

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

Exemptions and Special Trade Provisions

REVIEW OF CITES PROVISIONS RELATED TO TRADE
IN SPECIMENS OF ANIMALS AND PLANTS NOT OF WILD SOURCE

1. This document has been prepared by the Chairs of the Animals and Plants Committees.*
2. At its 19th meeting (CoP19; Panama City, 2022), the Conference of the Parties adopted Decisions 19.179 and 19.180 on *Review of CITES provisions related to trade in specimens of animals and plants not of wild source* as follows:

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

19.179 *The Standing Committee shall:*

- a) *in consultation with the Animals and Plants Committees, develop specific terms of reference including modus operandi and a roadmap as appropriate, to guide the continuation of the review of trade in specimens of both CITES-listed animals and plants not of wild source;*
- b) *continue to consider amendments to Resolution Conf. 10.16 (Rev. CoP19) and Resolution Conf. 12.3 (Rev. CoP19), as well as any amendment to other Resolutions concerning provisions on trade in specimens of both CITES-listed animals and plants not of wild source, taking into account findings and suggestions in document SC74 Doc. 56 and any related comments and recommendations from the Standing Committee, Parties, the Secretariat or other stakeholders;*
- c) *review issues and challenges in the application of the Convention for trade in non-wild specimens of both CITES-listed animal and plant species, in particular key elements that may contribute to the uneven application of Article VII paragraphs 4 and 5, and consider the scientific advice and guidance from the Animals and Plants Committees on the need for implementing these Articles differently for either animal specimens from species bred in captivity or plant specimens that are artificially propagated; and*

* *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) *make recommendations for addressing these issues and challenges, including amendments to existing Resolutions or development of a new Resolution or Decisions to address these issues and challenges, for consideration at the 20th meeting of the Conference of the Parties.*

Directed to the Animals and Plants Committees

19.180 *In support of the Standing Committee's implementation of Decision 19.179, the Animals and Plants Committees shall, separately and together in their joint session:*

- a) *consider the key elements in the current implementation of Article VII paragraphs 4 and 5 for animals and plants, respectively, in the current applicable Resolutions;*
- b) *determine if there is a need to implement Article VII paragraphs 4 and 5 differently for either animal specimens from species bred in captivity or plant specimens that are artificially propagated than what is outlined in existing Resolutions, and provide their recommendations to the Standing Committee in time for its 78th meeting; and*
- c) *provide any other scientific advice and guidance on CITES provisions concerning trade in non-wild specimens of CITES-listed animal and plant species to the Standing Committee upon request and as appropriate.*

3. At its 76th meeting (SC76, Panama City, 2022) the Standing Committee established an Intersessional Working Group (IWG) on the *Review of CITES provisions related to trade in specimens of animals and plants not of wild source* ([SC76 SR](#)). The membership of the IWG was confirmed by the Standing Committee through Notification to the Parties [No. 2023/036](#) and the mandate of the working group is available on the [CITES website](#). Belgium and Canada are the co-Chairs of the working group. As per Decision 19.179 paragraph a) the Standing Committee's IWG will, in consultation with the Animals and Plants Committee, develop specific terms of reference including *modus operandi* and a roadmap as appropriate, to guide the continuation of the review of trade in specimens of both CITES-listed animals and plants not of wild source. At the time this document was prepared, the IWG had not met to discuss or initiated its work, and the co-Chairs will provide a verbal update at the meetings of the Animals and Plants Committees.
4. The joint sessions of the 31st meeting of the Animals Committee (AC31, Geneva, 2020) and the 25th meeting of the Plants Committee (PC25, Geneva, 2020) considered document [AC31 Doc. 19.3/PC25 Doc. 21](#) on the *Review of CITES provisions related to specimens of animals and plants not of wild source* and some Animals and Plants Committee representatives noted that the Committees were not able to fully implement Decision 18.172 in terms of the identification of key scientific issues and challenges in the application of the Convention to non-wild specimens ([AC31 SR / PC25 SR](#)) and it was therefore agreed to propose the extension of the decision to further work beyond CoP19. Document [AC31 Doc. 19.3/PC25 Doc. 21](#) and its Annexes could be considered by the Committees when the work under Decision 19.180 is initiated.
5. It should be noted that during the previous intersessional period the former Standing Committee working group focused its discussions on amendments to Resolution Conf. 10.16 (Rev.) on *Specimens of animal species bred in captivity* and Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates*, and it did not consider plants ([SC74 Doc. 56](#)). In undertaking its work in terms of Decision 19.180, the Plants Committee could consider the work done during the previous intersessional period on Guidance on the term 'Artificially Propagated' including document [CoP19 Doc. 56](#) and the preliminary Guidance on the term 'artificially propagated' ([Art Prop Guidance Feb2022.pdf \(cites.org\)](#)).
6. At these present meetings, the Animals Committee and the Plants Committee will discuss and agree on their respective workplans and agree leads and co-leads for each Decision directed to the Committees. The co-Chairs of the Standing Committee intersessional working group will engage the leads and co-leads agreed by the scientific Committees on the implementation of Decision 19.179.
7. As the Animals and Plants Committees are directed to consider the elements of Decision 19.180 "separately and together", the Committees should consider the most effective way of doing this. One option is to establish intersessional working groups to work separately and together to implement the decision. The leads and co-leads assigned by the Committees for these Decisions could co-chair the working groups to facilitate the consultation process with the Standing Committee IWG. A draft terms of reference for such an intersessional working group is proposed in the Annex to the present document for consideration by the Committees.

Recommendations

8. The Animals and Plants Committees are invited to:
 - a) consider the establishment of a joint intersessional working group and its composition; and
 - b) consider and agree terms of reference of the intersessional working group.

DRAFT TERMS OF REFERENCE:

INTERSESSIONAL WORKING GROUP ON THE REVIEW OF CITES PROVISIONS RELATED TO TRADE IN SPECIMENS OF ANIMALS AND PLANTS NOT OF WILD SOURCE

In support of the Standing Committee's implementation of Decision 19.179, the intersessional working group of the Animals and Plants Committees will separately and together:

- A. support the Standing Committee intersessional working group in the development of specific terms of reference including *modus operandi* and a roadmap as appropriate, to guide the continuation of the review of trade in specimens of both CITES-listed animals and plants not of wild source;
- B. continue to consider amendments to Resolution Conf. 10.16 (Rev. CoP19) and Resolution Conf. 12.3 (Rev. CoP19), as well as any amendment to other Resolutions concerning provisions on trade in specimens of both CITES-listed animals and plants not of wild source, taking into account findings and suggestions in:
 - a. document SC74 Doc. 56,
 - b. the work done during the previous intersessional period on Guidance on the term 'Artificially Propagated' including document [CoP19 Doc. 56](#) and the preliminary Guidance on the term 'artificially propagated' ([Art Prop Guidance Feb2022.pdf \(cites.org\)](#) (only the Plants Committee intersessional working group), and
 - c. any related comments and recommendations from the Standing Committee, Parties, the Secretariat or other stakeholders;
- C. consider the key elements in the current implementation of Article VII paragraphs 4 and 5 for animals and plants, respectively, in the current applicable Resolutions;
- D. determine if there is a need to implement Article VII paragraphs 4 and 5 differently for either animal specimens from species bred in captivity or plant specimens that are artificially propagated than what is outlined in existing Resolutions, and provide their recommendations to the Standing Committee in time for its 78th meeting;
- E. provide any other scientific advice and guidance on CITES provisions concerning trade in non-wild specimens of CITES-listed animal and plant species to the Standing Committee upon request and as appropriate; and
- F. report on progress to the joint session of the 33rd meeting of the Animals Committee and 27th meeting of the Plants Committee.