

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



Twenty-sixth meeting of the Plants Committee
Geneva (Switzerland), 5 – 9 June 2023

Thirty-second meeting of the Animals Committee
Geneva (Switzerland), 19 – 23 June 2023

Regulation of trade

SPECIMENS PRODUCED THROUGH BIOTECHNOLOGY

1. This document has been prepared by Cuba as Chair of the Standing Committee's working group on specimens produced through biotechnology.*
2. At its 19th meeting (CoP19; Panama City, 2022), the Conference of the Parties adopted Decisions 19.161 to 19.163 on *Specimens produced through biotechnology* as follows:

Directed to the Standing Committee, in close collaboration with the Animals and Plants Committees

19.161 *The Standing Committee, in close collaboration with the Animals and Plants Committees, shall:*

- a) *continue to discuss trade in products of biotechnology, which might potentially affect international trade in CITES-listed specimens in a way that would threaten their survival, including enforcement of CITES provisions. The Committee's discussion shall consider the need for new guidance material or updates to existing guidance material on the following issues, in relation to trade in specimens produced through biotechnology:*
 - i) *whether an update is needed in the Guidance on the use of the scientific exchange exemption and the simplified procedures to issue permits and certificates, endorsed by the Standing Committee at SC73 (online, May 2021), to include a section on specimens produced through biotechnology;*
 - ii) *whether there is a need for additional guidance on making legal acquisition findings in relation to specimens produced through biotechnology;*
 - iii) *whether there is a need for guidance on the application of source codes to specimens produced through biotechnology;*
 - iv) *whether guidance is needed to improve permitting and enforcement of trade in specimens produced through biotechnology in order to address the risk of natural specimens of illegal origin being passed as synthetic and thereby entering the market with a valid CITES permit;*

* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

- v) *whether guidance is needed on traceability issues to improve permitting and enforcement of trade in specimens produced through biotechnology in order to ensure a clear link (e.g., marking, other means of identification) between a specimen produced through biotechnology and CITES documentation in order to prevent misuse;*
 - vi) *whether biotechnology issues concerning animals and plants should be addressed distinctly; and*
 - vii) *any emerging issues or cases not considered in the document AC31 Doc. 17/PC25 Doc. 20, such as hirudin and squalene;*
- b) *communicate to the Animals and Plants Committees any matters that may require scientific advice and guidance, as appropriate; and*
 - c) *make recommendations for consideration at the 20th meeting of the Conference of the Parties, including appropriate updates to existing guidance materials, the development of new guidance materials on trade in specimens produced from biotechnology or changes to any pertinent Resolutions.*

Directed to the Animals and Plants Committees

19.162 *The Animals and Plants Committees shall inform implementation of Decision 19.161 and provide any relevant scientific advice and guidance on matters relevant to international trade in specimens produced through biotechnology and communicate it to the Standing Committee, as appropriate.*

Directed to the Secretariat

19.163 *Subject to the availability of external funds, the Secretariat shall convene and organize a meeting to facilitate the discussions mentioned in Decision 19.161 and develop guidance on the implementation of the amendment to Resolution Conf. 9.6 (Rev. CoP19) on Trade in readily recognizable parts and derivatives. The Secretariat shall extend invitations to concerned Parties as well as relevant entities, including the Biological Weapons Convention (BWC), the Secretariat of the Convention on Biological Diversity (CBD), the Food and Agriculture Organization of the United Nations (FAO), the International Union for Conservation of Nature (IUCN), the United Nations Conference on Trade and Development (UNCTAD), the World Health Organization (WHO) and other relevant organizations as appropriate.*

3. The Committees will recall that in addition to Decisions 19.161 to 19.163, CoP19 also included the following recommendation in paragraph 2 of Resolution Conf. 9.6 (Rev. CoP19) on *Trade in readily recognizable parts and derivatives*:

2. **RECOMMENDS** that:

[...]

b) *Parties consider all specimens produced through biotechnology that meet the criteria in paragraph 1 to be readily recognisable unless specifically exempted from the provisions of the Convention; and*

[...]

Paragraph 1 of Resolution Conf. 9.6 (Rev. CoP19) on *Trade in readily recognizable parts and derivatives* reads as follows:

AGREES that the term 'readily recognizable part or derivative', as used in the Convention, shall be interpreted to include any specimen which appears from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be a part or derivative of an animal or plant of a species included in the Appendices, unless such part or derivative is specifically exempted from the provisions of the Convention;

4. At its 76th meeting (SC76, Panama City, 2022), the Standing Committee established a working group on *Specimens produced through biotechnology* ([SC76 SR](#)). The membership was confirmed in Notification to

the Parties [No. 2023/036](#) and the mandate of the working group is available on the [CITES website](#). Cuba is the Chair of the working group.

5. In terms of Decision 19.161 the Standing Committee will implement this decision in close collaboration with the Animals and Plants Committees and paragraph b) of Decision 19.161 provides for the Standing Committee (through its intersessional working group) to *communicate to the Animals and Plants Committees any matters that may require scientific advice and guidance, as appropriate*. To facilitate the collaboration required during the intersessional period the Animals and Plants Committees should consider nominating representatives to participate in the Standing Committee's intersessional working group. The Committees could consider allocating this task to the leads and co-leads assigned to this matter as per the workplan (AC32 Doc. 8.2 and PC26 Doc. 8.2) to be agreed at the present meetings.
6. With regards to Decision 19.163, the Secretariat estimates the cost of a meeting to facilitate the discussions mentioned in Decision 19.161 and develop guidance on the implementation of the amendment to Resolution Conf. 9.6 (Rev. CoP19) on *Trade in readily recognizable parts and derivatives* to be approximately USD 80,000 (see also [Notification to the Parties No. 2023/024](#)). At the time of writing, the Secretariat has not secured the funds for the meeting but, based on discussions with the Chair of the Standing Committee's intersessional working group on this matter, agreed that an online meeting could take place to initiate the work and to discuss the elements to be addressed in Decision 19.163.

Recommendations to the Animals and Plants Committee

7. The Animals and Plants Committees are invited to note the document and to nominate representatives to participate in the Standing Committee's intersessional working group.