range States on how to respond, explain the consequences of not responding to the request, and inform the range States that the responses will be made available on the CITES website as part of the agenda for meetings of the Animals or Plants Committee. Range States shall be given 60 days to respond; and

- ii) compile, or appoint consultants to compile, a report about the biology and management of and trade in the species, including any relevant information provided by the range States, to be made available for the next meeting of the Animals or Plants Committee. In doing so, the Secretariat (or consultants) shall actively engage with the range States and relevant experts in the compilation of the report;
- e) the report required under subparagraph 1 d) ii) shall include conclusions about the effects of international trade on the selected species/country combinations, the basis on which such conclusions are made and problems concerning the implementation of Article IV, and shall provisionally divide the selected species/country combinations into three categories:
- i) 'action is needed' shall include species/country combinations for which the available information suggests that the provisions of Article IV, paragraph 2 (a), 3 or 6 (a), are not being implemented;
  - ii) 'unknown status' shall include species/country combinations for which the Secretariat (or consultants) could not determine whether or not these provisions are being implemented; and
  - iii) 'less concern' shall include species/country combinations for which the available information appears to indicate that these provisions are being met; and
- f) once the report is completed, the Secretariat shall draw the attention of the relevant range States to the report prepared under subparagraph d) ii) and invite them to provide any additional information for consideration at the second meeting of the Animals or Plants Committee following the Conference of the Parties;

### **Stage 3: Categorization and Recommendations by the Animals or Plants Committee**

- g) the Animals or Plants Committee shall, at their second meeting following the Conference of the Parties, review the report of the Secretariat or the consultants, and the responses and additional information received from the range States concerned. For each selected species/country combination the Animals or Plants Committee shall recategorize species/country combinations of 'unknown status' as either 'action is needed' or 'less concern' and provide a justification for such recategorization. Additionally, if appropriate, the Animals and Plants Committee shall revise the preliminary categorization proposed for species/country combinations of those where 'action is needed' or those of 'less concern' and provide a justification for the revision;
- i) species/country combinations determined by the Animals or Plants Committee to be of less concern shall be removed from the review process and the Secretariat shall notify the range States accordingly within 30 days; in cases where the species/country combination is of less concern due to the establishment of a zero export quota, any change to this quota should be communicated by the range State to the Secretariat and the Chair of the relevant Committee along with a justification; and
  - ii) species/country combinations determined by the Animals or Plants Committee to be those for which 'action is needed' shall be retained in the review process. The Animals or Plants Committee shall, in consultation with the Secretariat, formulate time-bound, feasible, measurable, proportionate, and transparent recommendations directed to the range States retained in the review process, using the principles outlined in Annex 3 of this Resolution. The recommendations should aim to build the range State's long term capacity to implement Article IV, paragraphs 2 (a), 3 and 6 (a) of the Convention;

- h) the Secretariat shall, within 30 days of the meeting of the Animals or Plants Committee, transmit these recommendations to the range States concerned; and
- i) the Animals or Plants Committee shall formulate separate recommendations directed to the Standing Committee for problems identified in the course of the review that are not directly related to the implementation of Article IV paragraph 2(a), 3 or 6(a), following the principles outlined in Annex 3 of this Resolution;

**Stage 4: Measures to be taken regarding the implementation of recommendations**

- j) the Secretariat shall monitor progress against the recommendations, taking account of the different deadlines;
- k) once the range State has reported on the implementation of recommendations or the deadlines have passed, whichever is first and, following timely intersessional consultation with members of the Animals or Plants Committee through the Chairs, the Secretariat shall determine whether the recommendations referred to above have been implemented;
  - i) where the recommendations have been met, the Secretariat shall, following consultation with the Chair of the Standing Committee, notify the range States concerned that the species/country combination was removed from the review process and include the rationale for its evaluation, noting where relevant, specific commitments made by the range States in question and, in the case where a species/country combination was removed from the review process on the basis of the establishment of an interim precautionary export quota (including a zero export quota) in the place of implementing the recommendations, any change to this quota should be communicated to the Secretariat and Chair of the relevant Committee along with a justification, for their agreement; or
  - ii) when the recommendations are not deemed to have been met (and no new information is provided), the Secretariat shall, in consultation with the members of the Animals or Plants Committee through the Chairs, recommend to the Standing Committee appropriate action, which may include, as a last resort, a suspension of trade in the affected species with that State; or
  - iii) where the recommendations are not deemed to have been met or have been partially met, and there is new information suggesting the recommendation may require updating, the Secretariat shall, in a timely fashion, request the members of the Animals or Plants Committee, through the Chairs, to prepare a revised recommendation, keeping in mind the principles that recommendations should be time-bound, feasible, measurable, proportionate, transparent, and should promote capacity building. The Secretariat shall provide the revised recommendation to the range States within 30 days of its drafting;
- l) the Secretariat shall report to the Standing Committee on its evaluation of the implementation of the recommendations, including the rationale for its evaluation and, where relevant, specific commitments made by the range States in question, and a summary of the views expressed by the Animals or Plants Committees. The Secretariat shall additionally report on any further actions taken by the Animals or Plants Committee in the case of range States where new information has resulted in revised recommendations;
- m) for range States where recommendations are not deemed to have been met, the Standing Committee shall decide, at its next regular meeting or intersessionally as appropriate, on necessary action and make recommendations to the range State concerned, or to all Parties, keeping in mind that these recommendations should be time-bound, feasible, measurable, proportionate, transparent, and should promote capacity building. In exceptional circumstances, where the range State under consideration provides new information on the implementation of the recommendations to the Standing Committee, the Standing Committee through the Secretariat, shall consult in a timely fashion with the members of the Animals or Plants Committee through the Chair, prior to making a decision on necessary action;
- n) the Secretariat shall notify all Parties of any recommendations or actions taken by the Standing Committee;

- o) a recommendation to suspend trade in the affected species with the range State concerned should be withdrawn only when that range State demonstrates to the satisfaction of the Standing Committee through the Secretariat, which shall act, through the Chair, in consultation with the members of the Animals or Plants Committee, in compliance with Article IV, paragraph 2 (a), 3 or 6 (a); and
- p) the Standing Committee, in consultation with the Secretariat and the Chair of the Animals or Plants Committee, shall review recommendations to suspend trade that have been in place for longer than two years, evaluate the reasons why this is the case in consultation with the range State, and, if appropriate, take measures to address the situation;

***Regarding problems identified not related to the implementation of Article IV***

2. DIRECTS the Standing Committee to address problems identified in the course of the review process that are not related to the implementation of Article IV, paragraph 2 (a), 3 or 6 (a), in accordance with other provisions of the Convention and relevant Resolutions;

***Regarding support to the range States***

3. URGES the Parties, and all organizations and stakeholders interested in the conservation and sustainable use of wildlife, to provide the necessary financial support or technical assistance to those States in need of such assistance to ensure that wild populations of species of fauna and flora subject to significant international trade are not subject to trade that is detrimental to their survival. Examples of such assistance could include:
  - a) training of conservation staff in the range States, including by organizing regional workshops;
  - b) provision of tools, information and guidance to persons and organizations involved in the production and export of specimens of the species concerned;
  - c) facilitation of information exchange among range States, including at the regional level;
  - d) provision of technical equipment, support and advice; and
  - e) provision of support for field studies on Appendix-II species identified as being subject to significant levels of trade; and
4. DIRECTS the Secretariat to assist with identification and communication of funding needs in the range States and with identification of potential sources of such funding;

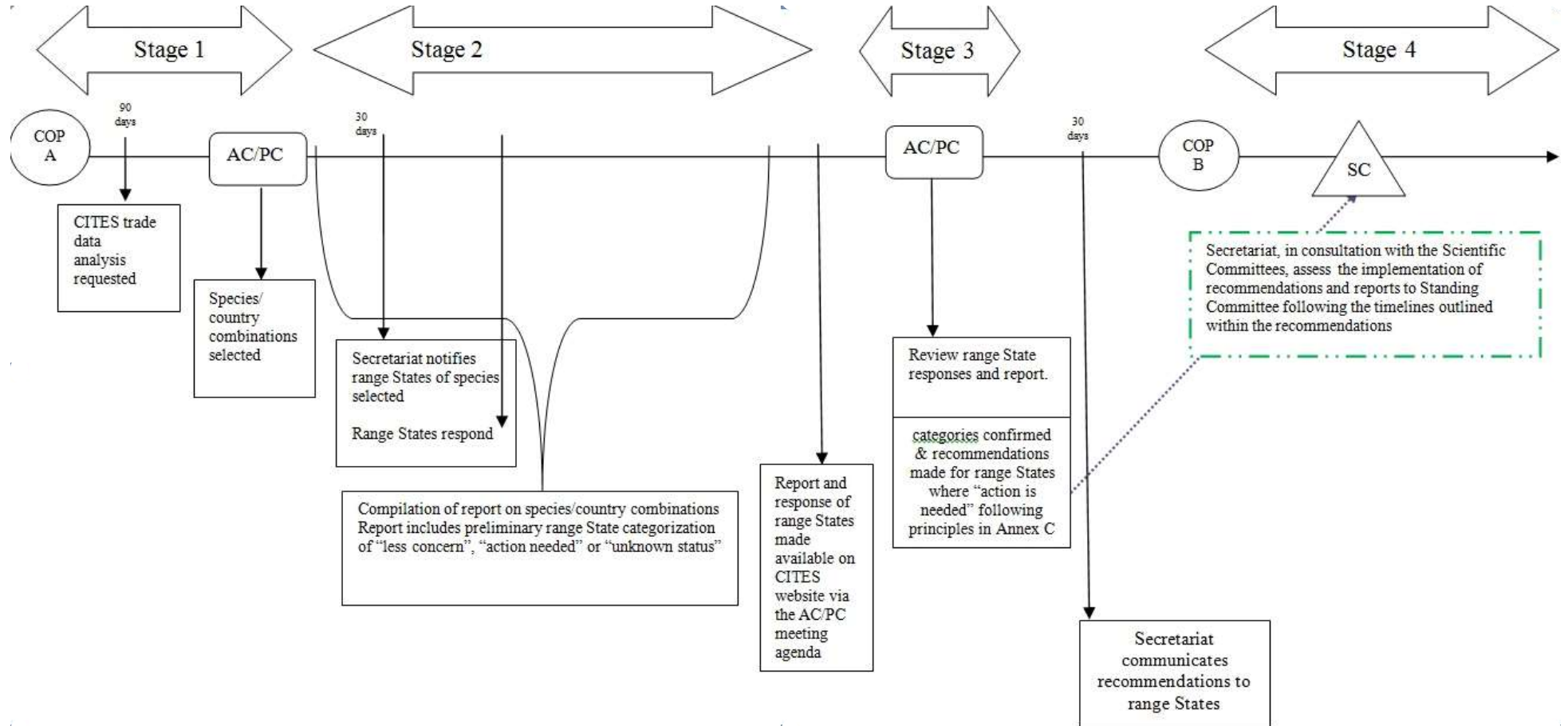
***Regarding capacity building, monitoring, reporting, and evaluating the review process***

5. DIRECTS the Secretariat, for the purpose of monitoring and facilitating the implementation of this Resolution and the relevant paragraphs of Article IV:
  - a) to report at each meeting of the Animals or Plants Committee on the implementation by the range States concerned of the recommendations made by the Committee; and
  - b) to maintain a database of species/country combinations that are included in the review process set out in this Resolution including a record of progress with the implementation of recommendations;
6. DIRECTS the Secretariat to include training on the Review of Significant Trade process as part of its capacity building activities related to the making of non-detriment findings;
7. DIRECTS the Animals or Plants Committee, in consultation with the Secretariat, to undertake a regular review of the outcomes of the Review of Significant Trade by, for example, examining a sample of past species/country combinations to assess whether implementation of Article IV paragraph 2 (a), 3 or 6 (a) was improved. The Animals or Plants Committee should consider the results of this review and revise the Review of Significant Trade process as necessary. In doing so, feedback should be obtained from range States (including their Scientific Authorities) who have been through the review process; and

8. REPEALS Resolution Conf. 8.9 (Rev.) (Kyoto, 1992, as amended at Gigiri, 2000) – *Trade in specimens of Appendix-II species taken from the wild.*

# Annex 1

# Timeline for the Review of Significant Trade Process



## Annex 2

# Guidance regarding the selection of species/country combinations

### I. Summary

The summary referred to in Stage 1 a) of this Resolution shall include gross exports of Appendix II species over the five most recent years (direct trade, sources W, R, U and blank), and include the following information, by taxon:

1. The countries with direct exports in any of the five most recent years;
2. Trade levels for each country with direct exports<sup>1</sup>;
3. Global conservation status as published in The IUCN Red List of Threatened Species or otherwise noted as “Not Evaluated”;
4. The population trend, as published in The IUCN Red List of Threatened Species;
5. Species reported in trade for the first time within the CITES Trade Database (noting those which have been subject to nomenclature changes) since the last Review of Significant Trade selection process; and
6. A note to indicate whether the species/ country combination has been previously subject to the Review of Significant Trade.

Where feasible, the summary output shall contain:

1. Whether there are any countries for which a zero quota or trade suspension has been implemented resulting from the Review of Significant Trade process;
2. Information on whether taxa included are subject to other Multi-lateral Environmental Agreements or Regional Fisheries Management Organisations, and the relevant agreements noted; and
3. Species that are endemic, according to the Species+ database, maintained by UNEP-WCMC.

### II. Extended Analysis

The extended analysis requested in Stage 1 a) of this Resolution shall be based on gross exports of Appendix II species including at least the five most recent years (direct trade, sources W, R, U and blank), and shall include;

1. A subset of taxa that meet clearly defined criteria for “High Volume” trade;
2. A subset of taxa that have been assessed by The IUCN Red List of Threatened Species, and that meet clearly defined criteria for “high volume” trade, dependent on the global threat status;
3. A subset of taxa which meet clearly defined criteria for “Sharp increase” in trade; and
4. The above subsets should also incorporate trade reported in the most recent year.

A full methodology for the selection of taxa which meet these selection criteria will be provided in the outputs submitted to the Animals and Plants Committees.

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<sup>1</sup> To facilitate this requirement, an excel version of the summary will be produced and will be available in electronic format



## **Annex 3**

# **Principles for the development of Recommendations for the Review of Significant Trade Process**

### **Introduction**

This Annex provides general principles that should be followed when developing recommendations for the Review of Significant Trade process.

Recommendations can include short-term actions that are considered to be relatively rapid to implement (e.g., interim quotas or size restrictions for export), or longer-term actions that are recognized to be more complex, resource-intensive, and time-consuming to implement. The intent of short-term actions is to provide relatively rapid means to address issues of immediate concern; however, longer-term actions may promote the development of longer-lasting solutions towards implementation of Article IV. Depending on the situation, one or both types may be appropriate. The end-point for the interim export quota or other short-term recommendations should normally be no later than the date of fulfillment of the longer-term recommendations.

In the course of the Review of Significant Trade recommendations formulated may be directed to range States, to the Standing Committee or to other Parties. As such, recommendations should clearly indicate to whom the recommendation is directed.

### **Principles for making Recommendations**

Recommendations to range States as part of the Review of Significant Trade should adhere to all of the following principles.

A recommendation should be:

1. Time-bound

Each recommendation should have a specified end-date for implementation. This end-date should not normally be less than 90 days after the date of transmission to the range State. Where possible, the end-dates for recommendations made at a Committee meeting should be aligned.

2. Feasible

- a) A recommendation should be designed so that it will be possible to implement it in the time frame specified, in consideration of the range State's capacity.
- b) More than one recommendation can be used but care should be taken to ensure the feasibility of the implementation of all recommendations within the given time frames.

3. Measureable

The recommendation should have a definitive indicator of completion that can be objectively measured.

4. Proportionate with the nature and severity of the risks

- a) A recommendation should specifically address the problem related to the implementation of Article IV 2(a), 3 or 6(a) that has been identified through the review process.
- b) A recommendation should be proportional to the severity of the risks to the species. Evaluation of risks should be undertaken in consideration of both the species' susceptibility to intrinsic or extrinsic factors that increase the risk of extinction, and the mitigating factors, such as management measures, that decrease the risk of extinction.

5. Transparent

The relevant Committee should outline how its choice of recommendation is proportionate to the nature of and severity of the risks with reference to the consultant's report as applicable.

6. Aimed at building the capacity of the range State

A recommendation should contribute to building of the long-term capacity of the range State to effectively implement Article IV of the Convention.

**Recommendations directed to the Standing Committee or other Parties**

Recommendations directed to the Standing Committee should also adhere to the principles of being time-bound, feasible, measurable, and proportionate with the nature and severity of the risks, transparent and aimed at building the capacity of the range State.