

# Conf. 9.25 (Rev. CoP18)\*

## Implementation of the Convention for species in Appendix III

RECOGNIZING that Article XVI, paragraph 1, provides Parties with the right to list species in Appendix III;

RECALLING that Article II, paragraph 3, provides for the inclusion of a species in Appendix III which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation and as needing the cooperation of other Parties in the control of trade;

RECALLING further that Article XVI, paragraph 2, provides that the Secretariat shall communicate to the Parties any Appendix-III listing submitted by a Party as soon as possible after receiving it and the listing shall take effect 90 days after the date of such communication;

NOTING that Article VIII requires Parties to take appropriate measures to enforce the provisions of the Convention and to prohibit trade in specimens in violation thereof;

RECALLING that trade in Appendix III specimens requires CITES documents as described in Article V;

RECOGNIZING further that the inclusion of a species in Appendix III and subsequent implementation of controls on trade in such species will help Parties enforce national laws for protection of the species and may provide information relevant to their consideration for inclusion in Appendix I or II;

NOTING also that Appendix III can be considered for species for which biological or trade information are uncertain, in cases of lack of support for an Appendix I or II proposal, or variable concern for the species among range States;

NOTING further that inclusion in Appendix III could serve a role of allowing a range State improved monitoring and control of trade for species that do not qualify for listing on Appendix I or II, for which there may be some concern regarding the conservation of the species or trade levels;

AWARE that Appendix III includes some species that occur rarely or not at all in international trade and for which the Convention is therefore not effective;

OBSERVING that many Parties are not effectively implementing the provisions of the Convention with regard to Appendix III; and

CONSIDERING that, for the effective implementation of the Convention with regard to Appendix III, it is desirable to give clear guidelines for including species in Appendix III and for implementation of Appendix-III listings;

### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

#### ***Inclusion of species in Appendix III***

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

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\* Amended at the 10th, 14th and 15th meetings of the Conference of the Parties; amended by the Secretariat in compliance with Decision 14.19 and with the decisions adopted at the 61st meeting of the Standing Committee; and further amended at the 16th, 17th and 18th meetings of the Conference of the Parties.

- 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;
3. RECOMMENDS further that, unless there is an urgent need for inclusion, a Party intending to include a species in, or delete a species from, Appendix III inform the Secretariat of its intention at least three months before a meeting of the Conference of the Parties, in order that the Parties are informed of the amendment in time to ensure that it enters into force on the same date as amendments to Appendices I and II adopted at the meeting;
4. RECOMMENDS that, if a Party has made a reservation with regard to any species included in Appendix I or II, it not request that this species be included in Appendix III;
5. REQUESTS that, upon request by a Party, the Animals or Plants Committee assist Parties in reviewing the status of species in Appendix III, subject to available resources;

6. URGES Parties having included species in Appendix III to review periodically the status of these species, seek assistance of the Animals or Plants Committee in undertaking the review mentioned in paragraph 5 of this Resolution, if necessary, and taking into account these guidelines and any recommendations of the Animals and Plants Committees, to consider the necessity to maintain the species in Appendix III;
7. RECOMMENDS that a Party having listed a species in Appendix III remove that species from Appendix III if the species is no longer subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, if it no longer requires the cooperation of other Parties in controlling the trade, or if it no longer occurs in international trade;
8. RESOLVES that, when any species already included in Appendix III is subsequently included in Appendix I or II, it shall be deleted from Appendix III;

***Implementation of Appendix-III listings***

9. URGES Parties, when implementing the Convention for species included in Appendix III, to follow the decision table included in Annex 2, and the guidance included in Annex 3 to the present Resolution; and
10. REPEALS the Resolutions, or parts thereof, listed hereunder:
  - a) Resolution Conf. 1.3 (Bern, 1976) – *Deletion of species from Appendix II or III in certain circumstances* – paragraph b);
  - b) Resolution Conf. 1.5 (Bern, 1976) – *Recommendations Concerning the Interpretation and Implementation of Certain Provisions of the Convention* – paragraphs 3, 4 and 5;
  - c) Resolution Conf. 1.5 (Rev. CoP12) (Bern, 1976, as amended at Fort Lauderdale, 1994, and Santiago, 2002) – *Interpretation and implementation of certain provisions of the Convention*;
  - d) Resolution Conf. 5.22 (Buenos Aires, 1985) – *Criteria for the Inclusion of Species in Appendix III* – paragraphs a) and b) under RECOMMENDS and the paragraph under REQUESTS;
  - e) Resolution Conf. 7.15 (Lausanne, 1989) – *Amendments to Appendix III*; and
  - f) Resolution Conf. 8.23 (Kyoto, 1992) – *Review of Appendix III*.

## ANNEX 1

### **Additional considerations for Appendix-III listings**

Parties that intend to list a species in Appendix III may wish to consider these additional trade and biological considerations, as appropriate, noting however, that this is not required under the Convention.

1. Trade status:
  - a) documented, suspected, possibly new or rapidly increasing exports of a species not currently regulated under CITES;
  - b) increased availability of the species in international markets;
  - c) species known or suspected to be in illegal trade;
  - d) uncertainty regarding the volume of international trade and an interest to monitor levels of such trade; and
  - e) increasing trade in, or demand for a species which is demonstrably difficult to breed and maintain in captivity, or to artificially propagate;
2. Biological aspects and characteristics:
  - a) the conservation status of the species under available assessments, and any conservation concerns due to international trade that these assessments may indicate;
  - b) species with intrinsic biological characteristics that make them especially vulnerable to harvest, trade, habitat loss or climate change, including, but not limited to:
    - i) species with habitat or food specializations in at least one life stage;
    - ii) species that are easy to detect or collect, or both (e.g. sessile or sedentary species); and
    - iii) species with high age of maturity, low reproductive output, high natural mortality rate, or occurrence in low abundances;
  - c) harvest and trade effects in relation to the species' biology and life history characteristics, including but not limited to:
    - i) species range;
    - ii) population structure, status and trends; and
    - iii) age- or sex-specific offtake;
  - d) endemism in combination with other characteristics recommended for consideration, noting that endemism by itself is generally not recommended as useful for considering whether a species belongs in Appendix III.

ANNEX 2

Decision table on permitting requirements for Appendix-III listings

Type of Appendix-III listing	Exporting or re-exporting State	Permitting requirements	Provision of the Convention
1. A species is included in Appendix III wherever it occurs	1.1. Export from any State which has included the species in Appendix III	Prior grant and presentation of a CITES export permit issued by the Management Authority of the State of export.	Article V, paragraph 2
	1.2. Export from any State other than the State which has included the species in Appendix III	CITES certificate of origin issued by the Management Authority of the State of export.	Article V, paragraph 3
	1.3. Re-export from any State of specimens of species included in Appendix III	CITES re-export certificate issued by the Management Authority of the State of re-export.	Article V, paragraph 4
2. Only a national population of a species is included in Appendix III	2.1. Export from any State which has included its population in Appendix III	Prior grant and presentation of a CITES export permit issued by the Management Authority of the State of export.	Article V, paragraph 2
	2.2. Re-export of specimens that originated in a population that is included in Appendix III	CITES re-export certificate issued by the Management Authority of the State of re-export.	Article V, paragraph 4
	2.3. Export or re-export of specimens that originated from a population that is <b>not</b> included in Appendix III	No CITES document is required.	N/A

## ANNEX 3

### Guidance for understanding the scope of Appendix-III listings

1. When a species is included in Appendix III wherever it occurs.

*Example 1:*

Appendix III reads: “**Species x** (Country A)”

Indicating that *Species x* has been included in Appendix III wherever it occurs at the request of Country A. Country A is a range State of species x.

*Example 2:*

Appendix III reads: “**Species y** (Country B, Country C)”

Indicating that *Species y* has been included in Appendix III wherever it occurs at the request of both Country B and C. Country B and C are range States of species y.

*Example 3:*

Appendix III reads: “**Species z** <sup>#w</sup> (Country D, Country E. In addition, the following countries have listed their national populations: Country F, Country G, and Country H)”

Indicating that for *Species z*:

- Countries D and E have both included the species in Appendix III wherever it occurs; and
- Countries F, G and H have included their national populations in Appendix III

Annotation #w specifies the parts and derivatives covered by the listing.

2. When only the listing Party’s national population of the species is included in Appendix III.

*Example 4:*

Appendix III reads: “**Species v** (population of Country J)”

Indicating that for *Species v*, only the population of Country J is included in Appendix III, at the request of Country J.