

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



Nineteenth meeting of the Conference of the Parties
Panama City (Panama), 14 – 25 November 2022

Interpretation and implementation matters

Regulation of trade

Non-detriment findings

REPORT OF THE ANIMALS AND PLANTS COMMITTEES

1. This document has been submitted by the Animals and Plants Committees.*

Background

2. At its 18th meeting, the Conference of the Parties adopted Decisions 18.132 - 18.134 on *Non-detriment findings (NDFs)* as follows:

Directed to the Secretariat

18.132 *The Secretariat shall:*

- a) *inventory and review the materials and guidance for the making of non-detriment findings (NDFs) that are available to the Parties, and identify any apparent gaps or needs (e.g. regarding taxonomic or geographical coverage, form or format, comprehensiveness, accessibility, languages, updates, practicality, etc.), including guidance for making NDFs for trade in specimens from different sources (W, R and F), and NDFs for taxa prioritized/called for in Decisions or Resolutions;*
- b) *identify, in consultation with the Animals and Plants Committees and Parties, and based on the analysis, priorities for additional or improved NDF guidance materials, and for addressing apparent gaps or needs;*
- c) *subject to external funding, address the agreed priorities in capacity-building by:*
 - i) *undertaking targeted research in support of the development of new or updated NDF guidance materials in collaboration with relevant experts, Parties and organizations; and*
 - ii) *organising one or more interdisciplinary expert workshops on NDFs, including the 2nd international expert workshop on non-detriment findings, with assistance of the Animals and Plants Committees, where draft guidance materials on NDFs are to be reviewed, advanced or completed;*

* *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.*

- d) *present the results of the work to the Animals and Plants Committees for their review, and make suggestions on how best to use the outputs to assist Scientific Authorities in the making of NDFs; and*
- e) *make available to Parties on the CITES website the NDF guidance materials resulting from the implementation of the present Decision.*

Directed to the Animals and Plants Committees

18.133 *The Animals and Plants Committees shall:*

- a) *review the Secretariat's gap analysis of NDF materials and guidance, and assist in identifying priorities for additional or improved NDF guidance materials, and for addressing apparent gaps or needs;*
- b) *participate as appropriate in the interdisciplinary expert workshops on NDFs where draft guidance materials are to be reviewed, advanced or completed;*
- c) *assist the Secretariat in preparing the 2nd international expert workshop on non-detriment findings as a follow up from Cancun 2008, based on the progress made since then;*
- d) *review and make recommendations concerning the outcomes of the interdisciplinary expert workshops on NDFs; the final draft guidance materials on NDFs; the use of these outputs in support of the making of NDFs by Scientific Authorities; and their publication on the CITES website; and*
- e) *report on these activities at the 19th meeting of the Conference of the Parties.*

Directed to Parties

18.134 *Parties are encouraged to:*

- a) *provide financial support for the implementation of Decision 18.132, including the 2nd international expert workshop on non-detriment findings;*
- b) *provide any help and information regarding methodologies, tools, scientific information, expertise and any other resources used to formulate NDFs in order to contribute to such a workshop, the results of which should be submitted to the Conference of the Parties for consideration at its 19th meeting; and*
- c) *make use of the guidance materials on NDFs resulting from the implementation of Decisions 18.132 and 18.133, and report experiences and findings to the Animals and Plants Committees.*

Implementation

3. The Secretariat submitted document [AC31 Doc. 14.1/PC25 Doc. 17](#) to the Animals and Plants Committees. As per Decision 18.132, paragraph a), this document and its Annexes contain the methodology and results of the inventory and review of the materials and guidance for the making of non-detriment findings (NDFs) that are available to the Parties and identified apparent gaps or needs. The document also proposed next steps for the full implementation of Decision 18.132 for the consideration of the Animals and Plants Committees.
4. In line with Decision 18.134, paragraph b), the Secretariat consulted Parties on the suggestions made in document AC31 Doc. 14.1/PC25 Doc. 17 through Notification to the Parties [No. 2021/007](#) and sought their suggestions about priorities or additional or improved NDF guidance materials and about the best way to address apparent gaps or needs. The Animals and Plants Committees were consulted through their respective Chairs in writing. Document [AC31 Doc. 14.1/PC25 Doc. 17 Add.](#) compiles the outcomes of the intersessional consultations, including a proposal for 10 workstreams to develop new or updated NDF guidance. The document also noted that the Secretariat was working to secure funding for implementing the remainder of Decisions 18.132-134 in the framework of an NDF project, suggested the establishment of a

technical advisory group (TAG) to support this project, and proposed draft decisions to enable the continuation of this work after the 19th meeting of the Conference of the Parties.

5. To further consider these documents and the proposals therein, the Animals and Plants Committees, at their 31st and 25th meetings respectively, established an in-session working group chaired by the alternate representative of Europe to the Plants Committee (Mr. Daniel Wolf) and the alternate representative of North America to the Animals Committee (Ms. Cecilia Lougheed). The working group elaborated extensive recommendations on the content of the proposed workstreams, the process of addressing them, on the composition and terms of references of the proposed TAG, and on draft decisions for the consideration of the Conference of the Parties to continue the work on NDFs beyond CoP19 (see document [AC31/PC25 Com. 3 \(Rev. by Sec.\)](#)). The Animals and Plants Committees agreed to recommend:
 - a) to establish an ad hoc Technical Advisory body to advise the Secretariat on the implementation of Decision 18.132, invited the Secretariat to verify whether the term “Committee” or “Group” should be used in the context of the establishment of an advisory body and to amend the name of the ad hoc technical advisory body accordingly, if necessary;
 - b) that the Chairs of the Animals and Plants Committees will advise the Secretariat on the modalities, terms of reference (ToR) and timing for the establishment of the ad hoc Technical Advisory body;
 - c) that the additional priorities and workstreams suggested in document AC31/PC25 Com. 3, as well as the proposed prioritization, be considered when establishing final priorities and workstreams for implementing Decision 18.132; and
 - d) to submit draft decisions on non-detriment findings guidance to the 19th meeting of the Conference of the Parties as proposed in document AC31/PC25 Com. 3 and amended by the Chair of the Animals Committee, the Plants Committee representative for the North American region (Ms. Gnam), and China. The draft decisions as agreed by the Plants Committee are available in Annex 1 to the present document.
6. During the Animals and Plants Committee meetings, Germany generously announced that it will make substantial funding available to enable the development of new or updated NDF guidance in 10 workstreams, including an international expert workshop to consider draft guidance produced by workstream expert groups. Additional funding was provided by the European Union and Switzerland. The Secretariat is most grateful to these donors for their support.
7. The Animals and Plants Committees established a technical advisory group and mandated their Chairs to advise the Secretariat on its modalities, ToRs and timing. The membership, terms of references, process and timing of establishment and closing, and modalities of functioning of the TAG are contained in Annex 2 to the present document.
8. The TAG convened on 14 January 2022 for its inaugural session (online) to formulate advice on the content and methods of workstreams to address gaps and weaknesses in NDF guidance materials. The agreed methods and content of workstreams are contained in Annexes 3 and 4 to the present document. The TAG also gave advice on the criteria for selecting workstream expert groups to address each of the defined workstreams. Additionally, the TAG decided to hold a second meeting in the course of 2022, before the 19th meeting of the Conference of the Parties to discuss progress in the elaboration of draft NDF guidance for the consideration of the international expert workshop. A report on this second meeting will be provided orally at the 19th meeting of the Conference of the Parties.

Recommendations

9. The Conference of the Parties is invited to
 - a) note the progress in developing new or updated NDF guidance, including the establishment of the technical advisory group for this exercise; and
 - b) adopt draft decisions 19.AA to 19.CC contained in Annex 1 to the present document.

DRAFT DECISIONS ON *NON-DETRIMENT FINDINGS*

After consultation with the Secretariat, the Animals and Plants Committees have modified the draft decisions agreed at AC31 and PC25 so that it refers to the Technical Advisory Group (TAG) rather than the Technical Advisory Committee.

Directed to the Secretariat

19.AA The Secretariat shall:

- a) subject to external funding, address priorities in capacity-building related to non-detriment findings (NDF) agreed by the Secretariat and the Technical Advisory ~~Committee (TAC)~~ Group (TAG), in consultation with the Animals and Plants Committees and Parties, by:
 - i) continuing to support the ~~ad hoc Technical Advisory Committee~~ TAG through which the Animals and Plants Committees provided support and advice for implementing Decisions 18.132 to 18.134;
 - ii) organizing in consultation with the ~~ad hoc TAC~~ TAG an international expert workshop on non-detriment findings to review, advance or complete draft guidance materials on NDFs; and
 - iii) undertaking targeted research in support of the development of new or updated NDF guidance materials in close collaboration with the ~~ad hoc TAC~~ TAG, relevant experts, Parties and organizations;
- b) compile and present the results of the work under paragraph a) to the Animals and Plants Committees for their review and make suggestions on how best to use the outputs to assist Scientific Authorities in the making of NDFs;
- c) make available to Parties on the CITES website the NDF guidance materials resulting from the implementation of the present Decision;
- d) develop a strategy and feedback mechanism for Parties and the wider CITES community to share experiences with using NDF guidance materials, which should allow the Animals and Plants Committees to make recommendations pertaining to review and update the NDF materials as may be needed; and
- e) consult the Animals and Plants Committees on the implementation of the present Decision and make recommendations to the Conference of the Parties as appropriate.

Directed to the Animals and Plants Committees

19.BB The Animals and Plants Committees shall:

- a) continue the ~~ad hoc Technical Advisory Committee (TAC)~~ TAG established under the recommendations in document AC31/PC25 Com. 3 through which the Animals and Plants Committees provided support and advice for implementing Decisions 18.132 to 18.134, review the functioning of the ~~ad hoc TAC~~ TAG, and make any appropriate decisions to ensure continued advice and assistance for the implementation of Decisions 19.AA to 19.CC;
- b) participate as appropriate in the international expert workshop on NDFs where draft guidance materials are to be reviewed, advanced or completed;
- c) review and make recommendations concerning: the outcomes of the international expert workshop on NDFs; the use of its outputs in support of the making of NDFs by Scientific Authorities; and their publication on the CITES website;

- d) based on the strategy and feedback from Parties and the wider CITES community on experiences with using NDF guidance materials, review and update NDF materials as may be needed; and
- e) report on these activities at the 20th meeting of the Conference of the Parties.

Directed to Parties

19.CC Parties are encouraged to:

- a) provide any help and information regarding methodologies, tools, scientific information, expertise and any other resources used to formulate NDFs in order to contribute to such a workshop;
- b) make use of the guidance materials on NDFs resulting from the implementation of Decisions 19.AA and 19.BB and participate as appropriate in the feedback mechanism on NDF guidance, to be developed by the Secretariat as referred to in Decision 19.AA, paragraph d); and
- c) provide financial and technical support for the implementation of Decision 19.AA, including for an international expert workshop on non-detriment findings.

MEMBERSHIP, TERMS OF REFERENCES, PROCESS AND TIMING
OF ESTABLISHMENT AND CLOSING, AND MODALITIES OF FUNCTIONING
OF THE TECHNICAL ADVISORY GROUP (TAG)
ON NON-DETRIMENT FINDINGS

Membership of the TAG:

As recommended by AC31/PC25 ([AC31/PC25 Sum. 2](#) and [AC31/PC25 Com. 3](#)), the TAG is co-chaired by the Chairs of the Animals and Plants Committees. It is composed of up to 35 members:

- i. Up to six members/alternates of the AC and six members/alternates of the PC (including the AC and PC Chairs).
- ii. The main donor Party to the NDF project.
- iii. Once identified, the Party that will be the host country for the international workshop on NDFs.
- iv. Ten additional Parties that are members of the Standing Committee during the intersessional cycle between CoP18 and CoP19, ensuring a balanced representation across CITES regions and between exporting and importing Parties (one Party from North America and one Party from Oceania; two Parties from the four other CITES regions).
- v. Ten technically competent IGOs and NGOs.
- vi. As *ex-officio* member: IUCN as the lead agency for the first stage of the NDF project (elaboration of draft guidance materials for the consideration of an international expert workshop).

Terms of References for the TAG:

In line with the recommendations adopted at AC31/PC25 ([AC31/PC25 Sum. 2](#) and [AC31/PC25 Com. 3](#)), the terms of references for the technical advisory group are as follows:

The technical advisory group shall support the implementation of Decisions 18.132 to 18.134 by advising the Secretariat on:

- i. *The definition and scope of workstreams to address the gaps and weaknesses in NDF guidance materials as identified in document [AC31 Doc. 14.1/PC25 Doc. 17](#), its [Addendum](#) and in document [AC31/PC25 Com. 3](#).*
- ii. *The most appropriate ways to address each identified workstream.*
- iii. *The content, agenda and conduct of the international expert workshop on NDF guidance.*
- iv. *The draft guidance materials on NDFs that are to be prepared for review at the workshop.*
- v. *The finalization and dissemination of the workshop outputs.*
- vi. *The development of a strategy and feedback mechanism for Parties and the wider CITES community to share experiences with using NDF guidance materials.*

Process and timing of establishing and closing the TAG:

In line with the recommendations adopted at AC31/PC25 ([AC31/PC25 Sum. 2](#) and [AC31/PC25 Com. 3](#)), the process for establishing and closing the technical advisory group is as follows:

i. October 2021:

Discussion between the Secretariat and the Chairs of PC and AC to agree on the proposals elaborated in the present document, including determination of the final composition of the TAG (Committee members, Parties, IGOs, NGOs).

Formal invitations to proposed TAG members sent by the TAG co-chairs, and establishment of the TAG; share information on TAG and implementation of NDF Decisions through a Notification to the Parties, once members agree to their participation.

ii. November 2021: Inaugural online session of the TAG organized by the Secretariat in consultation with the co-Chairs to present and kick-off the NDF project funded by Germany and others, and consult on final workstream definitions and scope (based on proposals from the Secretariat).

iii. December 2021–November 2022: Regular online sessions of the TAG organized by the Secretariat to present project progress and solicit advice in accordance with ToRs, no less than once per year. Review Secretariat reporting to CoP19 on TAG and implementation of Decisions 18.132- 18.134.

iv. November 2022 – February 2023: Revision of role and operation of TAG in accordance with CoP19 Decisions.

v. 2023-2024: Regular online sessions of the TAG organized by the Secretariat to present project progress and solicit advice in accordance with ToRs, no less than once per year. Closure and dissolution of the TAG once NDF materials are finalized and published.

Modalities of the functioning of the TAG:

The TAG works according to the following modalities:

- *The TAG is co-chaired by the Chairs of the Animals and Plants Committees.*
- *The TAG is to primarily work by electronic means which may include email, or online meeting platforms provided by the Secretariat. Some TAG sessions may be organized as in person side events at AC/PC or CoP meetings, if opportunities arise.*
- *The Chief of the Secretariat's Science Unit, who oversees the implementation of the NDF project funded by Germany and others, will act as secretary to the TAG.*
- *The TAG shall meet no less than once a year. Additional meetings can be called for by the Secretariat or the TAG, as need arises.*
- *Co-Chairs will announce meetings to all members at least one month in advance. Sessions shall be prepared by the Secretariat, in collaboration with the co-Chairs of the TAG. Co-Chairs will send an agenda and preparatory materials to all members no later than two weeks before a session commences.*
- *The TAG shall discuss matters related to its mandate, drawing on information presented by the Secretariat, as well as other sources, as appropriate. Its recommendations to the Secretariat, as the implementing institution of NDF-related work, shall be formulated and communicated by its co-Chairs.*
- *On behalf on AC and PC, the TAG shall draft reports to AC, PC or CoP meetings, as appropriate, which shall be submitted to these meeting through the co-Chairs.*

CONTENT AND METHODS OF WORKSTREAMS
FOR ELABORATING NEW OR UPDATED DRAFT NDF GUIDANCE
FOR THE CONSIDERATION OF AN INTERNATIONAL EXPERT WORKSHOP
AS AGREED BY THE TAG

The approach, and the workstreams as agreed by the Technical Advisory Group to the NDF project (TAG) at its first meeting (online, 14 January 2022) incorporate a gap analysis by the Secretariat, and recommendations from Parties, Animals and Plants Committees (documents AC31 Doc. 14.01/PC25 Doc. 17, its addendum, AC31/PC25 Com. 3).

1. The table in Annex 4 of the present document displays the workstreams as agreed at the first TAG meeting.
2. Per workstream, relevant existing NDF guidance will be examined where possible, and one or more case studies will be selected (i.e. NDFs, materials containing taxon-specific data or illustrative example of assessment methods) to inform the development of improved or new draft guidance (cases can come from the NDF database or other sources; Parties may also be invited via Notification to share additional case studies with the Secretariat). Typically, case studies may illustrate:
 - a. suitable field methodologies, geographic and temporal scales of assessments, sustainable off-take levels, conversion factors, and analytic methods (statistical/quantitative/qualitative);
 - b. NDF-making for taxa not yet present in the CITES NDF database with various biological and ecological characteristics;
 - c. NDF-making by range States from different geographical regions.
3. Workstream 1 is to elaborate a single, basic core guidance for making NDFs. Workstreams 2-4 will add to this core guidance by addressing specific caveats, i.e. more detailed guidance for specific approaches or situations. Workstreams 5-12 add to this core guidance by addressing techniques that are relevant for making NDF for specific life forms or taxa. Workstreams will be implemented as follows:
 - a) A workstream expert group of 5 to 10 experts with experience in making NDFs or workstream-specific expertise will be selected from CITES SAs, IUCN specialist groups, the TAG, organizations (FAO, ITTO and other members of CPF and CPW) or individuals with proven expertise, ensuring a balance between CITES regions. A member of the Secretariat's science unit will support and work with each workstream expert group. TAG members were involved in the selection of experts and helped develop the criteria for workstream expert groups in the table in Annex 4.
 - b) One consultant may be hired per workstream expert group, to draft updated or complementary NDF guidance as advised by the workstream expert group. The consultant will be considered to be a member of the workstream expert group. Qualified consultants will be selected according to the rules and regulations pertaining to IUCN hiring processes, which is the envisioned partner institution to coordinate this work.
 - c) Each workstream expert group will be provided with suitable background information relating to the workstream; where existing, relevant NDF guidance materials; and one or more case studies (NDFs, materials with taxon-specific data or illustrative example of assessment methods, ...). Some materials will be provided by the Secretariat. Each workstream expert group can draw on additional materials, as appropriate.
 - d) Each workstream expert group is expected to virtually meet for discussing and identifying ways to develop new guidance, or to update or complement existing guidance, in order to address the gaps prioritized in the respective workstream.
 - e) Taking the discussions under iv) into account, the consultant, in consultation with workstream expert group members, other experts or Parties, as appropriate drafts updated or new guidance.

- f) Each workstream expert group is to revise the updated or complementary draft NDF guidance produced by the consultant before its finalization by the consultant.
4. Contractual implementation: The development of draft guidance materials in workstreams 1-10 funded by Germany, EU, and CH can fund the development of 10 workstreams. An additional sum can be used to implement workstream 11 and 12, provided that funds will be secured. It is anticipated that the development of draft NDF guidance, and the coordination of expert groups, will be contracted to IUCN. ToRs should contain the following responsibilities of IUCN and the Secretariat respectively:
- a) The Secretariat administers the funds according to UN rules, and reports to the donors.
 - b) The Secretariat, in consultation with IUCN, will take into account the selection criteria and nominations developed by the TAG, and select 5-10 experts per workstream and guides the elaboration of draft guidance. A Secretariat member will support each workstream expert group. The Secretariat, in consultation with IUCN, proposes available NDF materials for the consideration of each workstream expert group. Each workstream expert group can identify additional materials as appropriate.
 - c) Each workstream expert group shall meet at least twice virtually to consider the information provided, and to direct the elaboration of additional or updated guidance materials. IUCN provides in-house staff or contracts consultants per workstream to elaborate draft guidance materials, as directed by the respective workstream expert group.
 - d) IUCN delivers a compilation of the following outputs to the Secretariat and the TAG:
 - i. a summary report containing information on the members of each workstream expert group, materials that were considered, a description of the work process, and a summary of findings (what the group identified to be developed or improved regarding NDF guidance).
 - ii. new or updated NDF draft guidance, where applicable.
 - e) The Secretariat makes the draft guidance materials available for consideration to the TAG, at the NDF workshop and for field testing in selected range States.

WORKSTREAMS TO BE ADDRESSED IN THE NDF PROJECT AS AGREED BY THE TAG

Group	Workstream
Overarching NDF formulation	1 Generic NDF guidance to incorporate a more comprehensive analysis of uncertainty, risk assessments and characterizations. The generic guidance should also be applicable to 'low risk' situations involving source code W, and NDFs associated with source codes A, C, D, F, R and Y. It should draft guidance on the concept, definition and implementation of assessing a species role in its ecosystem and incorporating knowledge from certification processes <i>Case studies: Online tools for NDF making, e.g. NDF guidance for sharks and rays (elaborated by Germany and Sri Lanka). Select & invite additional case studies on source codes C, D, F, R, Y, the concept, definition and role of a species role in its ecosystem, and incorporating knowledge from certification processes</i>
Complementary approaches and situations – "caveats"	2 Applying adaptive management and NDFs subject to precautionary conditions, also in low data and low-capacity situations <i>Case studies: Include marine case studies. Select & invite additional case studies according to the scope of the workstream. USA offered case studies on precautionary conditions.</i>
	3 Incorporation, weighing and integration of various knowledge systems, including local, traditional and indigenous knowledge, and participatory species monitoring and management in NDF making (including gender equity) <i>Select case studies from NDF database Secretariat review published for PC25. Jatamansi, Hunters in Africa/Ranching</i>
	4 NDFs for Appendix I imports <i>Select & invite case studies on NDFs of Appendix I imports (US offered to share theirs, EU does them for certain, unsure for others).</i>
Specific "techniques" for certain taxa / life forms	5 NDFs for marine or aquatic species, including regional implications for shared species, introduction from the sea, and NDFs for marine or aquatic invertebrates <i>Select / invite case studies on: corals, sea cucumbers, eels, Queen Conch, seahorses, leeches, specific species of sharks and rays not yet represented in the NDF database. ZSL can contribute outcomes of pertinent MSc thesis. Work with RFMOs.</i>
	6 NDFs for migratory species and shared populations <i>Select / invite case studies on Saiga antelopes, falcons, ... collaborate with CMS.</i>
	7 NDFs for terrestrial invertebrates <i>Select / invite case studies on butterflies, scorpions, spiders (tarantulas). Tarantulas: North America</i>
	8 NDFs for birds <i>Select / invite case studies on vultures, songbirds, hornbills and birds of paradise, hummingbirds, parrots, birds of prey</i>
	9 Species-specific NDF guidance for high-value timbers, with focus on forest inventory protocols, harvest techniques, harvest impact on their role in the ecosystem, and sustainable quotas <i>Select / invite case studies on ????. Consider online support tools for makin NDFs developed by Germany.</i>
	10 NDFs for non-timber producing plant species, including specific life forms of medicinal and aromatic plants (MAPs), and ornamental plants <i>Select / invite case studies on Tillandsia spp., cycads, cacti, orchids, pitcher plants</i>
	11 Reptiles, including live specimen, leather <i>Select,/ invite case studies on Varanus salvator, Python reticulatus ...</i>
	12 Amphibians

TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS

According to Resolution Conf. 4.6 (Rev. CoP18) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding. The Secretariat proposes the following tentative budget and source of funding.