

Conf. 4.25

(Rev. CoP19)*

Reservations

RECOGNIZING that, in accordance with Article XXIII of the Convention, a State may, when it becomes a Party to CITES, enter a reservation with respect to any species included in Appendix I, II or III, or any parts or derivatives specified in relation to a species included in Appendix III, and that, in this case, it shall be treated as a State not a Party to the Convention with respect to trade in the specified species or parts or derivatives until it withdraws such reservation;

RECOGNIZING that, when Appendix I or II is amended in accordance with Article XV of the Convention, any Party may, within 90 days, make a reservation with respect to the amendment, and that, in this case, it shall be treated as a State not a Party to the Convention with respect to trade in the species concerned until such reservation is withdrawn;

NOTING that for the effective application of the Convention, clarity on the deadline for the submission of a reservation, treatment of a late reservation and effective date of the withdrawal of a reservation is critical;

RECOGNIZING FURTHER that, in accordance with Article XVI of the Convention, any Party may at any time enter a reservation with respect to a species included in Appendix III or any specified parts or derivatives, and that, in this case, the State shall be treated as a State not a Party to the Convention with respect to trade in the species or part or derivative concerned until such reservation is withdrawn;

NOTING that there have been different interpretations of these provisions of the Convention by Parties;

BELIEVING that the transfer of a species from one Appendix of the Convention to another must be viewed as a deletion from one Appendix and its simultaneous inclusion in the other;

CONSIDERING that, if a species is deleted from the Appendices, any reservation entered in relation to that species ceases to be valid;

CONSIDERING also that all Parties should interpret the Convention in a uniform manner;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

1. RECOMMENDS that any Party having entered a reservation with regard to any species included in Appendix I treat that species as if it were included in Appendix II for all purposes, including documentation and control I, except as provided by paragraph 2;
2. AGREES that the scope and effect of a reservation entered in accordance with Article XV, paragraph 3 is the same as the scope and effect of the amendment. For example, where an annotation to a species listed in Appendix I or II is amended, a Party may enter a reservation in accordance with Article XV, paragraph 3. The effect of such reservation is limited to excluding the amendment from applying to the reserving Party until the reservation is withdrawn. The reserving Party remains bound by the annotation in effect prior to the amendment;
3. DIRECTS the Secretariat to maintain on the CITES website, in the table on Reservations entered by Parties, reference to the requirements for international trade that apply to each Party having entered a reservation in accordance with Article XV, paragraph 3;
4. AGREES that, if a species is deleted from one Appendix of the Convention and simultaneously included in another, the deletion shall render invalid any reservation that was in effect in relation to the species and, consequently, any Party that wishes to maintain a reservation in relation to the species must enter a new reservation in accordance with Article XV, paragraph 3, or Article XVI, paragraph 2;

* Amended at the 14th meeting of the Conference of the Parties, amended by the Secretariat in compliance with Decision 14.19 and with the decisions adopted at the 58th meeting of the Standing Committee; and further amended at the 18th and 19th meetings of the Conference of the Parties.

5. CALLS on the Parties having entered reservations to nevertheless maintain and communicate statistical records on trade in the species concerned, as part of their annual reports, so that international trade in specimens of these species may be properly monitored;
6. INSTRUCTS the Secretariat to remind affected Parties explicitly of the reservations that will be rendered invalid, in time for the Parties to renew their reservations if they so desire;
7. REMINDS Parties of the requirement to notify the Depositary Government in writing of a reservation it wishes to make with respect to an amendment to Appendix I or II within 90 days after the meeting, in accordance with Article XV, paragraph 3, of the Convention;
8. REQUESTS the Depositary Government not to consider valid any reservation with respect to an amendment to Appendix I or II entered after the 90-day deadline; and
9. AGREES that the withdrawal of a reservation becomes operational on the date of the Depositary's notification to the Parties unless a later date has been set by the Party withdrawing the reservation.