

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



Fifty-eighth meeting of the Standing Committee
Geneva (Switzerland), 6-10 July 2009

Interpretation and implementation of the Convention

Amendment of the Appendices

CRITERIA FOR AMENDMENT OF APPENDICES I AND II

1. This document has been prepared by the Secretariat.

Introduction

2. In Article XV of the Convention, the Secretariat is charged with providing to the Parties its findings and recommendations on proposals to amend Appendices I or II. At the 14th meeting of the Conference of the Parties (CoP14, The Hague, 2007), some Parties expressed concern about the differences between the Secretariat's recommendations and those of the FAO *Ad Hoc* Expert Advisory Panel for the Assessment of Proposals to Amend Appendices I and II of CITES Concerning Commercially-Exploited Aquatic Species in document CoP14 Doc. 68. Further background on this matter can be found in documents CoP14 Inf. 26, CoP14 Inf. 48 and CoP14 Inf. 64.
3. In order understand the origin of these differences, with a view to reducing them in future, the Secretariat discussed this matter with FAO in March 2008.

Background

4. At its ninth meeting (CoP9, Fort Lauderdale, 1994), the Conference of the Parties adopted Resolution Conf. 9.24 on *Criteria for amendment of Appendices I and II*, detailing the criteria to be used to assess proposals to amend Appendices I and II. This resolution contained a recommendation that its text and annexes be fully reviewed before the 12th meeting of the Conference of the Parties with regard to the scientific validity of the criteria, definitions, notes and guidelines, and their applicability to different groups of organisms.
5. At CoP12 (Santiago, 2002), the Conference of the Parties adopted Decision 12.97, which established the terms of reference for an intersessional review of the criteria for amendment of Appendices I and II, based on the text in document CoP12 Com. I. 3 – "the CWG12 Chairman's text". This review was led by the Animals and Plants Committees and its results were presented at CoP13 (Bangkok, 2004) in document CoP13 Doc. 57. The Conference of the Parties adopted the revised criteria in Annex 3 of that document, with the addition of paragraph B of the Comments of the Secretariat. These revised criteria were thus first applied to proposals presented at CoP14.

Issue of concern

6. Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14) contains the criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2 (a), of the Convention and reads as follows:

The following criteria must be read in conjunction with the definitions, explanations and guidelines listed in Annex 5, including the footnote with respect to application of the definition of 'decline' for commercially exploited aquatic species.

*A species should be included in Appendix II when, on the basis of available trade data and information on the status and trends of the wild population(s), **at least one** of the following criteria is met:*

A. It is known, or can be inferred or projected, that the regulation of trade in the species is necessary to avoid it becoming eligible for inclusion in Appendix I in the near future; or

B. It is known, or can be inferred or projected, that regulation of trade in the species is required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences.

7. Differences in the interpretation of paragraph B of Annex 2 a are at the root of the divergence between the recommendations of the Secretariat and those of FAO regarding amendment proposals considered at CoP14.
8. The view of FAO is presented in paragraph 13 of their report in Annex 3 of document CoP14 Doc. 68 and is further explained in document CoP14 Inf. 64. According to FAO, the word "reducing" in Annex 2 a, paragraph B, can be assimilated to a 'decline' and this paragraph should therefore be read in conjunction with and interpreted according to Annex 5, where the word "decline" is defined.
9. In the view of the Secretariat, the definition of the term "decline" given in Annex 5 of Resolution Conf. 9.24 (Rev. CoP14) is not relevant in the consideration of whether a species meets the criterion, as the term is used neither directly nor indirectly in Annex 2 a, paragraph B of that Resolution. A similar view was expressed by Germany on behalf of the European Community and its Member States in document CoP14 Inf. 48.

Request to the Standing Committee

10. Taking into account the views outlined in paragraphs 8 and 9 above, the Standing Committee is requested to provide guidance on the interpretation of Annex 2 a, paragraph B, of Resolution Conf. 9.24 (Rev. CoP14) to the Secretariat, so that it may use this when providing advice to the Parties on proposals to amend Appendices I or II at the 15th and subsequent meetings of the Conference of the Parties.