



Decision 19.189: Technical Workshop on *Aquatic species listed in the CITES Appendices*

23 – 24 April 2024 (CICG, Geneva, Switzerland)

OBSERVATIONS AND RECOMMENDATIONS TO BE CONSIDERED BY THE 33RD MEETING OF THE ANIMALS COMMITTEE

The technical workshop on Aquatic species listed in the CITES Appendices generally agreed that Resolution Conf. 9.24 (Rev. CoP17) on *Criteria for amendment of Appendices I and II* and its footnote 2 provides sufficient flexibility to apply it to relevant commercially exploited Elasmobranchii and other aquatic species and does not require text amendments or clarification.

Recommendations

The technical workshop on Aquatic species listed in the CITES Appendices recommends that the Animals Committee:

1. note the background document prepared by the Secretariat *Variability of life history parameters and productivity in elasmobranchs and other commercially exploited aquatic species*.
2. invite the Secretariat to consider including information on the application of footnote 2 to commercially exploited aquatic species when developing general capacity building materials on Resolution Conf. 9.24 (Rev. CoP17) on *Criteria for amendment of Appendices I and II*.
3. invite the Secretariat 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 to the 33rd meeting of the Animals Committee and make it available on the CITES website.
4. consider the collated information and discuss the need for draft decisions to be submitted for consideration by the 78th meeting of the Standing Committee and 20th meeting of the Conference of Parties to:
 - a. review the collated information and determine the need to develop further guidance;
 - b. if so determined, develop further guidance on the application of Resolution Conf. 9.24 (Rev. CoP17) and its footnote 2 to Elasmobranchii and other aquatic species.
5. consider the need to define the term “commercially exploited aquatic species”.

Observations

[Secretariat to add context of the observations, including that the views below are of certain Parties and Observers in the document to be submitted to the Animals Committee.]

1. Parties indicated that although the current criteria and footnote provide sufficient flexibility to propose the listing of sharks and other aquatic species, footnote 2 is more challenging for certain aquatic species, but the overall criteria have been used in the past to propose listings (e.g. corals).

2. Parties have considered and used the precautionary approach provided in Resolution Conf. 9.24 (Rev. CoP17) and its footnote 2 and, in some instances, this enhanced the proposals.
3. 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 and its footnote 2 to overcome these challenges.
4. The differences in interpretation of Resolution Conf. 9.24 (Rev. CoP17) have resulted in different assessment conclusions by Parties, CITES Secretariat, FAO, IUCN and NGOs.
5. Footnote 2 recognizes that in terms of marked historical extent of decline, some aquatic species fall outside the ranges specified in the footnote: *"In marine and large freshwater bodies, a narrower range of 5-20 % is deemed to be more appropriate in most cases, with a range of 5-10 % being applicable for species with high productivity, 10-15 % for species with medium productivity and 15-20 % for species with low productivity."* It was noted that these numerical ranges are not necessarily rigidly adhered to especially when there are other factors and information that justify departure from them.
6. Additional guidelines on a more precautionary approach in the interpretation of criteria for taxa with slow growth rates, long life spans, and low reproductive output could assist Parties.
7. It was noted that there have been 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.
8. 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 approach 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 could therefore be considered.
9. Taking into consideration that any potential amendments to Annex 2a criterion B would have an impact on all taxonomic groups, it was noted that the application of the definition of decline to Annex 2a criterion B may benefit from further consideration.
10. The way trade in the specific product forms is reported and HS codes are applied together with the inconsistent availability of conversion factors hinders the collection of species specific and precise information needed for listing proposals.
11. The potential difficulties and benefits of stock assessments were considered. In data poor situations, best available scientific information could be used. It is noted that Annex 6 of Resolution Conf. 9.24 (Rev. CoP17) provides guidance on sources of information that can be used including "relevant published and unpublished sources of information" and acknowledge that "for some species the amount of scientific information will be limited".
12. The inclusion of many more aquatic species in CITES has increased the workload of CITES Authorities in terms of non-detriment findings, legal acquisition findings, issuance of timely permits, specimen identification, reporting and others.
13. There is mismatch between listings on the CMS and CITES Appendices - some CMS Appendix I-listed species for which taking is prohibited, are listed in CITES Appendix II and are reported to be in international trade by CMS Parties.