

CONVENCIÓN SOBRE EL COMERCIO INTERNACIONAL DE ESPECIES  
AMENAZADAS DE FAUNA Y FLORA SILVESTRES



Quincuagésimo cuarta reunión del Comité Permanente  
Ginebra (Suiza), 2-6 de octubre de 2006

Interpretación y aplicación de la Convención

Cuestiones de aplicación general

DIRECTRICES PARA EL CUMPLIMIENTO DE LA CONVENCIÓN

1. Este documento ha sido preparado por el presidente del Grupo de trabajo sobre cumplimiento del Comité Permanente.
2. El grupo de trabajo celebró varias reuniones al margen de la 53ª reunión del Comité Permanente (Ginebra, junio – julio de 2005) y los progresos realizados se describen en el acta resumida de la SC53.
3. Al término de la SC53, el presidente distribuyó una versión revisada del proyecto de directrices sobre cumplimiento de la Convención, en la que se incluía el texto que había sido acordado en ese momento, así como el texto sobre el que aún no se había llegado a un acuerdo. Asimismo, formuló varios comentarios y sugerencias que aparecen entre doble barra (/).
4. El presidente informó al Comité, en su 53ª reunión, de que esperaba llevar a cabo negociaciones adicionales por correo electrónico. En consecuencia, inició esas deliberaciones y varias Partes respondieron formulando observaciones y proponiendo cambios al texto, que se había incluido en un foro de internet organizado por el Gobierno de Australia. Para facilitar la referencia, los cambios propuestos se compilan en un solo documento (véase el Anexo), junto con el proyecto de directrices distribuido por el presidente después de la SC53.
5. En fecha reciente la Secretaría presentó información general sobre cumplimiento de la Convención al presidente del grupo. En una primera fase de las deliberaciones del Comité sobre cuestiones de cumplimiento, la Secretaría contrató al Sr. Veit Koester (ex jefe de la Autoridad Administrativa CITES de Dinamarca) para preparar un análisis sobre la conveniencia y la viabilidad de establecer un comité de cumplimiento especial en la CITES. Su informe escrito se presenta como SC54 Inf. 3. Además, el Sr. Peter H. Sand (ex Secretario General de la CITES) ha publicado un artículo "*Sanctions in the Case of Non-Compliance and State Responsibility: pacta sunt servanda – Or Else?*", que se centra principalmente en la CITES. Este artículo figura en el libro titulado *Ensuring Compliance with Multilateral Environmental Agreements: Academic Analysis and Views from Practice*, pp. 259-271, Brill Academic Publishers ([www.brill.nl](http://www.brill.nl)), 2006.
6. El presidente recomienda que el grupo de trabajo se reúna de nuevo al principio de la SC54 e informe en el curso de la reunión. Tal vez pregunte al grupo de trabajo que considere la posibilidad de formar un pequeño grupo de redacción que podría reunirse al margen de la SC54 y luego presentar los resultados de su labor al grupo de trabajo. Esto ayudaría al grupo a completar el proyecto final de las directrices al final de la presente reunión.
7. A tenor del informe del grupo de trabajo, el Comité Permanente podrá decidir como proceder con esta cuestión.

CITES Compliance guidelines, juxtaposed texts per 2 August 2006-08-03

Underscored text : additions  
... : deletions  
//between double slashes// : comments

SC54 Doc. 35 – p. 2

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<p><b>I Legal basis, objectives, scope</b></p> <p>1. The objective of these guidelines is to promote, facilitate and achieve compliance with the Convention and, in particular, to assist Parties in meeting their obligations regarding such compliance.</p> <p>Specifically, the guidelines describe and clarify current practice in order to facilitate the handling of matters of compliance within the Convention, both in individual cases and in matters of general interest.</p> <p>2. These guidelines apply to issues of compliance relating to the obligations under the Convention, taking into account relevant resolutions. Particular attention should be paid to the following:</p> <p>a. Designation of Management Authority(ies) and Scientific Authority(ies) (Art. IX),</p> <p>b. Permitting trade in CITES-listed specimens only to the extent</p>	<p><b>I ... Objectives and scope</b></p> <p>1. The objective of these guidelines is to promote, facilitate and achieve compliance with the Convention and, in particular, to assist Parties in meeting their obligations regarding such compliance.</p> <p>Specifically, the guidelines describe and clarify current practice in order to facilitate the handling of compliance matters <u>relating to</u> the Convention, both in Party-specific matters and in matters of general interest.</p> <p>2. These guidelines apply to compliance <u>matters</u> relating to the ... Convention, taking into account relevant resolutions. Particular attention should be paid to the following:</p> <p>a. designating Management Authority(ies) and Scientific Authority(ies) (Article IX),</p> <p>b. permitting trade in CITES-listed specimens only to the extent</p>	<p><b>I ... Objectives, scope</b></p> <p>1. The objective of these guidelines is to <u>inform Parties and others of CITES practice concerning promoting, facilitating and achieving</u> compliance with the Convention and, in particular, assisting Parties in meeting their obligations regarding such compliance.</p> <p>Specifically, the guidelines describe and clarify current practice in order to facilitate the handling of matters of compliance within the Convention, both in individual cases and in matters of general interest.</p> <p>2. These guidelines address issues of compliance relating to the obligations under the Convention, taking into account relevant resolutions as they relate to treaty obligations. Particular attention should be paid to the following:</p> <p>a. Designation of Management Authority(ies) and Scientific Authority(ies) (Art. IX),</p> <p>b. Permitting trade in CITES-</p>	<p><b>I ... Objectives, scope</b></p> <p>1. The objective of these guidelines is to promote, facilitate and achieve compliance with the Convention and, in particular, to assist Parties in meeting their obligations regarding such compliance. Specifically, the guidelines describe and clarify current practice in order to facilitate the handling of matters of compliance within the Convention, both in individual cases and in matters of general interest.</p> <p>2. These guidelines apply to issues of compliance relating to the obligations under the Convention, taking into account relevant resolutions. Particular attention should be paid to the following:</p> <p>a. Designation of Management Authority(ies) and Scientific Authority(ies) (Art. IX),</p> <p>b. Permitting trade in CITES-listed specimens only to the extent</p>

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<p>consistent with the procedures laid down in the Convention (art. III, IV, V, VI, VII and XV),</p> <p>c. Taking appropriate domestic measures to enforce the provisions of the Convention and prohibit trade in violation thereof (Art. VIII para. 1),</p> <p>d. Maintenance of records of trade and submission of periodic reports (Art. VIII, paras 7 and 8),</p> <p>e. Responding to communications of the Secretariat or the Standing Committee related to information that a species included in Appendix I or II is being adversely affected by trade in specimens of that species or that the provisions of the Convention are not being effectively implemented (Article XIII).</p> <p>3. These guidelines are without prejudice to any dispute settlement procedure under the Convention.</p>	<p>consistent with the procedures laid down in the Convention (Articles III, IV, V, VI, VII and XV),</p> <p>c. taking appropriate domestic measures to enforce the provisions of the Convention and prohibit trade in violation thereof (Article VIII paragraph. 1),</p> <p>d. maintaining records of trade and submitting periodic reports (Article. VIII, paragraphs 7 and 8),</p> <p>e. responding to communications of the Secretariat or the Standing Committee related to information that a species included in Appendix I or II is being adversely affected by trade in specimens of that species or that the provisions of the Convention are not being effectively implemented (Article XIII).</p> <p>3. These guidelines are without prejudice to any dispute settlement procedure under the Convention.</p>	<p>listed specimens only to the extent consistent with the procedures laid down in the Convention (art. III, IV, V, VI, VII and XV),</p> <p>c. Taking appropriate domestic measures to enforce the provisions of the Convention and prohibit trade in violation thereof (Art. VIII para. 1),</p> <p>d. Maintenance of records of trade and submission of periodic reports (Art. VIII, paras 7 and 8),</p> <p>e. Responding to communications of the Secretariat <u>as soon as possible</u> related to information that a species included in Appendix I or II is being adversely affected by trade in specimens of that species or that the provisions of the Convention are not being effectively implemented (Article XIII).</p> <p>3. These guidelines are without prejudice to any dispute settlement procedure under the Convention.</p>	<p>consistent with the procedures laid down in the Convention (art. III, IV, V, VI, VII and XV),</p> <p>c. Taking appropriate domestic measures to enforce the provisions of the Convention and prohibit trade in violation thereof (Art. VIII para. 1),</p> <p>d. Maintenance of records of trade and submission of periodic reports (Art. VIII, paras 7 and 8),</p> <p>e. Responding to communications of the Secretariat related to information that a species included in Appendix I or II is being adversely affected by trade in specimens of that species or that the provisions of the Convention are not being effectively implemented (Article XIII).</p> <p>3. These guidelines are without prejudice to any dispute settlement procedure under the Convention.</p>
<p><b>II General Principles</b></p> <p>1. A positive, supportive and non-adversarial approach is taken towards issues of non-compliance, with the aim of ensuring long-term compliance.</p> <p>2. These guidelines and ensuing compliance measures are applied in a fair, consistent and transparent manner, while paying particular attention to the special needs of developing country Parties, in</p>	<p><b>II General Principles</b></p> <p>1. A positive, supportive and non-adversarial approach <u>should be</u> taken towards issues of non-compliance, with the aim of ensuring long-term compliance.</p> <p>2. These guidelines and ensuing compliance measures <u>should be</u> applied in a fair, consistent and transparent manner, while paying particular attention to the special needs of developing country Parties,</p>	<p><b>II General Principles</b></p> <p>1. A positive, supportive and non-adversarial approach is taken towards issues of non-compliance, with the aim of ensuring long-term compliance.</p> <p>2. Compliance matters are reviewed and ensuing compliance measures are applied in a fair, consistent and transparent manner. <u>... In developing compliance measures particular attention is paid</u></p>	<p><b>II General Principles</b></p> <p>1. A positive, supportive and non-adversarial approach is taken towards issues of non-compliance, with the aim of ensuring long-term compliance.</p> <p>2. <u>Within CITES</u>, compliance issues are applied in a fair, consistent and transparent manner, while taking into account the special needs of developing country Parties, in particular, least developed and small</p>

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<p>particular the least developed and the small island developing States among them.</p> <p>3. As a general rule, findings and communications in compliance matters are not treated confidentially. Exceptions to this rule are possible, inter alia for the following reasons:</p> <p>a. to protect information provided by an affected Party and which that Party has requested, with supporting reasons, be kept confidential.</p> <p>b. to avoid threats to the safety of individuals,</p> <p>c. to protect confidential business information,</p> <p>d. to avoid the disclosure of information that could jeopardize the survival of populations of species included in the Appendices of the Convention, or</p> <p>e. to avoid compromising a judicial investigation.</p> <p>4. Decision on whether to close or keep open debates in individual compliance matters is taken according to the Rules of Procedure of the body seized with the matter.</p>	<p>in particular the least developed and the small island developing States among them.</p> <p>3. As a general rule, findings and communications in compliance matters are not treated confidentially. <u>However, the Standing Committee may decide to treat such findings and communications as confidential for, inter alia , the following reasons:</u></p> <p>a. to protect information provided by an affected Party and which that Party has requested, with supporting reasons, be kept confidential.</p> <p>b. to avoid threats to the safety of individuals,</p> <p>c. to protect confidential business information,</p> <p>d. to avoid the disclosure of information that could jeopardize the survival of populations of species included in the Appendices of the Convention, or</p> <p>e. to avoid compromising a judicial investigation.</p> <p><u>Where the Standing Committee decides to treat findings and communications as confidential, it shall provide reasons.</u></p> <p>4. Decisions on whether to close debates in Party specific compliance matters are taken according to the Rules of Procedure of the body seized with the matter <u>and are</u></p>	<p><u>to the circumstances of developing country Parties.</u></p> <p>3. As a general rule, findings and communications in compliance matters are not treated confidentially. Exceptions to this rule are possible, inter alia for the following reasons:</p> <p>a. to protect information provided by an affected Party and which that Party has requested, with supporting reasons, be kept confidential.</p> <p>b. to avoid threats to the safety of individuals,</p> <p>c. to protect confidential business information,</p> <p>d. to avoid the disclosure of information that could jeopardize the survival of populations of species included in the Appendices of the Convention, or</p> <p>e. to avoid compromising a judicial investigation.</p> <p>4. Decision on whether to close or keep open debates in individual compliance matters is taken according to the Rules of Procedure of the body seized with the matter.</p>	<p>island developing States.</p> <p><u>3. Non-compliance issues are actioned as quickly as possible.</u></p> <p>4. <u>A decision on whether to close or keep open debates, or to release communications (correspondence, documents), in individual compliance matters is taken according to the</u></p>

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<p>5. In their communications with an affected Party the Standing Committee and the Secretariat should make sure that the information provided and the requests for information made to the Party are effectively received by the competent authorities of the Party.</p>	<p><u>reasoned.</u></p> <p>5. In their communications with an affected Party the Standing Committee and the Secretariat makes sure that the information provided and the requests for information made to the Party are effectively received by the competent authorities of the Party.</p>	<p>5. In their communications with an affected Party the Standing Committee and the Secretariat take steps to make sure that the information provided and the requests for information made to the Party are effectively received by the competent authorities of the Party.</p>	<p><u>Rules of Procedure of the body considering the matter.</u></p> <p>5. In the interests of transparency, as a general rule, findings .... in compliance matters are not treated confidentially.</p>
<p><b>III The various bodies and their compliance-related tasks</b></p> <p>1. As the supreme body of the Convention, the Conference of the Parties:</p> <p>a. provides general policy guidance on compliance issues,</p> <p>b. directs and oversees the handling of compliance matters particularly through the identification of key obligations and procedures, and</p> <p>c. reviews as needed decisions of the Standing Committee related to specific issues of non-compliance adopted pursuant to paragraph 38.</p> <p>The Conference of the Parties may decide to carry out itself the tasks normally entrusted to the Standing Committee as described in Sections IV and V below. //Para. added after</p>	<p><b>III The various bodies and their compliance-related tasks</b></p> <p>1. As the supreme body of the Convention, the Conference of the Parties:</p> <p>a. provides general policy guidance on compliance matters,</p> <p>b. directs and oversees the handling of compliance matters particularly through the identification of key obligations and procedures, and</p> <p>c. reviews as needed decisions of the Standing Committee related to <u>Party- specific</u> compliance matters adopted pursuant to paragraph xx.</p> <p><u>1bis</u> <u>When</u> the Conference of the Parties decides to carry out itself the tasks ... entrusted to the Standing Committee as described in Sections IV and V, <u>these guidelines apply</u></p>	<p><b>III The various bodies and their compliance-related tasks</b></p> <p><u>Compliance matters are taken up by various CITES bodies. Some of these functions include:</u></p> <p>1. As the supreme body of the Convention, the Conference of the Parties:</p> <p>a. provides general policy guidance on compliance issues,</p> <p>b. directs and oversees the handling of compliance matters particularly through the identification of key obligations and procedures, and</p> <p>c. reviews as needed decisions of the Standing Committee related to specific issues of non-compliance adopted pursuant to paragraph 38.</p> <p>The Conference of the Parties may decide to carry out itself the tasks normally entrusted to the Standing Committee as described in Sections IV and V below.</p>	<p><b>III The various bodies and their compliance-related tasks</b></p> <p>1. As the supreme body of the Convention, the Conference of the Parties:</p> <p>a. provides general policy guidance on compliance issues,</p> <p>b. directs and oversees the handling of compliance matters particularly through the identification of key obligations and procedures, and</p> <p>c. reviews, as needed, decisions of the Standing Committee related to specific issues of non-compliance.</p> <p>....</p>

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<p>WG meeting.//</p> <p>2. As the executive body of the Convention, the Standing Committee, acting in accordance with instructions from and authority delegated by the Conference of the Parties, examines general and specific compliance matters, including:</p> <ol style="list-style-type: none"> <li>monitoring and assessing overall compliance,</li> <li>advising and assisting Parties in complying with the Convention;</li> <li>verifying information and making determinations regarding compliance issues; and</li> <li>making decisions and recommendations regarding compliance measures.</li> </ol> <p>3. As technical advisory bodies of the Convention, the Animals and Plants Committees advise and assist the Standing Committee and the Conference of the Parties with regard to compliance matters, inter alia by undertaking necessary reviews, consultations, assessments and reporting.</p> <p>4. The Secretariat assists and supports the Standing Committee and the Conference of the Parties in carrying out their functions concerning compliance matters according to the procedures set out in these guidelines.</p>	<p><u>mutatis mutandis.</u></p> <p>2. As the executive body of the Convention, the Standing Committee, acting in accordance with instructions from and authority delegated by the Conference of the Parties, examines general and Party-specific compliance matters, including:</p> <ol style="list-style-type: none"> <li>monitoring and assessing overall compliance with the Convention,</li> <li>advising and assisting Parties in complying with the Convention;</li> <li>verifying information and making determinations regarding compliance <u>matters</u>; and</li> <li>making decisions and recommendations regarding compliance measures.</li> </ol> <p>3. As technical advisory bodies of the Convention, the Animals and Plants Committees advise and assist the Standing Committee and the Conference of the Parties with regard to compliance matters, inter alia, by undertaking necessary reviews, consultations, assessments and reporting.</p> <p>4. The Secretariat assists and supports the Standing Committee and the Conference of the Parties in carrying out their functions concerning compliance matters according to the procedures set out in these guidelines <u>....</u> .</p>	<p>2. As the executive body of the Convention, the Standing Committee, acting in accordance with instructions from and authority delegated by the Conference of the Parties, examines general and specific compliance matters, including:</p> <ol style="list-style-type: none"> <li>monitoring and assessing overall compliance,</li> <li>advising and assisting Parties in complying with the Convention;</li> <li>verifying information <u>....</u> : and</li> <li>making recommendations regarding compliance measures.</li> </ol> <p>3. As technical advisory bodies of the Convention, the Animals and Plants Committees advise and assist the Standing Committee and the Conference of the Parties with regard to compliance matters, inter alia by undertaking necessary reviews, consultations, assessments and reporting.</p> <p>4. The Secretariat assists and supports the Standing Committee and the Conference of the Parties in carrying out their functions concerning compliance matters according to <u>established</u> procedures.</p>	<p>2. As the executive body of the Convention, the Standing Committee, acting in accordance with instructions from and authority delegated by the Conference of the Parties, examines general and specific compliance matters, including:</p> <ol style="list-style-type: none"> <li>monitoring and assessing overall compliance,</li> <li>advising and assisting Parties in complying with the Convention;</li> <li>verifying information <u>...</u>; and</li> <li>making decisions and recommendations regarding compliance measures.</li> </ol> <p>3. As technical advisory bodies of the Convention, the Animals and Plants Committees advise and assist the Standing Committee and the Conference of the Parties with regard to compliance matters, including by undertaking necessary reviews, consultations, assessments and reporting.</p> <p>4. The Secretariat assists and supports the Standing Committee and the Conference of the Parties in carrying out their functions concerning compliance matters according to the procedures set out in these guidelines.</p>

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<p><b>IV General monitoring and facilitation of compliance</b></p> <p>1. The Secretariat is responsible for day-to-day monitoring of compliance. It receives, assesses and communicates to the Parties information on compliance matters. It advises and assists Parties in complying with the Convention, draws their attention to possible issues of non-compliance, makes recommendations for restoring compliance and tracks the implementation of compliance-related decisions of the Standing Committee and the Conference of the Parties.</p> <p>2. Annual and biennial reports, legislative texts as well as other special reports and responses to information requests provide the primary, but not exclusive, means of monitoring compliance with the Convention. To that end, the Secretariat advises Parties at least 60 days in advance of deadlines applicable to reporting and other obligations under the Convention.</p> <p>3. The Secretariat reports on a regular basis to the Standing Committee and the Conference of the Parties on its activities</p>	<p><b>IV General monitoring and facilitation of compliance</b></p> <p>1. The Secretariat is responsible for day-to-day monitoring of compliance with the Convention. It: (a) receives, assesses and communicates to the Parties information on compliance matters, (b) advises and assists Parties in complying with the Convention, (c) draws their attention to possible compliance matters, (d) makes recommendations for restoring compliance, and (e) tracks the implementation of compliance-related decisions of the Standing Committee and the Conference of the Parties.</p> <p>2. Annual and biennial reports, legislative texts as well as other special reports and responses to information requests, <u>for example within significant trade reviews and national legislation projects</u>, provide the primary... means of monitoring compliance with the Convention. To that end, the Secretariat advises Parties at least 60 days in advance of deadlines applicable to reporting and other obligations under the Convention.</p> <p>3. The Secretariat reports on a regular basis to the Standing Committee and the Conference of the Parties on its activities undertaken</p>	<p><b>IV General monitoring and facilitation of compliance</b></p> <p>1. The Secretariat plays a key role in the day-to-day monitoring of compliance. It receives, assesses and communicates to the Parties information on compliance matters. It advises and assists Parties in complying with the Convention, draws their attention to possible issues of non-compliance, makes recommendations for restoring compliance and tracks the implementation of compliance-related recommendations of the Standing Committee and <u>decisions and resolutions of</u> the Conference of the Parties.</p> <p>2. Annual and biennial reports, legislative texts as well as other special reports and responses to information requests provide the primary, but not exclusive, means of monitoring compliance with the Convention. To that end, the Secretariat advises Parties at least 60 days in advance of deadlines applicable to reporting and other obligations under the Convention.</p> <p>3. The Secretariat reports on a regular basis to the Standing Committee and the Conference of the Parties on its activities ...</p>	<p><b>IV General monitoring and facilitation of compliance</b></p> <p>1. The Secretariat is responsible for day-to-day monitoring of compliance. It receives, assesses and communicates to the Parties information on compliance matters. It advises and assists Parties in complying with the Convention, draws their attention to possible issues of non-compliance, makes recommendations for restoring compliance and tracks the implementation of compliance-related decisions of the Standing Committee and the Conference of the Parties.</p> <p>2. Annual and biennial reports, legislative texts as well as other special reports and responses to information requests provide the primary, but not exclusive, means of monitoring compliance with the Convention. To that end, the Secretariat advises Parties at least 60 days in advance of deadlines applicable to reporting and other obligations under the Convention.</p> <p>3. The Secretariat reports on a regular basis to the Standing Committee and the Conference of the Parties on its activities</p>

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undertaken under these guidelines.	under these guidelines.		undertaken under these guidelines.
<b>V Party-specific compliance issues</b>	<b>V Party-specific compliance matters</b>	<b>V Party-specific compliance issues</b>	<b>V Party-specific compliance issues</b>
<i>A. Detection [identification] of potential compliance issues</i>	<i>A. Identification of potential compliance matters</i>	<i>A. Identification of potential compliance issues</i>	<i>A. Identification of potential compliance issues</i>
<p>1. The Secretariat provides individual Parties concerned with information it receives which indicates that they may have compliance problems, and communicates with these individual Parties to determine whether compliance problems exist.</p> <p>Compliance problems are often identified within significant trade reviews, national legislation projects and national reporting programmes.</p> <p>2. In response, the Party will, as soon as possible, inform the Secretariat of any relevant facts in so far as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.</p> <p>3. Any Party concerned over trade in Appendix-II or –III species conducted by another Party may bring the matter up directly with that Party. If this fails to produce results,</p>	<p>1. The Secretariat provides individual Parties concerned with information it receives which indicates that they may have compliance problems, and communicates with these individual Parties to determine whether compliance problems exist.</p> <p>Compliance problems are often identified within significant trade reviews, national legislation projects and national reporting programmes</p> <p>2. In response, the Party will, as soon as possible, inform the Secretariat of any relevant facts in so far as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.</p> <p>3. Any Party concerned over trade in Appendix-II or –III species conducted by another Party may bring the matter up directly with that Party. If this fails to produce results,</p>	<p>1. <u>In implementing Article XIII</u>, the Secretariat provides <u>the management authority of</u> individual Parties concerned with information it receives which indicates that they may have compliance problems, and communicates with these individual Parties to determine whether compliance problems exist.</p> <p>Compliance problems are often identified within significant trade reviews, national legislation projects and national reporting programmes.</p> <p>2. In response, the Party <u>...</u>, as soon as possible, <u>informs</u> the Secretariat of any relevant facts in so far as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry can be carried out by one or more persons expressly authorized by the Party.</p> <p>3. Any Party concerned over trade in Appendix-II or –III species conducted by another Party can bring the matter up directly with that Party. If this fails to produce results,</p>	<p>1. The Secretariat provides individual Parties concerned with information it receives which indicates that they may have compliance problems, and communicates with these individual Parties to determine whether compliance problems exist. Compliance problems are often identified within significant trade reviews, national legislation projects and national reporting programmes.</p> <p>2. In response, the Party will, as soon as possible, inform the Secretariat of any relevant facts in so far as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.</p> <p>3. Any Party concerned over trade in Appendix-II or –III species conducted by another Party may bring the matter up directly with that Party. If this fails to produce results,</p>



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<p>it may call upon the Secretariat for assistance.</p> <p>4. Parties themselves may give the Secretariat early warning of any compliance problems, including the inability to provide information by a certain deadline, and indicate the reasons for these problems and if any assistance is required.</p> <p>5. Where compliance problems are identified, the Parties in question are given every opportunity to correct them within reasonable time limits, if necessary with the assistance of the Secretariat. The time limits, whether set by the Standing Committee or by the Secretariat, are defined according to the nature of the problem and the Party's capacity to take corrective action.</p>	<p>it may call upon the Secretariat for assistance.</p> <p>4. Parties themselves may give the Secretariat early warning of any compliance problems, including the inability to provide information by a certain deadline, and indicate the reasons for these problems and if any assistance is required.</p> <p>5. Where compliance problems are identified, the Parties in question are given every opportunity to correct them within reasonable time limits, if necessary with the assistance of the Secretariat. The time limits set .... by the Secretariat, are defined according to the nature of the problem and the Party's capacity to take corrective action</p>	<p>it can call upon the Secretariat for assistance.</p> <p>4. Parties themselves <u>are always urged to give the Secretariat early warning of any compliance problems, including the inability to provide information by a certain deadline, and indicate the reasons for these problems and if any assistance is required.</u></p> <p>5. Where compliance problems are identified, the Parties in question <u>have the opportunity to correct them within reasonable time limits, if necessary with the assistance of the Secretariat. (see Resolution 11.3)</u></p>	<p>it may call upon the Secretariat for assistance.</p> <p>4. Parties themselves may give the Secretariat early warning of any compliance problems, including the inability to provide information by a certain deadline, and indicate the reasons for these problems and if any assistance is required.</p>
<p><i>B. [Non-compliance submissions] //Chair's suggestion//</i></p> <p>1. If the Party fails to take sufficient corrective action, the matter is brought to the attention of the Standing Committee, in the form of a "non-compliance submission", by the Party itself;</p> <p>a. [One or more other Parties];</p> <p>b. [the Secretariat in direct contact with the Party concerned],;</p> <p>c. [The Conference of the Parties]; or</p>	<p><i>B. Non-compliance submissions procedure</i></p> <p>1. <u>Notwithstanding paragraph 1bis below</u>, if the Party fails to take sufficient corrective action <u>within the time limits set by the Secretariat</u>, the matter is brought to the attention of the Standing Committee, in the form of a "non-compliance submission", <u>by the Secretariat.</u></p> <p>1<sup>bis</sup> A matter of compliance, in the</p>	<p><i>B. [Non-compliance submissions]</i></p> <p>1. If the Party fails to take sufficient corrective action, the matter is brought to the attention of the Standing Committee, typically by:</p> <p>a. the Party itself;</p> <p>b. [One or more other Parties];</p> <p>c. [the Secretariat preferably in direct contact with the Party concerned],;</p>	<p><i>C: Consideration of non-compliance issues</i></p> <p>1. <u>Where the Secretariat has identified or has been informed of a non-compliance issue, the Secretariat assesses the underlying information to determine its reliability and relevance, compiles supplementary information, both corroborating and contradicting, and consults with the affected Party.</u></p>

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<p>d. [The Standing Committee].</p> <p><i>[section on non-Parties] //Chair awaits suggestions on this point, which is unclear to him.//</i></p> <p>2. Reports to the Standing Committee are generally made in writing and include details as to which specific obligations are concerned and an assessment of the reasons why the affected Party may be unable to meet those obligations. Given the immediacy/urgency of some compliance issues, verbal/oral reporting may be appropriate. Corroborating [or contradicting/additional or supplemental] information, or indication of where such information may be found, should be provided. The non-compliance submission may include proposals for remedial action.[link to para 29]</p> <p>// - - end of discussed text - - //</p>	<p>form of a “non-compliance submission”, may also be brought to the attention of the Standing Committee by:</p> <p>a. the Party itself;</p> <p>b. One or more other Parties;</p> <p>c. The Conference of the Parties;</p> <p>or</p> <p>d. The Standing Committee.</p> <p><u>1<sup>ter</sup> Non-Compliance submissions may also concern trade between Parties and non-Parties.</u></p> <p>2. <u>Submissions</u> to the Standing Committee are generally made in writing and include details as to which specific obligations are concerned and an assessment of the reasons why the affected Party may be unable to meet those obligations. Given the immediacy/urgency of some compliance matters, verbal/oral reporting may be appropriate <u>in some specific cases but oral reports should not become the rule.</u> Corroborating [or contradicting/additional or supplemental] information, or indication of where such information may be found, should be provided. The non-compliance submission may include proposals for remedial action.</p> <p>// - - end of discussed text - - //</p>	<p>d. [The Conference of the Parties]; or</p> <p>e. [The Standing Committee].</p> <p>2. Reports to the Standing Committee are generally made in writing and include details as to which specific obligations are concerned and an assessment of the reasons why the affected Party may be unable to meet those obligations. Given the immediacy/urgency of some compliance issues, verbal/oral reporting <u>has been appropriate in some cases.</u> Corroborating [or contradicting/additional or supplemental] information, or indication of where such information may be found <u>is typically provided</u> as are proposals for remedial action.</p> <p>// - - end of discussed text - - //</p>	<p>2. The <u>Secretariat</u> may reject non-compliance issues that it considers:</p> <p>a) trivial; or</p> <p>b) manifestly ill-founded.</p>

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<p>3. [(29), The Secretariat assesses the underlying information to determine its reliability and relevance, compiles supplementary information, both corroborating and contradicting, and consults with the affected Party, and reports to the Standing Committee</p> <p>Whoever reports a compliance problem to the SC copies that report simultaneously to the concerned Party.</p> <p>4. [(30) The Standing Committee [] should ensure the expedited handling of a non-compliance submission.]</p> <p>5. (28) The Standing Committee can/should/will/may reject non-compliance submissions which it considers are:</p> <ul style="list-style-type: none"> <li>• de minimis [trivial], or</li> <li>• manifestly ill-founded.</li> </ul> <p>Where the Standing Committee has decided that the submission is not trivial or manifestly ill-founded, the Party concerned shall be given the right to provide comments within [a</p>	<p>3. [(29), The Secretariat assesses the information underlying the submission to determine its reliability and relevance, compiles supplementary information, both corroborating and contradicting, and consults with the affected Party, and reports to the Standing Committee within [x] days.]</p> <p><u>3<sup>bis</sup> Except for submissions made in accordance with B1<sup>bis</sup>(a), the Secretariat shall forthwith send the submission to the Party concerned.</u></p> <p>4. [(30) The Standing Committee [] should ensure the expedited handling of a non-compliance submission.]</p> <p>5. (28) The Standing Committee should/will reject non-compliance submissions which it considers are:</p> <ul style="list-style-type: none"> <li>• de minimis [trivial], or</li> <li>• manifestly ill-founded.</li> </ul> <p>Where the Standing Committee has decided that the submission is not trivial or manifestly ill-founded, the Party concerned shall be given the right to provide comments within a reasonable time as set out by the</p>	<p>3. [(29), The Secretariat assesses the underlying information to determine its reliability and relevance, compiles supplementary information, both corroborating and contradicting, and consults with the affected Party, and reports to the Standing Committee</p> <p>Whoever reports a compliance problem to the SC copies that report simultaneously to the concerned Party.</p> <p>4. [(30) The Standing Committee [] <u>ensures</u> the expedited handling of a non-compliance submission.]</p> <p>5. (28) The Standing Committee <u>is able to</u> reject matters which it considers are:</p> <ul style="list-style-type: none"> <li>• de minimis [trivial], or</li> <li>• ill-founded.</li> </ul> <p>Where the Standing Committee determines that the submission is not trivial or ill-founded, the Party concerned is given the right to provide comments within [a reasonable time as set out by the</p>	<p><u>3. The Secretariat reports to the Standing Committee when it is of the opinion that the affected Party is not satisfactorily engaging on the compliance issue or achieving progress towards compliance. Reports to the Standing Committee are simultaneously forwarded to the affected Party by the Secretariat.</u></p> <p>4. When considering a non-compliance issue, the Secretariat, or the Standing Committee, consider the nature, (underlying) cause(s), <u>degree and frequency of non-compliance and whether the affected Party has taken or planned any steps to achieve compliance before making a decision that issues of non-compliance exist.</u></p> <p><u>5. The Secretariat, or the Standing Committee, may gather or request further information on a non-compliance issue whenever such information may be needed and, if it is unavailable, may seek an invitation from the Party concerned to undertake the gathering and verification of information in the territory of that Party or wherever such information may be found. This may be carried out by the Secretariat</u></p>

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<p>reasonable time as set out by the Committee]</p> <p><i>[Information gathering and fact-finding]</i></p> <p>6. (31) The Standing Committee [] considers the submission as well as other information and observations with a view to establishing relevant facts and finding a solution [and securing an amicable solution of the matter].</p> <p>7. (33) []The Standing Committee []may gather or request further information on a non-compliance submission whenever such information may be found and may seek an invitation from the Party concerned to undertake the gathering and verification of information in the territory of that Party or wherever such information may be found. This may be carried out by the Secretariat or by the regional representatives.</p> <p>8. When considering a non-compliance submission, the Standing Committee also considers the nature, (underlying) cause(s), degree and frequency of non-compliance and whether the affected Party has taken or planned any steps to restore compliance before making a determination that issues of non-compliance exist.</p>	<p>Committee.</p> <p>6. (31) The Standing Committee considers the submission as well as any relevant information and observations with a view to establishing relevant facts and finding a solution.</p> <p>7. (33) The Standing Committee may gather or request further information on a non-compliance submission whenever such information may be found and may seek an invitation from the Party concerned to undertake the gathering and verification of information in the territory of that Party or wherever such information may be found. This may be carried out by the Secretariat or by the regional representatives.</p> <p>8. //Deletion proposed as these factors should not be addressed in the context of the determination of a compliance matter, but only in the context of the adoption of measures//</p>	<p>Committee]</p> <p><i>[Information gathering and fact-finding]</i></p> <p>6. (31) The Standing Committee considers the submission as well as other information and observations with a view to establishing relevant facts and finding a solution [and securing an amicable solution of the matter].</p> <p>7. (33) []The Standing Committee decides whether to gather or request further information and whether to seek an invitation from the Party concerned to undertake <u>(either by itself or with the cooperation of its regional representative)</u> the gathering and verification of information in the territory of that Party or wherever such information may be found. ....</p> <p>8. When considering a non-compliance submission, the Standing Committee also considers the nature, (underlying) cause(s), degree and frequency of non-compliance and whether the affected Party has taken or planned any steps to restore compliance before making a determination that issues of non-compliance exist.</p>	<p><u>or by the regional representatives.</u></p>

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<p><i>C. Right of consultation and participation</i></p> <p>1. A Party has the right to be consulted formally on any non-compliance submission and to participate in discussions of the Standing Committee [and the Conference of the Parties] with respect to its own compliance. It [is not entitled to][may not] [does not], however, take part in the preparation and adoption of any decisions, measures or recommendations of the Standing Committee [or the Conference of the Parties].</p> <p>2. If a Party cannot access the financial resources needed to participate in CITES meetings where its own compliance is being considered, it may request assistance from the Secretariat or the Standing Committee in identifying such resources.</p>	<p><i>C. Right of consultation and participation</i></p> <p>1. A Party has the right to be consulted formally on any non-compliance submission and to participate in discussions of the Standing Committee and the Conference of the Parties with respect to its own compliance. It [is not entitled to][may not] [does not] however, take part in the preparation and adoption of any decisions, measures or recommendations of the Standing Committee or the Conference of the Parties.</p> <p>2. If a Party cannot access the financial resources needed to participate in CITES meetings where its own compliance is being considered, it may request assistance from the Secretariat or the Standing Committee in identifying such resources.</p>	<p><i>C. Right of consultation and participation</i></p> <p>1. A Party .... is consulted formally on any non-compliance submission and is able to participate in discussions of the Standing Committee [and the Conference of the Parties] with respect to its own compliance. ....</p> <p>2. If a Party cannot access the financial resources needed to participate in CITES meetings where its own compliance is being considered, it can request assistance from the Secretariat or the Standing Committee in identifying such resources.</p>	<p><i>B. Opportunity for consultation and participation</i></p> <p>1. The affected Party <u>will have the opportunity to participate in discussions with respect to its own compliance. Participation by the affected Party assists in developing a workable solution to achieve compliance while seeking to accommodate as far as possible the circumstances of that Party. ...</u></p> <p>2. If a Party cannot access the financial resources needed to participate in CITES meetings where its own compliance is being considered, it may request assistance from the Secretariat or the Standing Committee in identifying such resources.</p> <p><u>3. The Secretariat will endeavour to confirm that competent authorities of the affected Party have received compliance related communications.</u></p>
<p><i>D. Measures to restore compliance</i></p> <p>1. If the Standing Committee determines that a compliance problem does exist, it issues a formal notice to the concerned Party informing it that it is in non-compliance, explaining the reasons</p>	<p><i>D. Measures to achieve compliance</i></p> <p>1. If the Standing Committee determines that a compliance problem does exist it .... <u>may take one or more of the following measures to address compliance matters:</u></p>	<p><i>D. Measures to restore compliance</i></p> <p>1. If the Standing Committee determines that a compliance problem does exist, it issues a formal notice to the concerned Party informing it of the determination , explaining the reasons for that</p>	<p><i>D. Measures to achieve compliance</i></p> <p>1. <u>Where compliance problems are identified, the Secretariat, on its own initiative or under direction of the Standing Committee, notifies the affected Party of the non-compliance issue and requests corrective action.</u></p>

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<p>for that conclusion and requesting a response. It also offers advice and assistance to solve the issue.</p>	<p>a. the provision of advice, information and appropriate facilitation of assistance and other capacity-building support to the affected Party [through the Secretariat or another body];</p> <p>b. [direct contact with the affected Party by a representative of the Standing Committee with a view to helping it find a solution];</p> <p>c. special reporting by the affected Party;</p> <p>c<sup>bis</sup> <u>issuance of a formal caution/notice/ statement of concern to an affected Party warning/informing it that there is a compliance problem, requesting a response;</u></p> <p>d. recommended specific actions to be undertaken by the affected Party;</p> <p>e. in-country technical assessment and verification mission, upon the invitation of the Party concerned, [by the Secretariat, one or several members of the Standing Committee or, depending on the assessment needs, by an independent review team];</p> <p>f. public notification of compliance problems sent through the Secretariat by the Standing Committee to all Parties advising that compliance problems have been brought to the attention of a Party and that, up to that time, there has been no satisfactory response or action;</p>	<p>conclusion and requesting a response. It also offers advice and assistance to solve the issue.</p>	

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<p>2. If a Party fails to respond to such notice //timeline?// or if its compliance problem is not solved in spite of the assistance offered, the Standing Committee may warn the Party that it is still out of compliance. The Committee may then decide upon one or more of the following graduated measures destined at</p>	<p><u>f<sup>bis</sup></u> declaration of non-compliance;</p> <p>g. a compliance action plan to be submitted to the Standing Committee by the affected Party identifying steps needed for a Party to comply, a timetable for when those steps should be completed and means to assess satisfactory completion. [During this period, no additional measures would be applied [related to this instance of non-compliance] provided that progress in returning to compliance continued to be made];</p> <p>h. recommendation of a temporary suspension of commercial or all trade in specimens of one or more CITES-listed species, consistent with Article XIII of the Convention. Such a recommendation may be made in cases where a Party's non-compliance is persistent, the Party is showing no intention to achieve compliance and <u>the Standing Committee</u> determines that this <u>situation</u> is likely to be detrimental to the survival of one or more CITES-listed species.</p>	<p>2. If a Party fails to respond to such notice //timeline?// or if its compliance problem is not solved in spite of the assistance offered, the Standing Committee <u>can</u> warn the Party that a <u>problem still exists</u>. <u>To date, the Committee has decided upon, or recommended to the COP, as appropriate, the following types of</u></p>	<p>2. The affected Party is given every opportunity to correct the issue within reasonable time limits, if necessary with the assistance of the Secretariat. The time limits, whether set by the Standing Committee or by the Secretariat, are defined according to the nature of the problem and the Party's capacity to</p>

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<p>bringing about compliance with the Convention:</p> <p>a. advice, information, appropriate assistance and other capability-building support to the affected Party through the Secretariat or another body;</p> <p>b. direct contact with the affected Party by a representative of the Standing Committee with a view to helping it find a solution;</p> <p>c. special reporting by the affected Party and data verification by the Secretariat;</p> <p>d. recommended specific actions to be undertaken by the affected Party;</p> <p>e. in-country technical assessment and verification mission, upon the invitation of the Party concerned, by the Secretariat, one or several members of the Standing Committee or, depending on the assessment needs, by an independent review team;</p> <p>f. public notification of non-compliance sent through the Secretariat by the Standing Committee [or the Conference of the Parties] to all Parties advising that issues of non-compliance have been brought to the attention of a Party and that, up to that time, there has been no satisfactory response or action;</p> <p>g. agreement between the affected Party and the Secretariat or the Standing Committee on a</p>		<p><u>measures:</u></p> <p>a. advice, information, appropriate assistance and other capability-building support to the affected Party through the Secretariat or another body;</p> <p>b. direct contact with the affected Party by a representative of the Standing Committee with a view to helping it find a solution;</p> <p>c. special reporting by the affected Party and data verification by the Secretariat;</p> <p>d. recommended specific actions to be undertaken by the affected Party;</p> <p>e. in-country technical assessment and verification mission, upon the invitation of the Party concerned, by the Secretariat, one or several members of the Standing Committee or, depending on the assessment needs, by an independent review team;</p> <p>f. .... notification of the determination of a compliance problem sent through the Secretariat by the Standing Committee to all Parties advising that issues have been brought to the attention of a Party and that, up to that time, there has been no satisfactory response or action; //is this implementing Resolution 11.3(e) or describing something else?//</p> <p>g. agreement between the affected Party and the Secretariat or the Standing Committee on a</p>	<p>take corrective action.</p>



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<p>compliance action plan with steps needed for a Party to comply, a timetable for when those steps should be completed and means to assess satisfactory completion. During this period, no additional measures would be applied [related to this instance of non-compliance] provided that progress in returning to compliance continued to be made;</p> <p>h. recommended temporary suspension of commercial or all trade in specimens of one or more CITES-listed species, consistent with Article XIII of the Convention. A recommendation to suspend trade may be made in cases where a Party's non-compliance is persistent and the Party is showing no intention to cooperate towards compliance and it is determined that this persistent non-compliance is likely to be detrimental to the survival of one or more CITES-listed species.</p> <p>3. The list of measures above is not necessarily exhaustive. The measures decided upon and the deadlines set for the Party to reply to communications and implement the recommended measure(s) should be decided case-by-case, taking into account the Party's capacity, economic, administrative or other, to restore effective compliance, cf. paragraph II, 2 above. These considerations, together with the</p>	<p>3. The list of measures above is not necessarily exhaustive.</p>	<p>compliance action plan with steps needed for a Party to take, a timetable for when those steps should be completed and means to assess satisfactory <u>completion with no additional measures being applied during this period provided that progress continues to be made</u>;</p> <p>h. recommended temporary suspension of commercial or all trade in specimens of specific species or taxa of concern or of all CITES-listed species, consistent with Article XIII of the Convention.</p> <p>.....</p> <p>3. The measures decided upon and the deadlines set for the Party to reply to communications and implement the recommended measure(s) should be decided case-by-case, taking into account the Party's capacity, economic, administrative or other, to restore effective compliance, cf. paragraph II, 2 above. These considerations, together with the legal and technical ones, should be clearly set out in the</p>	<p>3. One or more of the following measures may be used to bring about compliance with the Convention:</p> <p>a. advice, information, appropriate assistance and other capability-building support to the affected Party through the Secretariat or another body;</p> <p>b. direct contact with the affected Party by a representative of the Standing Committee with a view to</p>

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<p>legal and technical ones, should be clearly set out in the Committee's recommendations.</p>		<p>Committee's recommendations.</p>	<p>helping it find a solution;</p> <p>c. special reporting by the affected Party and data verification by the Secretariat;</p> <p>d. recommended specific actions to be undertaken by the affected Party;</p> <p>e. in-country technical assessment and verification mission, upon the invitation of the Party concerned, by the Secretariat, one or several members of the Standing Committee or, depending on the assessment needs, by an independent review team;</p> <p>f. public notification of non-compliance sent through the Secretariat by the Standing Committee to all Parties advising that issues of non-compliance have been brought to the attention of a Party and that, up to that time, there has been no satisfactory response or action;</p> <p>g) agreement between the affected Party and the Secretariat or the Standing Committee on a compliance action plan with steps needed for a Party to comply, a timetable for when those steps should be completed and means to assess satisfactory completion.</p> <p>h) recommend temporary suspension of commercial or all trade in specimens of one or more CITES-listed species, consistent with Article XIII of the Convention. A recommendation to suspend trade may be made in cases where a</p>

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<p>4. Where compliance measures are being developed, the possible conservation impact must be taken into account and all efforts taken to avoid developing and establishing measures that are likely to bring about negative conservation results, even if these would apply to a limited number of Parties or species.</p>	<p>4. <u>When the Standing Committee decides upon one or more of the abovementioned measures, it shall take into account:</u></p> <p>a. <u>the capacity of the Party concerned, especially developing country Parties, in particular the least developed and small island developing States amongst them, and Parties with economies in transition;</u></p> <p>b. <u>such factors as the cause, type, degree and frequency of the compliance problems;</u></p> <p>c. <u>the possible impact on conservation and sustainable use with a view to avoiding negative results.</u></p>	<p>4. As compliance measures are being developed for a particular situation, the possible conservation impacts of such measures are taken into account.</p> <p>//this is already covered in II.2//</p>	<p>Party's non-compliance is persistent and the Party is showing no intention to cooperate towards compliance. ....</p> <p>4. The list of measures above is not necessarily exhaustive.</p> <p>5. <u>When deciding on compliance measures, the following is taken into account:</u></p> <p>a) <u>the capacity of the Party concerned, especially developing country Parties, in particular the least developed and small island developing States amongst them, and Parties with economies in transition;</u></p> <p>b) <u>such factors as the cause, type, degree and frequency of the compliance problems;</u></p> <p>c) <u>the possible conservation impact</u></p>

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<p><i>E. Monitoring of implementation and return to compliance</i></p> <p>1. The Standing Committee should monitor the actions taken by the Party concerned to restore compliance through, among other things, its submission of progress reports or the submission of reports by the Secretariat.</p> <p>2. Specific actions as well as the date when the Party concerned is expected to return to compliance should be noted in such reports. Deadlines established by the Standing Committee [or the Conference of the Parties ]should be adjusted to allow an affected Party that is making good progress to complete the steps needed to restore compliance.</p>	<p><i>E. Monitoring and implementation of measures</i></p> <p>1. The Standing Committee <u>monitors the actions taken by the Party concerned to implement measures taken pursuant to paragraph D2. In this regard, the Standing Committee may, inter alia:</u></p> <p>a. <u>require the Party concerned to submit progress reports in accordance with a schedule and a format to be determined by it;</u></p> <p>b. <u>arrange, upon the invitation of the Party concerned, for an in-country technical assessment and for a verification mission.</u></p> <p><u>In the light of progress, the Standing Committee may adjust the measures it has taken, or decide upon additional measures pursuant to paragraph D2.</u></p> <p>2., 3., 4.: .....</p>	<p><i>E. Monitoring of measures</i></p> <p>1. The Standing Committee <u>monitors</u> the actions taken by the Party concerned through, among other things, its submission of progress reports or the submission of reports by the Secretariat.</p> <p>2. Specific actions as well as timetables .... <u>are</u> noted in such reports. Deadlines established by the Standing Committee [or the Conference of the Parties ] <u>are</u> adjusted to allow an affected Party that is making good progress to complete the steps needed.</p>	<p><u>with a view to avoiding negative conservation results.</u></p> <p><i>E. Monitoring of implementation and return to compliance</i></p> <p>1. The Secretariat <u>monitors</u> the actions taken by the <u>affected</u> Party. The affected Party may be <u>requested to provide progress reports or the Secretariat may arrange, upon invitation of the affected Party, for an in-country technical assessment and verification mission.</u></p> <p>2. The Secretariat may report concerns about progress to the Standing Committee. In the light of progress, the Standing Committee may adjust the measures being implemented or decide upon additional measures to achieve compliance.</p>

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<p>3. The Party concerned should keep the Standing Committee informed of its progress by submitting summary reports according to a schedule to be determined from case to case.</p> <p>4. In the event of a failure to return to compliance in a timely manner, the Standing Committee should consider other measures consistent with the list of measures provided above.</p> <p>5. Existing recommendations to suspend trade should be reviewed at each Standing Committee meeting. They should also be monitored intersessionally by the Secretariat. A recommendation to suspend trade should be withdrawn as soon as a Party has been restored to full compliance, or has shown clear</p>	<p>5. <u>The Standing Committee shall review existing recommendations to suspend trade at each meeting. Where the Standing Committee determines that the Party concerned has:</u></p> <p>a. <u>achieved compliance, it shall withdraw the recommendation to suspend trade forthwith;</u></p>	<p>3. The Party concerned keeps the Standing Committee informed of its progress by submitting summary reports according to a schedule to be determined from case to case.</p> <p>4. In the event of a failure to resolve the compliance problem in a timely manner, the Standing Committee can consider other measures (see para. D(2) above).</p> <p>5. Existing recommendations to suspend trade are generally reviewed at each Standing Committee meeting. They are also monitored intersessionally by the Secretariat. A recommendation to suspend trade is withdrawn as soon as the problem has been resolved or has shown clear evidence of having engaged in</p>	<p><u>3. Existing recommendations to suspend trade are reviewed by the Secretariat. If compliance is achieved, the Secretariat recommends that the Standing Committee withdraw the recommendation for a trade suspension. The Standing Committee withdraws the recommendation to suspend trade if the affected Party has achieved compliance. The Secretariat may recommend that the Standing Committee withdraw the recommendation for a trade suspension if the affected Party has made significant progress to achieve compliance. In such cases, the Standing Committee may withdraw the recommendation to suspend trade.</u></p> <p>4. <u>.... The Secretariat notifies the affected Party as soon as possible that compliance has been achieved or when Standing Committee recommendations on its compliance have been made.</u></p>

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<p>evidence of having engaged in a process towards that aim.</p> <p>6. The Standing Committee should instruct the Secretariat to notify Parties as soon as it is satisfied that an affected Party has returned to compliance.</p>	<p><u>b. made significant progress in securing compliance, it may withdraw the recommendation to suspend trade.</u></p> <p>6. The Standing Committee should instruct the Secretariat to notify Parties as soon as it is satisfied that an affected Party has <u>achieved</u> compliance.</p>	<p>a process towards that aim.</p> <p>6. The Standing Committee <u>instructs</u> the Secretariat to notify Parties as soon as it is satisfied that an affected Party <u>has resolved its problem.</u></p>	
<p><b>VI Review of overall compliance</b></p> <p>1. The Conference of the Parties should review these guidelines at every [alternate] meeting and revise them where appropriate for example to incorporate experience gained in implementing them or other relevant compliance policy documents.</p> <p><i>Reporting</i></p> <p>The Standing Committee and the Secretariat shall report to the Conference of the Parties on their activities under these guidelines.</p>	<p><b>VI Review of overall compliance</b></p> <p>1. The Conference of the Parties should review these guidelines at every [alternate] meeting and revise them where appropriate for example to incorporate experience gained in implementing them or other relevant compliance policy documents.</p> <p><i>Reporting</i></p> <p>The Standing Committee and the Secretariat shall report to the Conference of the Parties on their activities under these guidelines.</p>	<p><b>VI Review of overall compliance</b></p> <p>1. The Conference of the Parties should review this document periodically and revise it where appropriate for example to <u>reflect evolving practice.</u></p>	<p><b>VI Review of overall compliance</b></p> <p>1. The Conference of the Parties may review these guidelines periodically and revise them where appropriate for example to incorporate experience gained in implementing them or other relevant compliance policy documents.</p>

## JAPAN'S COMMENTS ON THE DRAFT GUIDELINES ON COMPLIANCE WITH THE CONVENTION

1. Japan appreciates the work done by the Working Group in elaborating the draft guidelines which Japan considers as a good basis for further discussions.
2. The CITES already has a set of mechanisms to promote compliance based on Article 13 of the Convention as well as several separate resolutions including Conf. 11.3 and Conf. 12.8. Japan considers that it would be instrumental to develop the guidelines with the purpose to facilitate consistent application of these mechanisms within the framework of the existing provision and resolutions.
3. From this point of view, Japan is pleased to see that some important principles in applying the mechanisms are set out in the draft, which are: positive, supportive and non-adversarial approach, etc.
4. On the other hand, Japan is concerned that the draft has some serious inconsistencies with the existing provision and resolutions, which can lead to a misunderstanding that the purpose of the guidelines is to establish a new compliance mechanism rather than to facilitate consistent application of existing mechanisms. It should be clearly recognized that the Standing Committee and the Secretariat were not mandated to establish a new compliance mechanism at the CoP12\*.
5. Japan considers that it is of critical importance to outline the objective of the guidelines within the text of the guidelines in order to avoid any misunderstanding and confusion. For this purpose, we propose the following:

Provide clearly, at the beginning of the guidelines, the objective of the guidelines which is to ensure the consistent and effective application of the existing compliance-related procedures in the CITES within the framework of the Convention, Conf. 11.3, Conf. 12.8 and other relevant resolutions.

6. Japan also considers that it is necessary to remove from the guidelines the inconsistencies with the Article 13, Conf. 11.3, Conf. 12.8 and other resolutions which are the basis of the current compliance procedures.
7. One of the most important inconsistencies lies in the role of the Standing Committee. We understand that CITES has five levels of compliance-related procedures in place:
  - a) the general procedure stipulated in Article 13, which provides that the CoP shall review the information provided by the Party and make recommendations it deems appropriate;
  - b) Party-specific procedures of annual reporting under Conf. 11.17 (Rev. CoP13), in which the Standing Committee is mandated by the CoP to determine which Parties have failed to provide the annual reports required under VIII 7 (a). Accordingly, the CoP recommends to the Parties not to authorize trade in specimens of CITES-listed species with that Party;

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\* *This point is manifested in the history of the discussions. At SC46, after considering the Secretariat's proposal "to prepare revision of Resolution Conf. 11.3 to provide a set of procedures and mechanisms", the Standing Committee instructed the Secretariat to prepare a document for CoP12 that does not require the adoption of new decision nor revision of resolutions. At CoP12, after reviewing the document mainly by analyzing existing compliance mechanisms within the CITES, the Parties directed the Secretariat to draft a set of guidelines, on the basis of that document, for consideration by the Standing Committee (Decision 12.84). Since compliance mechanisms are already in place, the draft guidelines has been developed based on those mechanisms as to facilitate consistent application.*

*Japan would like to request the Working Group to review the draft and correct any inconsistencies. At this stage, we would present our revised version of the draft.*

- c) Party-specific procedures of National Legislation development under Conf. 8.4 and Decision 13.82, where the Standing Committee shall consider appropriate measures, which may include recommendations to suspend commercial trade in specimens of CITES-listed species to and from Parties that do not comply with Decisions 13.79, 13.80 or 13.81 or decisions of the Standing Committee in relation to national laws for implementation of the Convention;
  - d) Party-specific procedures under Conf. 11.3, where there exists “major problems” with implementation of the Convention, only after the Secretariat works together with the Party concerned to try to solve the problem and offer advice or technical assistance as required and only if the Secretariat recognizes that a solution cannot be readily achieved that the Secretariat brings the matter to the attention of the Standing Committee. Then the Standing Committee may pursue the matter in direct contact with the Party concerned with a view to helping to find a solution. Here the Standing Committee does not have a primary role of resolving the non-compliance issues, but it obtains such role only when the CoP delegates its function to the Standing Committee on an issue by issue basis. It is also worth noting that under Conf. 11.3 the Standing Committee is not authorized in general by the CoP to make recommendation of the punitive nature. On the contrary, Conf. 11.3 allows the Standing Committee only to help the Party in question to find a solution. Japan, therefore, believes that delegation of power by the CoP to the Standing Committee is necessary in the form of CoP resolutions or decisions before the Standing Committee is able to make recommendations of punitive nature including suspension of trade of CITES-listed species; and
  - e) for protection of specific Appendix-II species, Conf. 12.8 stands. Under the Conf. 12.8, it is not the Standing Committee but the Animals and Plants Committees in cooperation with the Secretariat that takes the primary responsible role to deal with this matter. It is only after recommendations by the Animals and Plants Committees have failed and the Secretariat recommends the Standing Committee to take appropriate action, that the Standing Committee is able to review the situation and make recommendations which may include, as a last resort, suspension of trade.
8. On the other hand, the Section III paragraph 2 of the draft identifies the role of the Standing Committee as to “examine general and specific compliance matters”, and the Section III paragraph 1 states that “the CoP may decide to carry out itself the task normally entrusted to the Standing Committee as described in Section IV and V below.” Japan believes that these statements will lead to the understanding that the Standing Committee has been provided with functional role of dealing with compliance issues in general without any additional resolution or decision. This understanding contradicts with the existing resolutions as specified in 7. Furthermore, we consider that the Section V. B to E are entirely new non-compliance procedures which doesn't have any basis in the existing resolutions. Therefore, the above section must be replaced by the existing mechanism.
9. Japan also proposes that the functions of the Standing Committee and the CoP within the compliance mechanism should be accurately identified based on the existing provision and resolutions.

August 2006



## CITES Compliance Guidelines

### **I ~~Legal basis,~~ Objectives, and scope**

1. The objective of these guidelines is to promote, facilitate and achieve compliance with the Convention and, in particular, to assist Parties in meeting their obligations regarding such compliance. Specially, the guidelines aim at facilitating the consistent and effective application of the existing compliance related procedures in the CITES within the framework of the Convention, Conf. 11.3, Conf. 12.8 and other relevant resolutions.

~~Specifically, the guidelines describe and clarify current practice in order to facilitate the handling of matters of compliance within the Convention, both in individual cases and in matters of general interest.~~  
*[Comment: The word "current practice" does not set an exact boundary of the CITES practices. Therefore, these guidelines should be confined to relevant resolutions.]*

2. Scope of ~~These~~ guidelines are ~~apply to~~ issues of compliance relating to the obligations under the Convention, taking into account relevant resolutions. Particular attention should be paid to the following:

- a) Designation of Management Authority(ies) and Scientific Authority(ies) (Art. IX),
- b) Permitting trade in CITES-listed specimens only to the extent consistent with the procedures laid down in the Convention (art. III, IV, V, VI, VII and XV),
- c) Taking appropriate domestic measures to enforce the provisions of the Convention and prohibit trade in violation thereof (Art. VIII para. 1),
- d) Maintenance of records of trade and submission of periodic reports (Art. VIII, paras 7 and 8),
- e) Responding to communications of the Secretariat or the Standing Committee related to information that a species included in Appendix I or II is being adversely affected by trade in specimens of that species or that the provisions of the Convention are not being effectively implemented (Article XIII).

3. These guidelines are without prejudice to any dispute settlement procedure under the Convention.

## II General Principles

1. A positive, supportive and non-adversarial approach is taken towards issues of non-compliance, with the aim of ensuring long-term compliance.

2. These guidelines and application of ensuing compliance measures are applied should be in a fair, consistent and transparent manner, while paying particular attention to the special needs of developing country Parties~~[, in particular the least developed and the small island developing States among them].~~

3. ~~As a general rule, f~~ Findings and communications in compliance matters are not treated confidentially if the Party whose compliance is in question and the relevant bodies such as the Standing Committee, the Animals and Plants Committees and the Secretariat so decided. ~~Exceptions to this rule are possible, inter alia for the following reasons:~~

- ~~a) to protect information provided by an affected Party and which that Party has requested, with supporting reasons, be kept confidential.~~
- ~~b) to avoid threats to the safety of individuals,~~
- ~~c) to protect confidential business information,~~
- ~~d) to avoid the disclosure of information that could jeopardize the survival of populations of species included in the Appendices of the Convention, or~~
- ~~e) to avoid compromising a judicial investigation.~~

4. Decision on whether to close or keep open debates in individual compliance matters is taken according to the Rules of Procedure of the body seized with the matter. Unless such decision is made, debates should be closed

5. In their communications with an affected Party ~~the Standing Committee and the Secretariat~~ should make sure that ~~the information provided and the requests for information made to the Party~~ are effectively received by the competent authorities of the Party.

## III The various bodies and their compliance-related tasks

1. ~~As the supreme body of the Convention, t~~ The Conference of the Parties:

- ~~provides general policy guidance on compliance issues,~~

- ~~directs and oversees the handling of compliance matters particularly through the identification of key obligations and procedures, and~~
- ~~reviews as needed decisions of the Standing Committee related to specific issues of non-compliance adopted pursuant to paragraph 38. The Conference of the Parties may decide to carry out itself the tasks normally entrusted to the Standing Committee as described in Sections IV and V below.~~

- examines general and specific compliance issues,
- may make recommendations it deems appropriate, and
- may delegate its authority to the Standing Committee.

2. ~~As the executive body of the Convention, t~~ The Standing Committee, acting in accordance with instructions from and authority delegated within the policy decided by the Conference of the Parties, examines general and specific compliance matters, in accordance with the procedure under Conf. 11.3, Conf. 11.17, Conf. 12.8 and Decision 13.82, including:

- monitoring and assessing overall compliance issues,
- advising and assisting Parties in complying with the Convention;
- ~~verifying information and making determinations regarding compliance issues; and~~
- making determinations of non-compliance under Conf. 11.17 and Conf. 12.8; and
- making decisions and recommendations regarding compliance measures.

3. ~~As technical advisory bodies of the Convention, the Animals and Plants Committees advise and assist the Standing Committee and the Conference of the Parties with regard to compliance matters, inter alia by undertaking necessary reviews, consultations, assessments and reporting. Regarding the conduct of the Review of Significant Trade, the Animals and Plants Committees, in cooperation with the Secretariat and experts, and in consultation with range States, review relevant information on Appendix-II species and identify problems concerning the implementation of Article IV para 2(a), 3 and 6(a) in accordance with the procedure under Conf. 12.8.~~

4. The Secretariat assists and supports the Animals and Plants Committees, the Standing Committee and the Conference of the Parties in carrying out their functions concerning compliance matters according to the procedures set out in these guidelines the relevant resolutions.

## **IV General monitoring and facilitation of compliance**

1. The Secretariat is ~~responsible for day-to-day monitoring of compliance.~~ It receives, assesses and communicates to the Parties information on compliance matters. It advises and assists Parties in complying with the Convention, draws their attention to possible issues of non-compliance, makes recommendations for restoring compliance and ~~tracks~~ keeps these Parties informed as fully as possible of the implementation of compliance-related decisions and recommendations of the Standing Committee and the Conference of the Parties.
2. Annual and biennial reports, legislative texts as well as other special reports and responses to information requests provide the primary, but not exclusive, means of monitoring compliance with the Convention. To that end, the Secretariat advises Parties at least [60] days in advance of deadlines applicable to reporting and other obligations under the Convention.
3. The Secretariat reports on a regular basis to the Standing Committee and the Conference of the Parties on its activities undertaken under these guidelines.

## **V Party-s Specific compliance issues**

### *A. ~~Detection~~[identification] of potential compliance issues*

1. The Secretariat provides individual Parties concerned with information it receives which indicates that they may have compliance problems, and communicates with these individual Parties to ~~determine~~ consider whether compliance problems exist.

Compliance problems are often identified within significant trade reviews, national legislation projects and national reporting programmes.

2. In response, the Party will, as soon as possible, inform the Secretariat of any relevant facts in so far as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.
3. Any Party concerned over trade in Appendix-II or -III species conducted by another Party may bring the matter up directly with that Party. If this fails to produce results, it may call upon the Secretariat for assistance.

4. Parties themselves may give the Secretariat early warning of any compliance problems, including the inability to provide information by a certain deadline, and indicate the reasons for these problems and if any is assistance required.

5. Where compliance problems are identified, the Parties in question are given every opportunity to correct them within reasonable time limits, if necessary with the assistance of the Secretariat. ~~The time limits, whether set by the Standing Committee or by the Secretariat, are defined according to the nature of the problem and the Party's capacity to take corrective action.~~

6. If it does not appear a solution can be readily achieved, the Secretariat brings the matter to the attention of the Standing Committee, which may pursue the matter in direct contact with the Party concerned with a view to helping to find a solution.

7. The Secretariat keeps the Parties informed as fully as possible, through notifications, of such implementation problems and of actions taken to solve them, and includes such problems in its report of alleged infractions.

*B. [Non-compliance submissions]*

1. If the Party fails to take sufficient corrective action, the matter is brought to the attention of the Standing Committee, in the form of a “non-compliance submission”, by the Secretariat in direct contact with the Party concerned.

- ~~a) the Party itself;~~
- ~~b) [One or more other Parties];~~
- ~~c) [the Secretariat in direct contact with the Party concerned];~~
- ~~d) [The Conference of the Parties]; or~~
- ~~e) [The Standing Committee].~~

~~2) Reports to the Standing Committee are generally made in writing and include details as to which specific obligations are concerned and an assessment of the reasons why the affected Party may be unable to meet those obligations. Given the immediacy/urgency of some compliance issues, verbal/oral reporting may be appropriate. Corroborating [or contradicting/additional or supplemental] information, or indication of where such information may be found, should be provided. The non-compliance submission may include proposals for remedial action. [link to para 29]~~

~~//—end of discussed text—//~~

~~3) [(29), The Secretariat assesses the underlying information to determine its reliability and relevance, compiles supplementary information, both corroborating and contradicting, and consults with the affected Party, and reports to the Standing Committee~~

~~Whoever reports a compliance problem to the SC copies that report simultaneously to the concerned Party.~~

~~4) [(30) The Standing Committee [] should ensure the expedited handling of a non-compliance submission.]~~

~~5) (28) The Standing Committee can/should/will/may reject non-compliance submissions which it considers are:~~

- ~~a) —de minimis [trivial], or~~
- ~~b) —manifestly ill founded.~~

~~Where the Standing Committee has decided that the submission is not trivial or manifestly ill founded, the Party concerned shall be given the right to provide comments within [a reasonable time as set out by the Committee]~~

~~[Information gathering and fact-finding]~~

~~6) (31) The Standing Committee [] considers the submission as well as other information and observations with a view to establishing relevant facts and finding a solution [and securing an amicable solution of the matter].~~

~~7) (33) [The Standing Committee []] may gather or request further information on a non-compliance submission whenever such information may be found and may seek an invitation from the Party concerned to undertake the gathering and verification of information in the territory of that Party or wherever such information may be found. This may be carried out by the Secretariat or by the regional representatives.~~

~~6.—When considering a non-compliance submission, the Standing Committee also considers the nature, (underlying) cause(s), degree and frequency of non-compliance and whether the affected Party has taken or planned any steps to restore compliance before making a determination that issues of non-compliance exist.~~

### *C. Right of consultation and participation*

~~1. A Party has the right to be consulted formally on any non-compliance submission and to participate in discussions of the Standing Committee [and the Conference of the Parties] with respect to its own compliance. It [is not entitled to][may not] [does not], however, take part in the preparation and adoption of any decisions, measures or recommendations of the Standing Committee [or the Conference of the Parties].~~

~~2. If a Party cannot access the financial resources needed to participate in CITES meetings where its own compliance is being considered, it may request assistance from the Secretariat or the Standing Committee in identifying such resources.~~

### *D C. Measures to restore compliance*

1. If the Standing Committee determines that a non-compliance problem by a specific Party is presented before the Standing Committee, does exist, it issues a formal notice to the concerned Party informing it that it is in non-compliance, explaining the reasons for that conclusion and requesting a response. and if it does not appear a solution can be readily achieved, the Standing Committee may pursue the matter in direct contact with the Party concerned with a view to helping to find a solution. It also offers advice and assistance to solve the issue.

2. When considering a non-compliance submission, the Standing Committee also considers the nature, (underlying) cause(s), degree and frequency of non-compliance and whether the affected Party has taken or is planning to take any steps to restore compliance (before making a determination of the existence of non-compliance).

~~2. If a Party fails to respond to such notice (Cda: timeline?) or if its compliance problem is not solved in spite of the assistance offered, the Standing Committee may warn the Party that it is still out of compliance. The Committee may then decide upon one or more of the following graduated measures destined at bringing about compliance with the Convention:~~

~~a) — advice, information, appropriate assistance and other capability-building support to the affected Party through the Secretariat or another body;~~

~~b) — direct contact with the affected Party by a representative of the Standing Committee with a view to helping it find a solution;~~

- ~~e) — special reporting by the affected Party and data verification by the Secretariat;~~
- ~~d) — recommended specific actions to be undertaken by the affected Party;~~
- ~~e) — in-country technical assessment and verification mission, upon the invitation of the Party concerned, by the Secretariat, one or several members of the Standing Committee or, depending on the assessment needs, by an independent review team;~~
- ~~f) — public notification of non-compliance sent through the Secretariat by the Standing Committee [or the Conference of the Parties] to all Parties advising that issues of non-compliance have been brought to the attention of a Party and that, up to that time, there has been no satisfactory response or action;~~
- ~~g) — agreement between the affected Party and (Ecu:) the Secretariat or the Standing Committee on a compliance action plan with steps needed for a Party to comply, a timetable for when those steps should be completed and means to assess satisfactory completion. During this period, no additional measures would be applied [related to this instance of non-compliance] provided that progress in returning to compliance continued to be made;~~
- ~~h) — recommended temporary suspension of commercial or all trade in specimens of one or more CITES-listed species, consistent with Article XIII of the Convention. A recommendation to suspend trade may be made in cases where a Party's non-compliance is persistent and the Party is showing no intention to cooperate towards compliance and it is determined that this persistent non-compliance is likely to be detrimental to the survival of one or more CITES-listed species. Cda: Is this last sentence overly fettering the authority of the Parties?)~~

~~3. — The list of measures above is not necessarily exhaustive. The measures decided upon and the deadlines set for the Party to reply to communications and implement the recommended measure(s) should be decided case by case, taking into account the Party's capacity, economic, administrative or other, to restore effective compliance, cf. paragraph II, 2 above. These considerations, together with the legal and technical ones, should be clearly set out in the Committee's recommendations.~~

~~(EU deleted)~~

~~4. — Where compliance measures are being developed, the possible conservation impact must be taken into account and all efforts taken to avoid developing and establishing measures that are likely to bring about negative conservation results, even if these would apply to a limited number of Parties or species.~~

~~EU: Replace with:~~



~~When the Standing Committee decides upon one or more of the measures in accordance with paragraph 38, it shall take into account:~~

- ~~• a) the capacity of the Party concerned, especially developing country Parties, in particular the least developed and small island developing States amongst them, and Parties with economies in transition;~~
- ~~• b) such factors as the cause, type, degree and frequency of the compliance problems;~~
- ~~• c) the possible conservation impact with a view to avoiding negative conservation results.~~

3. In case of the failure to submit an annual report by a specific Party, the recommendation by the Conference of the Parties not to authorize trade in specimens of CITES-listed species with that Party will automatically be issued upon determination by the Standing Committee under Conf.11.17.

4. Regarding national laws for implementation of the Convention, the Standing Committee shall consider appropriate measures, which may include recommendations to suspend commercial trade in specimens of CITES-listed species to and from Parties that do not comply with Decisions 13.79, 13.80 or 13.81, or decisions of the Standing Committee in relation to national laws for implementation of the Convention under Decision 13.82.

5. Regarding the review of Significant Trade in specimens of Appendix-II species, where the Standing Committee is recommended by the Secretariat under the procedure of Conf. 12.8 to take appropriate action, the Standing Committee shall make recommendations to the State concerned, or to all Parties. The recommendation may include, as a last resort, a suspension of trade in the affected species with that State. The Secretariat shall notify the Parties of any recommendations on actions taken by the Standing Committee.

~~*ED. Monitoring of implementation and return to compliance*~~

~~1. The Standing Committee should monitor the actions taken by the Party concerned to restore compliance through, among other things, its submission of progress reports or the submission of reports by the Secretariat.~~

~~*EU: Replace by: The Standing Committee [ ]shall monitor the actions taken by the Party concerned to implement measures taken pursuant to paragraph 38.*~~

~~*In this regard, the Standing Committee may, inter alia:*~~

~~*(a) require the Party concerned to submit progress reports in accordance with a schedule and a format to be determined by it;*~~

~~(b) — arrange, upon the invitation of the Party concerned, for an in-country technical assessment and for a verification mission. In the light of progress, the Standing Committee may adjust the measures it has taken, or decide upon additional measures pursuant to paragraph 38.~~

~~2. — Specific actions as well as the date when the Party concerned is expected to return to compliance should be noted in such reports. Deadlines established by the Standing Committee [or the Conference of the Parties] should be adjusted to allow an affected Party that is making good progress to complete the steps needed to restore compliance.~~

~~EU: may be deleted~~

~~3. — The Party concerned should keep the Standing Committee informed of its progress by submitting summary reports according to a schedule to be determined from case to case.~~

~~EU: may be deleted~~

~~4. — In the event of a failure to return to compliance in a timely manner, the Standing Committee should consider other measures consistent with the list of measures provided above.~~

~~EU: may be deleted~~

~~5. — Existing recommendations to suspend trade should be reviewed at each Standing Committee meeting. They should also be monitored intersessionally (Ecu:) by the Secretariat. A recommendation to suspend trade should be withdrawn as soon as a Party has been restored to full compliance, or has shown clear evidence of having engaged in a process towards that aim.~~

~~EU: Replace with: The Standing Committee shall review existing recommendations to suspend trade at each meeting. Where the Standing Committee determines that the Party concerned has: (a) secured compliance, it shall withdraw the recommendation to suspend trade forthwith; (b) made significant progress in securing compliance, it may withdraw the recommendation to suspend trade.~~

~~6. — The Standing Committee should instruct the Secretariat to notify Parties as soon as it is satisfied that an affected Party has returned to/EU: secured compliance.~~

1. Regarding national laws for implementation of the Convention, the Secretariat compiles and analyses the information submitted by Parties with legislation in Category 2 or 3 under Doc. 10.31 (Rev.) Annex 1 or not yet categorized, under Decision 13.83.

2. (a) The Secretariat, for the purpose of monitoring and facilitating the implementation of Conf. 12.8 and the relevant paragraphs of Article IV, reports at each meeting of the Animals and Plants Committees on the implementation by the range States concerned of the recommendation by the Committee.

(b) A recommendation to suspend the trade of the affected species with the State concerned should be withdrawn only when that State demonstrates to satisfaction of the Standing Committee through the Secretariat, compliance with Article IV paragraph 2(a), 3 or 6(a).

(c) The Standing Committee, in consultation with the Secretariat and the Chairman of the Animals and Plants Committees, reviews the recommendations to suspend trade that have been in place for more than two years and, if appropriate, takes measures to address the situation.

#### **~~VI—Review of overall compliance~~**

~~1.—The Conference of the Parties should review these guidelines at every [alternate] meeting/ US: periodically/ and revise them where appropriate for example to incorporate experience gained in implementing them or other relevant compliance policy documents.~~

#### **V Reporting *EU: Reporting***

*The Standing Committee and the Secretariat shall report to the Conference of the Parties on their activities under these guidelines.*