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

Committee II

Specimens produced through biotechnology

DRAFT DECISIONS OF THE CONFERENCE OF THE PARTIES

This document has been prepared by the United States of America on the basis of document CoP19 Doc. 47 after discussion in the twelfth session of Committee II (see summary record CoP19 Com. II Rec. 12).

Draft decisions on *Specimens produced through biotechnology*

(New text is underlined, deleted text is ~~struck through~~)

Directed to the Standing Committee

19.AA The Standing Committee, in close collaboration with the Animals and Plants Committee, 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 ~~take into account~~ consider the need for new ~~general~~ guidance material or updates to existing guidance material on the following issues, in relation to trade in specimens produced through biotechnology ~~and the need to identify which issue, if any would warrant further discussion and shall include consideration of~~:

~~i) how to define the term "biotechnology", taking into account the language proposed in paragraph 13 of document SC74 Doc. 49~~;

~~ii~~) 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 ~~CITES documents should be required for all~~ specimens produced through biotechnology**;** ~~or whether certain products/specimens should benefit from special provisions, such as simplified procedures~~;

~~iii~~ii) whether there is a need for additional guidance on making legal acquisition findings in relation to specimens ~~what proof should be required for issuing CITES documents for specimens~~ produced through biotechnology;

~~iv~~iii) whether there is a need for guidance on the application of source codes to specimens produced through biotechnology ~~how the legality of the species origin of the source material is established~~;

~~v) there should be an exception for specimens that were entirely synthetically produced~~;

~~vi) whether the current source codes are suitable or whether a new source code is needed;~~

~~viii~~iv) whether guidance is needed to improve permitting and enforcement of trade in specimens produced through biotechnology in order ~~how~~ to address the risk of natural specimens of illegal origin being passed as synthetic and thereby entering the market with a valid CITES permit;

~~viii~~v) whether guidance is needed on traceability issues to improve permitting and enforcement of trade in specimens produced through biotechnology in order ~~how~~ 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;

~~ix) the estimated caseload and administrative burden;~~

~~x) whether regulation is necessary at this stage; and in this regard take into consideration that it appears that, in the context of the Convention, currently mainly cell lines, few extracts and artificially propagated plants are traded. Cell lines and plants are already covered by Resolution Conf. 9.6 (Rev.CoP16) and Resolution Conf. 11.11 (Rev. CoP18). For extracts and chemicals, the general approach of whether material from a natural organism of origin is still present within the specimen seems to be implemented by some Parties. Substances that are produced entirely synthetically as a "synthetic reproduction" of the natural substance (e.g., musk) do not seem to be considered as a CITES specimen by the Parties;~~

xi) whether biotechnology issues concerning animals and plants should be addressed distinctly;

xii) any emerging issues or cases not considered in the document AC31 Doc.17/PC25 Doc.20, such as hirudin and squalene~~.~~;

xiii) whether issues of traditional knowledge associated with genetic resources, as well as the benefits arising from their utilisation by indigenous peoples and local communities, which may be associated with flora and fauna, should be treated differently. *[text proposed by the Plurinational State of Bolivia]*

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 ~~revisions~~updates to existing guidance materials ~~resolutions~~ or ~~the~~ development of ~~a~~ new guidance materials ~~resolution~~ on trade in specimens produced from biotechnology.

Directed to the Animals and Plants Committees

19.BB The Animals and Plants Committees shall inform implementation of 19.AA 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.CC Subject to the availability of external funds, the Secretariat shall convene and organize a meeting to facilitate the discussions mentioned in Decision 19.AA and develop guidance on the implementation of the amendment to Resolution Conf. 9.6 (Rev. CoP16) 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.