

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

Administrative and financial matters

Rules of Procedure of the Conference of the Parties

REPORT OF THE STANDING COMMITTEE

1. This document has been submitted by the Standing Committee.*

Background

2. At its 18th meeting (CoP18, Geneva, August 2019), the Conference of the Parties adopted Decision 18.1 on *Rules of Procedure* as follows:

Directed to the Standing Committee

- 18.1** *With the support of the Secretariat, the Standing Committee shall review Rule 7.2 a) and Rule 25 of the Rules of Procedure of the Conference of the Parties and propose amendments, as appropriate, to the 19th meeting of the Conference of the Parties with the view to ensuring the effective conduct of meetings.*

Regarding Rule 7 2. a)

3. According to Rule 7 2. a), the Credentials Committee consists “of not more than five Representatives of different Parties...” As CITES operates with six regions, the number of five representatives results in one region being excluded from being represented on the Credentials Committee. At its 73rd meeting (SC73, online, May 2021), the Standing Committee noted the report of the intersessional working group on the Rules of Procedure including the importance of ensuring regional representation in Rule 7 2. a). Further, retaining existing language of “not more than” would address circumstances where a Region may be unable to identify a candidate for the committee. The Committee agreed to propose the following amendments to Rule 7 2.a):

2. The Conference of the Parties shall establish the following sessional committees:

- a) the Credentials Committee, of not more than ~~five~~ six Representatives of different Parties, each representing a different Region, which shall report to the meeting;

Regarding Rule 25.5

4. During its 73rd meeting (online, May 2021), the Standing Committee recalled the discussion on Rule 25.5 at CoP18 (see document [CoP18 Doc. 4.2](#)) where some key features and challenges with the current Rule 25 were discussed, notably clarifying the treatment of amendments to reduce the scope of a species proposal. Based on the discussions, the Standing Committee agreed to propose amendments to Rule 25.5 and 25.6

* *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.*

to specify that amendments to reduce the scope of a species proposal are decided prior to deciding on the proposal itself. The proposed amendments to Rule 25.5 and the first part of Rule 25.6 read as follows:

5. Any Representative may propose an amendment to a proposal for amendment of Appendix I or II to reduce its scope or to make it more precise. The Presiding Officer may permit the immediate discussion and consideration of such a proposed amendment even though it has not been circulated previously. If consensus cannot be reached, then the proposed amendment shall be put to a vote. If the proposed amendment is accepted, the amended proposal shall supersede the original proposal for amendment of Appendix I or II.
6. If two or more proposals, including proposals amended in accordance with Rule 24, paragraph 2 ~~or, and proposals made in accordance with paragraph 5 of this Rule,~~ relate to the same taxon... *etc.*

Regarding Rule 25.6

5. During its 74th meeting (SC74, Lyon, March 2022), the Standing Committee continued its deliberations of Rule 25.6, recalling that Parties had previously expressed differing perspectives with regard to Rule 25.6, where some Parties did not consider there was a need to amend the rule, which had served the Convention well so far. Other Parties had asked to be provided with real world examples to illustrate the implications of proposed amendments (see document [SC74 Doc. 11.4](#)).
6. As part of the discussion, three key aspects of Rule 25.6 were identified as potentially needing attention:
 - a) The order in which proposals that concern the same taxon but are different in substance are considered – “most restrictive on the trade” vs. “least restrictive on the trade”;
 - b) Providing clarity to the Chair to ensure that all submitted proposals are opened and presented; and
 - c) Giving consideration to all species/taxon presented for decision when there is consideration of two or more proposals that address incompletely overlapping taxon (see the examples provided in Annex 2 of this document for further clarity).
7. As was the case at SC73, in discussions at the 74th meeting, there continued to be mixed views on whether or not additional amendments to Rule 25.6 were necessary. Some felt no further changes were necessary and cautioned against creating overly complex changes that may hinder, rather than support, the smooth operation of a meeting. Others however expressed that guidance in the Rules was indeed necessary to address issues which had arisen in past meetings of the Conference of the Parties.
8. Aided by the guidance materials found in Annex 2 to the present document, the Standing Committee particularly considered three main proposed substantive amendments to Rule 25.6 as follows:
 - a) The first substantive edit, to the first sentence, addresses the key aspect of providing clarity to the Chair to ensure that all submitted proposals are opened and presented. It instructs the Chair that, in the case where there are two or more proposals relating to the same taxon but are different in substance, “the Chair shall so advise the Conference, clearly indicating the implications of the adoption of one proposal for the other(s), and should allow each of the proposals to be introduced prior to submitting any of them for discussion and decision.” The Committee generally agreed with this substantive edit.
 - b) The second substantive edit addresses the key aspect of the order in which proposals that concern the same taxon but are different in substance are decided on, instructing the Conference of the Parties to first decide on the proposal that “will have the most restrictive effect on the trade”. It further provides the Chair flexibility to determine the order with the addition of “However, the Chair may exceptionally propose a different order, if appropriate.” This is meant to be exceptional thus requiring the Chair to justify their proposed different order. Further, should the Conference disagree with the Chair’s proposal of a different order, they have recourse via a point of order. The Committee did not arrive at consensus for this substantive edit.
 - c) The final substantive edit addresses the key aspect of giving consideration to all species/taxon proposed for decision by the Conference, for when there are two or more proposals that address incompletely overlapping taxon. This edit allows the Conference of the Parties to decide on all the species/taxon found within each proposal. The edit is as follows: “If, in relation to the same taxon, when however the

adoption of one proposal necessarily implies the rejection of another proposal, the latter proposal shall nevertheless not be submitted to decision in relation to any remaining taxon." The Committee generally agreed with this substantive edit.

9. As noted in paragraph 5b) above, there was no consensus within the Committee on whether or not to change the order in which proposals that concern the same taxon but are different in substance are decided on. Some favoured retaining the existing rule of deciding on the "least restrictive on trade" first. Others preferred to decide on the "most restrictive on trade" as proposed by the intersessional working group. Additionally, consensus was not achieved on the amendment to provide the Chair with latitude to exceptionally propose a different order, if appropriate.
10. The Standing Committee, at its 74th meeting (Lyon, France, March 2022) agreed by a vote of eight votes in favour and six votes against to submit the proposed amendments to Rule 25.6 as presented in document SC74 Doc. 11.4 for consideration by the Conference of the Parties, noting that no consensus was achieved on the order in which proposals should be presented (least to most restrictive or vice versa) and on the discretion of the Chair to change the order of the proposals on an exceptional basis.

Recommendations

11. The Conference of the Parties is invited to:
 - a) adopt the draft amendments to Rule 7.2, Rule 25.5 and Rule 25.6 of the Rules of Procedure of the Conference of the Parties as contained in Annex 1 to the present document (amendments proposed by the Standing Committee without consensus are indicated in **bold**); and
 - b) take note of the guidance materials found in Annex 2 to the present document.

COMMENTS OF THE SECRETARIAT

- A. The Secretariat recommends that the Conference of the Parties:
 - a) delete Decision 18.1 as it has been implemented;
 - b) adopt the draft amendments to Rule 7.2 as contained in Annex 1 to the present document in order to ensure balanced representation of regions is facilitated where possible;
 - c) adopt the proposed amendment to Rule 25.5 which offers a straightforward way to organize discussion when proposals to reduce the scope of a proposal for amendment of Appendix I or II are made;
 - d) adopt the amendments to Rule 25.6 which are described in paragraphs 6(b) and (c) of the present document. The amendment described in paragraph 6(b) aims to ensure that all proposals are adequately and equitably brought to the attention of the Parties, regardless of the order in which they are subsequently considered by the Conference of the Parties. The Secretariat would like to recall that the order in which proposals relating to the same taxon but differing in substance are presented to the Conference of the Parties is not prescribed by this amendment to Rule 25.6 and that discretion is therefore left to the Chair in this regard. The amendment proposed in paragraph 6(c) aims to ensure that no element of a proposal, the need for which has not been obviated by adoption of another proposal, escapes the attention of the Parties in discussions. This should ensure a comprehensive review of proposals by the Conference of the Parties, with due consideration to the status of all taxa.
- B. With regards to the amendments proposed to Rule 25.6 concerning the order in which proposals that concern the same taxon but are different in substance are considered, the Secretariat acknowledges that there are differing perspectives amongst the Parties and invites their attention to the discussions held at SC46 (Geneva, March 2002) when the actual rule was first introduced. According to document SC46 Doc. 7.4, the rationale behind the proposal of this rule (Rule 23.6 at the time) was "*to suggest an unambiguous approach to deciding which proposal to consider first when there are two amendment proposals that relate to the same taxon but are different in substance. The existing text requires determination of which proposal will have the 'greatest effect on the trade'. Experience has shown that this can be interpreted in different*

ways. *The Secretariat suggests that an improvement would be to decide first on the least trade-restrictive proposal and then on the next least trade-restrictive proposal. In this way the Conference can decide by stages what level of trade-restriction is adequate. This approach is further consistent with generally accepted principles, such as that trade restrictions should be imposed only when they are necessary and that any measures imposed should be the least trade-restrictive required.*” The Secretariat notes that this rule has been in effect for several CoPs and has been applied without encountering major obstacles/difficulties.

- C. The 74th meeting of the Standing Committee discussed the matter and did not manage to agree on an acceptable amendment to this specific element of Rule 25.6 (the order in which proposals that concern the same taxon but are different in substance are considered). It may be important to bear in mind that the amendment proposals to Appendices I and II submitted by the Parties are usually prepared based on the existing rules of procedure and any possible changes agreed by the Standing Committee in advance. Changing the rules in short notice right at the beginning of the CoP could cause disruptions. The less disruptive way forward may be to give a mandate to the Standing Committee to find common ground and build consensus around a new rule during the next intersessional period and submit a proposal to the 20th meeting of the Conference of the Parties.
- D. In case that there is a desire to change that element of Rule 25.6 under the discussion of agenda item 4.1 scheduled to take place during the first day of the plenary session, Parties are invited to bear in mind that:
 - a) This agenda item will be discussed before the establishment of the Credentials Committee and as a result the plenary will not be able to vote in case there is no consensus.
 - b) According to Rule 32, the existing Rules of Procedure shall remain valid for each meeting of the Conference of the Parties unless they are amended by decision of the Conference of the Parties.
 - c) Postponing this discussion to the next intersessional period would provide more time to refine the current proposals and would avoid starting the CoP19 with a potentially controversial matter that may require a long procedural discussion under an already stretched agenda.
- E. Further discussion during the next intersessional period will allow Parties to exchange views on the merits from a policy perspective of considering the proposals that are “most restrictive on the trade” first, as opposed to those which are “least restrictive on the trade”. The Secretariat would like to remind Parties that neither of these two approaches would remove or reduce the opportunity for any proposal to be presented to the Conference of the Parties, since the proposed amendment to Rule 25.6 described in paragraph 6(b) of the present document provides that all proposals will be introduced by the Chair. However, the worked examples in Annex 2 to the present document illustrate that the implications of adopting either approach could in some scenarios be substantive as well as procedural.

AMENDMENTS TO RULE 7.2, 25.5 AND 25.6
OF THE RULES OF PROCEDURE
OF THE CONFERENCE OF THE PARTIES

Additions are shown in underline text, and deletions are shown in ~~strikeout~~ text (amendments lacking consensus of the Standing Committee are shown in **bold**):

Rule 7 ***Plenary sessions, committees and working groups***

1. The Conference of the Parties conducts its work in plenary sessions and in committee sessions.
2. The Conference of the Parties shall establish the following sessional committees:
 - a) the Credentials Committee, of not more than ~~five~~six Representatives of different Parties, each representing a different Region, which shall report to the meeting;
 - b) Committee I, which shall be responsible for making recommendations to the Conference on all proposals to amend the Appendices of the Convention and on any matter of a primarily biological nature; and
 - c) Committee II, which shall act similarly in relation to all other matters to be decided upon by the Conference.
3. The Conference and Committees I and II may establish such working groups as may be necessary to enable them to carry out their functions. They shall define the terms of reference and composition of each working group and shall strive to achieve regional balance. The membership of the working groups shall be limited to delegates and to those observers with expertise on the matter invited by the Presiding Officer of the session at which the working group is established. The Presiding Officer shall aim to ensure a fair and balanced representation of delegates and observers with the number of observers not exceeding the number of delegates.
4. Unless the chair of a working group is appointed by the Presiding Officer of the session at which it is established, each working group shall elect its own chair from among the delegates that are members of the working group.

Rule 25 ***Procedure for deciding on proposals for amendment of Appendices I and II***

1. The Conference shall as far as possible decide on proposals for amendment of Appendices I and II by consensus.
2. Whenever the Conference does not reach a consensus on the adoption or rejection of a proposal for amendment of Appendices I and II, the Presiding Officer shall propose that the decision on the amendment be put to a vote.
3. A Representative may move that parts of a proposal for amendment of Appendices I and II shall be decided on separately. If any objection is made to the request for such division, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded only to a delegate from each of two Parties wishing to speak in favour of, and a delegate from each of two Parties wishing to speak against, the motion. If the motion is carried, those parts of the proposal which are subsequently approved shall be decided upon as a whole. If all parts of the proposal have been rejected, it shall be considered to have been rejected as a whole.
4. If two or more proposals for amendment of Appendices I and II relate to the same taxon and have the same substance, the Conference shall decide on one proposal only. If this proposal is adopted or rejected, the other or others is or are deemed to be adopted or rejected also.

5. Any Representative may propose an amendment to a proposal for amendment of Appendix I or II to reduce its scope or to make it more precise. The Presiding Officer may permit the immediate discussion and consideration of such a proposed amendment even though it has not been circulated previously. If consensus cannot be reached, then the proposed amendment shall be put to a vote. If the proposed amendment is accepted, the amended proposal shall supersede the original proposal for amendment of Appendix I or II.

6. If two or more proposals including proposals amended in accordance with Rule 24, paragraph 2 ~~or, and proposals made~~ in accordance with paragraph 5 of this Rule, relate to the same taxon, but are different in substance, the Chair shall so advise the Conference, clearly indicating the implications of the adoption of one proposal for the other(s), and should allow each of the proposals to be introduced prior to submitting any of them for discussion and decision. The Conference shall first decide on the proposal that will have the **least most** restrictive effect on the trade and then on the proposal with the next **least most** restrictive effect on the trade, and so on until all proposals have been submitted to decision. **However, the Chair may exceptionally propose a different order, if appropriate.** If, in relation to the same taxon, ~~When however,~~ the adoption of one proposal necessarily implies the rejection of another proposal, the latter proposal shall nevertheless not be submitted to decision in relation to any remaining taxon.

GUIDANCE MATERIALS

EXAMPLE SCENARIOS TO ILLUSTRATE THE APPLICATION OF RULE 25, WITH THE AMENDMENTS AGREED AT SC73 AND THOSE CONSIDERATION BY SC74

A. Amendments proposed to Rule 25.5 and Rule 25.6

5. Any Representative may propose an amendment to a proposal for amendment of Appendix I or II to reduce its scope or to make it more precise. The Presiding Officer may permit the immediate discussion and consideration of such a proposed amendment even though it has not been circulated previously. If consensus cannot be reached, then the proposed amendment shall be put to a vote. If the proposed amendment is accepted, the amended proposal shall supersede the original proposal for amendment of Appendix I or II.
6. If two or more proposals, including proposals amended in accordance with Rule 24, paragraph 2 ~~or, and proposals made~~ in accordance with paragraph 5 of this Rule, relate to the same taxon, but are different in substance, the Chair shall so advise the Conference, clearly indicating the implications of the adoption of one proposal for the other(s), and should allow each of the proposals to be introduced prior to submitting any of them for discussion and decision. The Conference shall first decide on the proposal that will have the ~~least~~ most restrictive effect on the trade and then on the proposal with the next ~~least~~ most restrictive effect on the trade, and so on until all proposals have been submitted to decision. However, the Chair may exceptionally propose a different order, if appropriate. If, in relation to the same taxon, ~~When however~~ the adoption of one proposal necessarily implies the rejection of another proposal, the latter proposal shall nevertheless ~~not~~ be submitted to decision in relation to any remaining taxon.

B. Scenarios on the application of Rule 25.5 with the amendments agreed at SC73

Scenario B.1

Proponent AA has submitted Proposal 1 to include species Qa in App. II.

Party BB suggests to amend Proposal 1 to exclude the populations of species Qa found in BB in accordance with Rule 25.5. There is no consensus on this amendment. The amendment is put to a vote under 25.5 requiring 2/3 majority to be adopted.

If the amendment does not achieve a 2/3 majority, it is rejected. The original proposal is then put for decision. However, if the amendment does achieve a 2/3 majority and is accepted, the amended proposal is then put for decision.

Scenario B.2

Proponent AA has submitted Proposal 1 to amend the annotation to species Xa, already included in App. II. There is no consensus on an amendment suggested by the proponent

- A. The Proponent moves to amend the proposed text to reduce the scope of the proposal in accordance with Rule 24.2. This amended proposal will automatically supersede the original proposal as it is made by the Proponent and the amended proposal is put for decision.

Or

- B. The Proponent does not move to amend the proposal but Party EE and Party FF make competing/overlapping suggestions for amending the original proposal to reduce its scope. There is no consensus on the various amendment proposals. After listening to the debate, the Chair decides to first put the amendment offered by Party EE to a vote. If it is rejected, the Chair then decides to put the amendment offered by Party FF to a vote. If it is accepted, the Chair then puts the proposal, as amended by Party FF, to a vote. As the rule is silent on order of amendments, it is left to the Chair to decide and justify the order in which the competing/overlapping amendments are considered.

C. Scenarios on the application of Rule 25.6 with the amendments considered by SC74

The proposed amendments to Rule 25.6 for consideration by SC74 are found in three main parts.

i) The first substantive edit, to the first sentence, addresses the key aspect of providing clarity to the Chair to ensure that all submitted proposals are opened and presented. It instructs the Chair that, in the case where there are two or more proposals relating to the same taxon but are different in substance, “the Chair shall so advise the Conference, clearly indicating the implications of the adoption of one proposal for the other(s), and should allow each of the proposals to be introduced prior to submitting any of them for discussion and decision.”

ii) The second substantive edit addresses the key aspect of the order in which proposals that concern the same taxon but are different in substance are decided on, instructing the Conference of the Parties to first decide on the proposal that “will have the most restrictive effect on the trade”. It further provides the Chair flexibility to determine order with the addition of “However, the Chair may exceptionally propose a different order, if appropriate.” This is meant to be exceptional thus requiring the Chair to justify their proposed different order. Further, should the Conference disagree with the Chair’s proposal of a different order, they have recourse via a point of order.

iii) The final substantive edit addresses the key aspect of giving consideration to all species/taxon proposed for decision by the Conference, for when there are two or more proposals that address incompletely overlapping taxon. This edit allows the Conference of the Parties to decide on all the species/taxon found within each proposal. The edit is as follows: “If, in relation to the same taxon, ~~When however~~ the adoption of one proposal necessarily implies the rejection of another proposal, the latter proposal shall nevertheless not be submitted to decision in relation to any remaining taxon.”

The following scenarios illustrate the results when applying the amendments proposed.

Scenario C.1

Current situation: Species Aa, Ba, Ca and Da are currently not listed on the CITES Appendices; species Ea, Eb and Ec are included on CITES Appendix II.

Proposal 1: inclusion of species Aa, Ba, Ca, Da in Appendix II and adoption of a zero quota on wild specimens for commercial purposes for species Ea, Eb and Ec (already included in App. II)

Proposal 2: transfer of species Ea from App. II to App. I

Proposal 3: inclusion of species Aa and Ba in App. II

Proposal 4: transfer of the genus E, which includes species Ea, Eb and Ec, to App. I

In line with the proposed amendments to Rule 25.6, the Chair first invites proponents of Proposals 1 – 4 to introduce their proposals and subsequently opens discussion in the hopes of achieving a consensus view. Assuming consensus is not achieved, the proposals are decided on in the order of **most to least restrictive**.

In line with amendment ii) to Rule 25.6 the **most to least restrictive proposals** would be:

Proposal 4 - transfer of the genus to App. I

Proposal 2 - transfer of one species to App. I

Proposal 1 - covering more species than prop. 3 and because of the zero-export quota

Proposal 3 – inclusion of two species in App. II

If Proposal 4 is adopted, Proposal 2 is deemed to be adopted (Rule 25.4) and shall not be decided on. For the purpose of this scenario, Proposal 4 is adopted and Proposal 2 is not decided on. Remaining are Proposals 1 and 3.

As Proposal 1 is only partially overlapping with Proposal 4 with respect to Species Ea, Eb and Ec, the question is whether the remaining part of Proposal 1 (species Aa, Ba, Ca and Da) should be considered.

At this point, a Party may move to divide the proposal in accordance with Rule 25.3 so that the CoP can decide on the remaining parts of Proposal 1. However, if such a motion is not introduced by a Party, amendment iii) to Rule 25.6 would apply. Notably, Proposal 1 “shall be submitted to decision in relation to any remaining taxon.” To note, *without amendment iii) and without a motion to divide, Proposal 1 could not be put to decision. There were*

differing understandings amongst the members on this point. As such, the language in amendment iii) is proposed to achieve greater clarity in light of the different understandings of the existing Rule.

The Chair would thus be expected to submit Proposal 1 for decision on species Aa, Ba, Ca and Da (and exclude the part concerning species Ea, Eb and Ec). If this adopted, Proposal 3 should not be considered and decided upon as the adoption of Prop. 1 covers proposal 3. For the purpose of this Scenario, proposal 1 (for Aa, Ba, Ca & Da) is agreed.

Result: Genus E in App. I and species Aa, Ba, Ca and Da in App. II. No zero-export quota adopted for species Ea, Eb and Ec as the species have been included in App. I under genus E.

For comparison, least to most restrictive:

If proposal 3 is adopted, proposal 1 would still be considered as the adoption of proposal 3 does not imply the rejection of the proposal 1 (there is full overlap between 1 and 3 with regard to species Aa and Ba). For this scenario, proposal 1 and proposal 3 are agreed.

If proposal 1 is adopted, this would imply a rejection of proposal 2 (the same species cannot be in both App. II and App. I). However, if there are more species than Ea, Eb and Ec in the genus E, the Chair would submit the remaining species in genus E for decision. For the purposes of this scenario Proposal 4, excluding Ea, Eb and Ec, is adopted. From least to most restrictive would lead to the following result:

Result: Species Aa, Ba, Ca and Da included in App. II. Zero-export quota adopted for species Ea, Eb and Ec in App. II. Genus E in App. I except species included in App. II (Ea, Eb and Ec).

However, with the proposed text, the Chair may propose a different order for the consideration of the proposals if appropriate. The Chair would need to justify their proposal to the CoP, and their proposal could be challenged by a Party via point of order under Rule 20 of the Rules of Procedure.

Scenario C.2

Current situation: Species in App. I with the exception of the populations of this species in countries XX and YY, which are included in App. II with an annotation.

Proposal 1: Transfer of the populations of country XX and YY currently in App. II to App. I

Proposal 2: Transfer of the population of country ZZ of the species from App. I to App. II with an annotation

Proposal 3: amendments to the current annotation to the two populations in App. II

Proposal 4: Transfer of the population of country XX to App. I and amendment of the annotation to the populations of country YY

The Chair first invites proponents of Proposals 1 – 4 to introduce their proposals and subsequently opens discussion in the hopes of achieving a consensus view. Assuming consensus is not achieved, the proposals are decided upon in the order of most to least restrictive.

Proposals in order from most to least restrictive

Proposal 1 – country XX's and YY's populations of the species to be included in App. I

Proposal 4 – country XX's population of the species to be included in App. I and amendments to the annotation to country YY's population in App. II

Proposal 3 – amendments to the current annotation for country XX's and YY's populations of the species in App. II

Proposal 2 – transfer of country ZZ's population from App. I to App. II with annotation

If proposal 1 is adopted, this implies the rejection of Proposals 3 and 4 as the populations of country XX and YY will be included in App. I (with no annotations). However, if proposal 1 is rejected, proposal 4 is next considered and if proposal 4 is rejected, proposal 3 is considered. For the purpose of this scenario, proposal 1 is rejected, proposal 4 is rejected and proposal 3 is accepted.

Proposal 2 concerns a different population than Proposals 1, 3 and 4 and may still be considered as the adoption of Proposal 3 (or 1 or 4) does not necessarily imply the rejection of Proposal 2.

If proposal 3 and proposal 2 are adopted the result would be as follows:

Result: Populations of the species in country XX and YY remain in App. II with modifications to the associated annotation, and the population of the species of country ZZ is included in App. II with an annotation.

For comparison, from least to most restrictive

As above, if proposal 2 is adopted, this does not necessarily imply the rejection of the other proposals. If proposal 3 is adopted, it implies the rejection of Proposal 1 and Proposal 4 (the adoption of the amendment to the current annotation implies agreement to leave the populations of country XX and YY in App. II.) If proposal 3 is rejected, proposal 4 would be considered. If proposal 4 is rejected, proposal 1 would be the last to be considered.

For the purposes of this scenario, proposal 3 and proposal 2 are adopted with the result that populations of the species of country XX and YY remain in App. II with an amended annotation and the population of country ZZ transferred from App. I to App. II with an annotation.

However, with the proposed text, the Chair may propose a different order for the consideration of the proposals if appropriate. The Chair would need to justify their proposal to the CoP, and their proposal could be challenged by a Party via point of order under Rule 20 of the Rules of Procedure.

Scenario C.3

Current situation: Genus A is unlisted

Proposal 1: Inclusion of Genus A (unlisted species Aa, Ab, Ac, Ad, and Ae) in Appendix II.

Proposal 2: Inclusion of species Aa in Appendix I

The Chair first invites proponents of Proposals 1 and 2 to introduce their proposals and subsequently opens discussion in the hopes of achieving a consensus view. Assuming consensus is not achieved, the proposals are decided on in the order of most to least restrictive.

Proposals in order from most to least restrictive

Proposal 2 – List species Aa in Appendix I

Proposal 1 – List Genus A in Appendix II

If Proposal 2 is rejected Proposal 1 would be considered in its entirety. However, if proposal 2 is adopted, proposed amendment iii) to Rule 25.6 would apply. Notably, Proposal 1 “shall be submitted to decision in relation to any remaining taxon” and thus the Chair would put proposal 1 for decision on Genus A except the species included in Appendix I (i.e. consideration of species Ab, Ac, Ad and Ae). For the purpose of this scenario, both proposals are adopted.

Result: Species Aa listed in Appendix I; Genus A listed in Appendix II except for species included in App. I (Aa).

Scenario C.4

Current situation: species Aa, Ab, Ac, Ad and Ae in Genus A are unlisted

Proposal 1: inclusion of species Aa in Appendix I and all other species of Genus A in Appendix II (species Ab, Ac, Ad, and Ae)

Proposal 2: inclusion of species Ab in Appendix I and all other species of Genus A in Appendix II (species Aa, Ac, Ad, and Ae).

The Chair first invites proponents of Proposals 1 and 2 to introduce their proposals and subsequently opens discussion in the hopes of achieving a consensus view. Assuming consensus is not achieved, the proposals are considered in the order of most to least restrictive.

Proposals in order from most to least restrictive

The proposals are equally restrictive. As such, if a vote is necessary, the Chair would likely start with proposal 1 (alphabetical order in which they are presented).

In this scenario, the adoption of proposal 1 necessarily implied the rejection of proposal 2. All the species that are the subject of these proposals have been considered and there is no “remaining taxon”.

Result: Species Aa included in Appendix I; Genus A included in Appendix II except for those species found in Appendix I

However, any Party may move to divide proposal 1 and/or 2 in order to consider species Aa and Ab separately from Ac, Ad and Ae as follows (from most to least restrictive) in accordance with Rule 25.3:

Motion to divide from most to least restrictive:

Proposal 1.1: List species Aa in Appendix I

Proposal 2.1: List species Ab in Appendix I

Proposal 1.2: List species Genus A (species Ab, Ac, Ad and Ae) in Appendix II

Proposal 2.2 List Genus A (species Aa, Ac, Ad and Ae) in Appendix II

If the motion to divide the proposals is carried, the Chair would put to decisions proposal 1.1 (list species Aa in Appendix I), then proposal 2.1 (list species Ab in Appendix I). If accepted, the Chair would then consider proposal 1.2 for species Ac, Ad, and Ae as per proposed amendment iii to Rule 25.6. Proposal 2.2 would not be put to a vote.

D. Additional Notes

Other most to least restrictive examples

- a proposal to include an unlisted or Appendix-III species in Appendix I would be considered before a proposal to include the species in Appendix II
- a proposal to transfer an Appendix-II species to Appendix I would be considered before a proposal to remove the species from the Appendices
- a proposal to transfer an Appendix-I animal species to Appendix II subject to an annotation would be considered before a proposal to transfer the species to Appendix II without an annotation
- a proposal to transfer an Appendix-I plant species to Appendix II with no annotation would be considered before a proposal to transfer the species to Appendix II with an annotation specifying parts and derivatives included in and/or excluded from the listing
- a proposal to transfer an annotated Appendix-II species to Appendix I would be considered before a proposal to amend the annotation for that species

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.

This work is not expected to generate budgetary or workload implications that will require external funding.