



**Decision 19.189: Technical Workshop on *Aquatic species listed in the CITES Appendices*  
23 – 24 April 2024 (CICG, Geneva, Switzerland)**

**SUMMARY OF DISCUSSION FROM BREAKOUT GROUPS (DAY 1)**

In the afternoon session of the technical workshop, the participants discussed the following questions in three parallel breakout groups:

*Based on document CoP19 Doc. 87.2, the background document and other scientific information, when considering Elasmobranchii and other aquatic species:*

- *Share experiences with past proposals*
- *Has the wording in footnote 2 and relevant provision in Res. Conf. 9.24 (Rev. CoP17) (e.g. use of precautionary measures) enhanced or hindered proposing and listing of species?*
- *Have there been any challenges/issues in applying footnote 2 and relevant provision in Res. Conf. 9.24 (Rev. CoP17)?*
- *Is there a need for further clarification of footnote 2?*

A summary of the discussions from the three groups are shown below with observations from the Secretariat added in italic text.

Application of Resolution 9.24 (Rev. CoP17) and its footnote 2 to Elasmobranchii and other aquatic species

Two of the three breakout groups agreed that Resolution Conf. 9.24 (Rev. CoP17) and its footnote 2 provides sufficient flexibility and does not require amendments or clarification. The following key observations were made by participants:

- Parties indicated that the current criteria and footnote provide sufficient flexibility to propose the listing of sharks and other aquatic species and while for certain aquatic species footnote 2 is not relevant, the overall criteria were used in the past to propose listings (e.g. sea cucumber).
- The numerical thresholds are not rigidly adhered to especially when there are other factors and information that justify departure from them.
- Good quality data on all elements in the criteria in Resolution Conf. 9.24 (Rev. CoP17) are not always available but there is enough flexibility in the Resolution to overcome these challenges.
- Parties considered the precautionary measures in Resolution Conf. 9.24 (Rev. CoP17) and, in some instances, this enhanced the proposals.

One breakout group concluded that the interpretation differences of footnote 2 by the Secretariat, IUCN and FAO were a challenge and proposed three possible solutions to clarify the application of the criteria and footnote 2 for Parties:

- Potential solutions:

- a. Guidance:

- i. Interpretation of footnote 2 could be clarified through tools such as guidance, or a set of webinars.

*The Secretariat is planning on providing general capacity building materials on Resolution Conf. 9.24 (Rev. CoP17) and can consider additional information on its application to aquatic species.*

- ii. As a first step, the Secretariat could collate information on work previously conducted on interpretation, for example the 'decline' vs. 'reduce' interpretations from the Secretariat found in CoP15 Doc. 63 from para 24 onwards – like the background doc for this workshop, and then see what further information is needed in terms of a guidance document.

*The Secretariat is able to provide a collation of the work done on the interpretation of the criteria that has been considered by the CoP as it relates to application of criteria Annex 2a criterion B and make it available on the CITES website (Sharks and rays portal) and submit it to the Animals Committee. The Animals Committee could consider the collated information and discuss the need for draft decisions to be submitted for consideration by the Standing Committee and CoP20 to:*

- review the collated information / existing information; and
      - determine the need to develop further guidance on the application of Resolution Conf. 9.24 (Rev. CoP17) and its footnote 2 to Elasmobranchii and other aquatic species.

- iii. A guidance document would be useful for Parties, organisations, FAO and IUCN to consider in their assessments. Guidance document can also be cited easier than webinars, and are helpful to address high staff-turnover in Governments.

*As mentioned in the previous point, a review of the existing material / collated material is needed before discussing whether a guidance document is needed or what would be included in the guidance document.*

- b. Proposal for new text to be inserted into Annex 2a relating to Annex 2a B of Resolution Conf. 9.24 (Rev. CoP17) [proposed addition shown in underlined text]:

The following criteria must be read in conjunction with the definitions, explanations and guidelines listed in Annex 5, including the footnote with respect to application of the definition of 'decline' for commercially exploited aquatic species. The definition of decline in Annex 5 does not apply to proposals for inclusion of species in Appendix II pursuant to Annex 2a B.

Senegal indicated that footnote 2 be amended as reflected in paragraph 62 of document CoP19 Doc. 87.2, but the proposal was not supported by members of the breakout group.

#### Additional observations

- The term "Commercially Exploited Aquatic Species" is not defined and the FAO definition could be considered to clarify the scope. Definitions shared by FAO:

- *Commercially-exploited aquatic species* refer to fish and invertebrate species found in marine environments or in large freshwater bodies and subject to commercial exploitation” (FAO 2001)
  - *Fish*: Fish, crustaceans, molluscs and other aquatic animals, excluding mammals, reptiles, as well as seaweeds and other aquatic plants
- There is mismatch between listings on the CMS and CITES Appendices - some CMS Appendix I-listed species are listed in CITES Appendix II.
- The inclusion of many more species in CITES has increased the workload in terms of non-detriment findings, legal acquisition findings, issuance of timely permits, specimen identification, reporting and others.
- It was noted that there have been very few Appendix I proposals, even where proponent Parties or others believed that the Appendix I criteria would be met, but it was not clear to what extent footnote 2 or wider political factors influenced this.
- The need for a lower threshold of 5% was also questioned, but no amendments were recommended.
- A view was expressed that the Appendix II listing criteria, both for listing on the basis of conservation need or for lookalike reasons, were “too broad”. While it was acknowledged that there might not be agreement on cases where this was a problem, it was agreed that a lot depended on the extent to which the precautionary measures in Annex 4 of the Resolution is balanced against the direction to take “measures that are proportionate to the anticipated risks to the species”. A review of the application of the Annex 2b criteria across the board could be considered.
- The potential difficulties and benefits of stock assessments were considered. In addition, question on alternative methodologies to understand population/stock dynamics other than high-resolution stock assessments was raised.
- Trade in the specific forms hinders the collection of species specific and precise information to be collected to inform listing proposals.