



Criteria for amendment of the CITES Appendices

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CITES Appendix I

- Includes species most threatened with extinction.
- Trade in specimens of these species is permitted only in exceptional circumstances

	No. of species
Animals	704 species, 30 sspp
Plants	395 species, 4 sspp, 12 var.
Total	1,099 species, 34 ssp, 12 var.



CITES Appendix II

- Includes species not necessarily threatened with extinction, but in which trade must be controlled in order to avoid utilization incompatible with their survival.

	No. of species
Animals	5,466 species, 16 sspp
Plants	33,764 species (inc. 10 popns)
Total	39,230 species, 16 sspp



CITES Appendix III

- contains species that are protected in at least one country, which has asked other CITES Parties for assistance in controlling the trade.

	No. of species
Animals	372 species, 22 ssp
Plants	134 species, 1 var.
Total	506 species, 22 ssp, 1 var.



Comparison of Appendices

	App. I	App. II	App. III
Agreed at CoP	Yes	Yes	No
Proposed by	Party	Party	Party (range State)
NDF required	YES	YES	NO
Criteria	Res. Conf. 9.24 (Rev. CoP17)	Res. Conf. 9.24 (Rev. CoP17)	Res. Conf. 9.25 (Rev. CoP18)
Biological	Yes	Yes	Yes
Trade (international)	Yes	Yes	Yes

NB to focus on “*species that are or may be affected by international trade*”



Criteria for amendment of Appendices I and II

Res. Conf. 9.24 (Rev. CoP17)

When considering proposals to amend Appendices I and II, the following applies:

- a) species that are or may be affected by trade should be included in **Appendix I** in accordance with Article II, paragraph 1, if they meet **at least one of the biological criteria** listed
- b) species should be included in **Appendix II** under the provisions of Article II, paragraph 2 (a), if they satisfy the **criteria listed in Annex 2 a**;
- c) species should be included in **Appendix II** under the provisions of Article II, paragraph 2 (b), if they satisfy the **criteria listed in Annex 2 b**;

- d) no single species may be included in more than one Appendix at the same time;
- e) however subspecies, populations or other subcategories of a species may be included in different Appendices at the same time in accordance with the relevant criteria;
- f) higher taxa should be included in the Appendices only if they satisfy the relevant criteria;
- g) hybrids may be specifically included in the Appendices but only if they form distinct and stable populations in the wild;
- h) species of which all specimens in trade have been bred in captivity or artificially propagated should not be included in the Appendices if there is a negligible probability of trade taking place in specimens of wild origin;
- i) species included in Appendix I for which sufficient data are available to demonstrate that they do not meet the criteria should be transferred to Appendix II only in accordance with the relevant precautionary measures

Annexes to Res. Conf. 9.24 (Rev. CoP17)

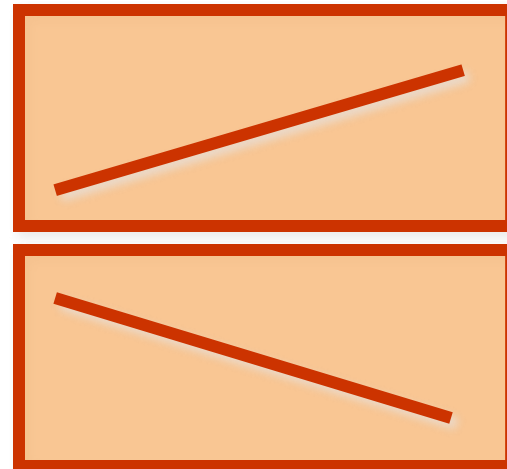
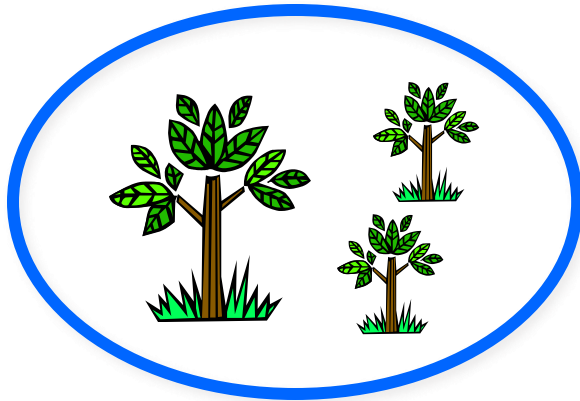
- **Annex 1:** *Biological criteria for Appendix I;*
- **Annex 2 a:** *Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2 (a), of the Convention;*
- **Annex 2 b:** *Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2 (b), of the Convention;*
- **Annex 3:** *Special cases;*
- **Annex 4:** *Precautionary measures;*
- **Annex 5:** *Definitions, explanations and guidelines; and*
- **Annex 6:** *Format for proposals to amend the Appendices;*

Biological criteria for Appendix I (Annex 1)

Biological criteria

In summary, the biological criteria for CITES Appendix I and II listing are based, above all on:

- the status of the wild population of the species, and
- the status of its area of distribution, and
- the trends of the population.



A species is considered to be threatened with extinction if it meets, or is likely to meet, **at least one** of the following three criteria (A, B and C).

Criterion A.

The wild population is small, and is characterized by **at least one** of the following:

- i) an observed, inferred or projected decline in the number of individuals or the area and quality of habitat;
- ii) each subpopulation being very small;
- iii) a majority of individuals being concentrated geographically during one or more life-history phases;
- iv) large short-term fluctuations in population size; or
- v) a high vulnerability to either intrinsic or extrinsic factors.

Criterion B

The wild population has a restricted area of distribution and is characterized by **at least one** of the following:

- i) fragmentation or occurrence at very few locations;
- ii) large fluctuations in the area of distribution or the number of subpopulations;
- iii) a high vulnerability to either intrinsic or extrinsic factors; or
- iv) an observed, inferred or projected decrease in any one of the following:
 - the area of distribution;
 - the area of habitat;
 - the number of subpopulations;
 - the number of individuals;
 - the quality of habitat; or
 - the recruitment.

Criterion C

A marked decline in the population size in the wild, which has been **either:**

- i) observed as ongoing or as having occurred in the past (but with a potential to resume); **or**
- ii) inferred or projected on the basis of any one of the following:
 - a decrease in area of habitat;
 - a decrease in quality of habitat;
 - levels or patterns of exploitation;
 - a high vulnerability to either intrinsic or extrinsic factors; or
 - a decreasing recruitment.

Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2 (a), of the Convention (Annex 2a)

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

- A. It is known, or can be inferred or projected, that the regulation of trade in the species is necessary to avoid it becoming eligible for inclusion in Appendix I in the near future;
- B. It is known, or can be inferred or projected, that regulation of trade in the species is required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences.

**Criteria for the inclusion of
species in Appendix II in
accordance with Article II,
paragraph 2 (b), of the
Convention
(Annex 2b)**

Species may be included in Appendix II in accordance with Article II, paragraph 2 (b), if **either one** of the following criteria is met:

1. The specimens of the species in the form in which they are traded resemble specimens of a species included in Appendix II under the provisions of Article II, paragraph 2 (a), or in Appendix I, so that enforcement officers who encounter specimens of CITES-listed species are unlikely to be able to distinguish between them; or
2. There are compelling reasons other than those given in criterion above to ensure that effective control of trade in currently listed species is achieved.

Format for proposals to amend the Appendices (Annex 6)

Proposal

Proponents should provide to the Conference of the Parties sufficient information, of sufficient quality and in sufficient detail, to allow it to judge the proposal against the criteria established for the proposed action.

This means that the relevant published and unpublished sources of information should be used, although for some species the amount of scientific information will be limited.

Analogy with related taxonomic groups or species that are ecologically similar may be used to guide judgements. Where research has been undertaken specifically to obtain information for the proposal, it should be presented in sufficient detail to be assessed by the Parties.

Proposals should normally be limited to 12 pages (exclusive of references cited). If the proposal is longer than 12 pages, the proponent should provide translations into the working languages of the Convention.

The proponent should indicate the specific amendment to the Appendices and any relevant annotations or qualifications.

The proponent should justify the basis on which the species meets the relevant criteria.

Inclusion in **Appendix I** or transfer from Appendix II to Appendix I.

Specify which of the criteria in **Annex 1** of the Resolution are satisfied.

Inclusion in **Appendix II**

- in accordance with Article II 2 (a). Specify which of the criteria in **Annex 2 a** of the Resolution are satisfied.
- in accordance with Article II 2 (b)
 - for reasons of look-alike problems (**criterion A of Annex 2 b**). In this case, the names of the similar species already included in the Appendices should be given.
 - for other reasons

- **Transfer from Appendix I to Appendix II** in accordance with a precautionary measure specified in Annex 4 to this Resolution.

Specify which of the criteria in Annex 2 of this Resolution are satisfied; specify why the criteria in Annex 1 of this Resolution are no longer satisfied; specify which of the measures in Annex 4 of this Resolution are satisfied or implemented.

- **Deletion from Appendix II.** Specify why the criteria in Annex 2 of this Resolution are not satisfied.

- **Other action** (provide explanation, e.g. amendment of a quota, amendment of annotation).

Res. Conf. 8.21 (Rev. CoP16) on Consultation with range States on proposals to amend Appendices I and I

1. RECOMMENDS that, for any submission of a proposal to amend Appendix I or II of the Convention, one of the following two procedures be applied:
 - a) where the proposing Party intends to consult the range States, it should:
 - i) advise the Management Authorities of the range States within which the species occurs of its intention to submit a proposal;
 - ii) consult with the Management and Scientific Authorities of these States on the substance of the proposal, including any proposed annotation; and
 - iii) include the opinions of these Authorities in section 10 of the proposal submitted in accordance with Resolution Conf. 9.24 (Rev. CoP17) except that, where no response has been received from a range State within a reasonable period of time, the proposing Party may instead simply document its attempts to obtain these opinions; or

- b) where prior consultation with range States will not take place:
- i) the Party should submit the proposal at least 330 days in advance of the next scheduled meeting of the Conference of the Parties;
 - ii) the Secretariat should circulate the proposal as soon as possible to all Parties; and
 - iii) interested Parties should send their comments to the proposing Party in order to allow it to submit a revised proposal at least 150 days prior to the meeting. The revised proposal should incorporate the comments received, in compliance with Resolution Conf. 9.24 (Rev. CoP17), separating them into two categories, reflecting the opinions of range States and non-range States.

Preparing a listing proposal for Appendix I or II

Relevant legislation / guidance

- **Article XV** of Convention
- **Res. Conf. 5.20 (Rev. CoP17)** - guidelines for Secretariat when making recommendations in accordance with Article XV
- **Res. Conf. 8.3 (Rev. CoP13)** – Recognition of the benefits of trade in wildlife (impacts on livelihoods etc.)
- **Res. Conf. 8.21 (Rev. CoP16)** – consultation with range States on proposals to amend Appendices I & II
- **Res. Conf. 9.24 (Rev. CoP17)** – criteria for amendment of Appendices I & II
- **Res. Conf. 11.21 (Rev. CoP19)** – use of annotations in Appendices I & II

Article XV

- Any Party can make a proposal
- Submit proposal at least 150 days before Conference of the Parties (CoP)
- Adoption by two-thirds majority of those present and voting (excluding abstentions)
- Amendments come into force 90 days after CoP (unless a delay in implementation is agreed by the CoP)
- Details of written procedure for proposals

Candidate species

- **ALL** wild fauna and flora (including fungi) within the purview of the Convention
- Candidates for listing may arise from: studies on trade and exploitation, population monitoring, suggestions by NGOs or academics
- Must be subject to **international trade!!**

Next steps

- 1st assessment – is the candidate species likely to meet the listing criteria?
- If not, **reject** & save yourself a lot of work!
- If **yes**, start to gather all relevant material from literature, specialists and range States and put together a draft proposal
- Structure for proposals: Annex 6 of Res. Conf. 9.24 (Rev. CoP17)
- Test against the criteria and ensure no avoidable gaps in the information
- Note that your proposal will be subject to independent analysis for the CoP
- Plan ahead to meet deadlines for submission and consultation

Check the final proposal

- Ensure the correct scientific nomenclature is used
- Make sure that the proposal is clear and unambiguous – especially for annotations
- Note that once submitted it is **not possible to extend the scope** of the proposal – only to decrease it
- Keep to correct page limit (or provide your own translations) and format. Use appendices for additional data
- Use a summary (all that some will read)

After that

- Submit the proposal on time!
- Remember that you are going to have to persuade a 2/3 majority of up to 184 Parties to vote for you
- Need influencing strategy and need to prepare leaflets or other documents to present your case and counter opposition
- Note that others may be lobbying for or against your proposal
- New information can be presented as information documents at the Conference of Parties

Listing is just the start!





Criteria for amendment of Appendix III

Res. Conf. 9.25 (Rev. CoP18)

1. RECOMMENDS that, when considering the inclusion of a species in Appendix III, a Party:
 - a) Ensure that:
 - i) the species is **native** to its country;
 - ii) its **national regulations** for the conservation of the species are adequate to prevent or restrict exploitation and to control trade, and include penalties for illegal taking, trade or possession and provisions for confiscation; and
 - iii) its national **enforcement measures** are adequate to implement these regulations;
 - b) determine that, notwithstanding these regulations and measures, there are indications that the cooperation of the Parties is needed to monitor and control trade;
 - c) inform the Management Authorities of other range States, the known major importing countries, the Secretariat and the Animals Committee or the Plants Committee that it is considering the inclusion of the species in Appendix III and seek their opinion on the potential effects of such inclusion;

- d) consider taking into account additional trade and biological considerations, such as those outlined in Annex 1, as appropriate;
- e) after due consultation, and having satisfied itself that the biological and trade status of the species justify the action, submit to the Secretariat its considerations under paragraph 1 a) to d) above, specifying the following, in accordance with paragraph 1 of Article XVI of the Convention:
 - i) the scientific name of the species it is submitting for inclusion in Appendix III; and,
 - ii) any readily recognizable parts and derivatives to be included, unless it intends to include all readily recognizable parts and derivatives;

- f) ensure that any proposed annotation that is part of a request to include a species in Appendix III includes those specimens that first appear in international trade as exports from its territory and that dominate the trade and the demand for the wild resource and is, to the extent practicable, harmonized with relevant existing annotations;
- g) take into consideration the implementation challenges that would be caused by restricting the listing to specific national populations, noting that this should be generally avoided; and
- h) consult with the Secretariat, the Standing Committee and, as appropriate, the Animals Committee or Plants Committee, to ensure that any proposed annotation that is part of a request to include a species in Appendix III (and any definitions developed that define terms in the annotation, as appropriate) is clear and unambiguous, and likely to be understood by enforcement personnel and user groups;

2. DIRECTS the Secretariat:

- a) to communicate to the Parties any Appendix-III listing submitted by a Party as soon as possible after receiving it, in accordance with paragraph 2 of Article XVI;
- b) to publish the changed Appendices I, II and III together after each meeting of the Conference of the Parties, or at other times when warranted; and
- c) before communicating to Parties the inclusion of a species in Appendix III, to ensure that copies of all relevant national laws and regulations have been received from the Party concerned in accordance with paragraph 4 of Article XVI;

Thank you for your attention

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