

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



Seventy-seventh meeting of the Standing Committee  
Geneva (Switzerland), 6–10 November 2023

Regulation of trade

INTRODUCTION FROM THE SEA

1. This document has been prepared by the Secretariat.
2. At its 19th meeting (CoP19; Panama City, 2022), the Conference of the Parties adopted Decisions 19.140 and 19.141 on *Introduction from the sea* as follows:

***Directed to the Secretariat***

**19.140** *The Secretariat shall:*

- a) *monitor the negotiations on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) and report to the Standing Committee the results and make recommendations regarding interactions between CITES and this instrument, as appropriate;*
- b) *continue to monitor the implementation of Resolution 14.6 (Rev. CoP16) on Introduction from the sea and report as appropriate to the Standing Committee;*
- c) *approach and work with the States that are most active in the trade in CITES marine species particularly from areas beyond national jurisdiction, including flag-of-convenience States and territories, with a view to encouraging and assisting them to fulfil their CITES responsibilities and effectively implement the Convention; and*
- d) *issue a notification to collect views from Parties and other relevant stakeholders on the ten most frequently asked questions and submit them to the Standing Committee for its consideration.*

***Directed to the Standing Committee***

**19.141** *The Standing Committee shall review intersessionally the 10 questions most frequently asked on 'CITES trade from areas beyond national jurisdiction' and the responses prepared by the Secretariat and provide recommendations to the 20th meeting of the Conference of the Parties regarding the possible amendment of the Annex to Resolution Conf. 14.6 (Rev. CoP16) on Introduction from the sea.*

Implementation of Decision 19.140

*Paragraph a) – Adoption of the Agreement on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction*

3. With regard to paragraph a), it is recalled that, in 2017, the United Nations General Assembly decided to convene an intergovernmental conference to draft an international legally binding instrument under the

United Nations Convention on the Law of Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, with a view to developing the instrument as soon as possible. After five negotiation sessions, on 19 June 2023, the Conference adopted the Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (A/CONF.232/2023/4) by consensus.

4. The text of the Agreement is available in the [six languages](#) of the United Nations and will be open for signature from 20 September 2023 to 20 September 2025 and then for ratification, approval, acceptance and accession. It will enter into force 120 days after the deposit of the 60th instrument of ratification, approval, acceptance or accession with the Secretary-General of the United Nations.
5. The Secretariat notes that Article 5, paragraph 2, of the Agreement appears to be relevant for CITES Parties in the context of the discussion and implementation of introduction from the sea obligations:
  2. *This Agreement shall be interpreted and applied in a manner that does not undermine relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies and that promotes coherence and coordination with those instruments, frameworks and bodies.*
6. More work may be needed to further clarify the scope of the provision and for a common definition to be agreed upon as implementation begins. Synergies, common objectives, and a common vision between the new Agreement and Regional Fisheries Management Organizations and other regional bodies appear to be essential for effective implementation.
7. The CITES Secretariat would also like to draw the attention of the Standing Committee to the general principles and approaches set out in Article 7 of the Agreement:

#### *Article 7*

##### *General principles and approaches*

*In order to achieve the objectives of this Agreement, Parties shall be guided by the following principles and approaches:*

- (a) *The polluter-pays principle;*
- (b) *The principle of the common heritage of humankind which is set out in the Convention;*
- (c) *The freedom of marine scientific research, together with other freedoms of the high seas;*
- (d) *The principle of equity and the fair and equitable sharing of benefits;*
- (e) *The precautionary principle or precautionary approach, as appropriate;*
- (f) *An ecosystem approach;*
- (g) *An integrated approach to ocean management;*
- (h) *An approach that builds ecosystem resilience, including to adverse effects of climate change and ocean acidification, and also maintains and restores ecosystem integrity, including the carbon cycling services that underpin the role of the ocean in climate;*
- (i) *The use of the best available science and scientific information;*
- (j) *The use of relevant traditional knowledge of Indigenous Peoples and local communities, where available;*
- (k) *The respect, promotion and consideration of their respective obligations, as applicable, relating to the rights of Indigenous Peoples or of, as appropriate, local communities when taking action to address the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction;*

- (l) *The non-transfer, directly or indirectly, of damage or hazards from one area to another and the non-transformation of one type of pollution into another in taking measures to prevent, reduce and control pollution of the marine environment;*
- (m) *Full recognition of the special circumstances of small island developing States and of least developed countries;*
- (n) *Acknowledgement of the special interests and needs of landlocked developing countries.*

8. At this time, the Secretariat does not have the resources to participate in those negotiations nor to fully study the new Agreement in order to make recommendations regarding interactions between CITES and this instrument, as appropriate.
9. With respect to Decision 19.140, paragraphs b) and d), the CITES Secretariat issued Notification to the Parties [No. 2023/079](#) of 11 July 2023, inviting Parties to provide information on their implementation of Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea*. Information was provided by Australia, Indonesia, Japan, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America and Wildlife Conservation Society (WCS).

*Paragraph b) – Monitoring of the implementation of Resolution Conf. 14.6 (Rev. CoP16)*

10. Australia highlighted that the Annex to Resolution Conf. 14.6 (Rev. CoP16) contains Explanatory Notes that provide an explanatory section for when export/import/re-export occurring after IFS applies. However, there is no comparable explanatory paragraph for either section 'I. Introduction from the sea [under paragraph 2 a)]' or 'III. Export/import/re-export, not occurring after an IFS [under paragraph 2 b)]'. Australia acknowledged that when read in conjunction with paragraph 2 a) and 2 b) of the Resolution, these sections are clearly defined. However, Australia suggested that development and inclusion of explanatory paragraphs for sections I and III could assist readers in determining which section is most appropriate for the circumstances under which a specimen is taken from the area beyond national jurisdiction.
11. Indonesia responded that Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea* is useful to provide guidance for Parties implementing IFS schemes. In Indonesia, the mechanism is provided in the Regulation of the Minister of Marine Affairs and Fisheries No. 61/2018 on the Utilization of Protected and/or CITES-listed Fish Species. However, no certificates have been issued yet. The mechanism includes the mandate for business actors to own a permit for CITES-listed species utilization and to apply for a certificate of IFS. The proposal for the certificate shall at least contain information on the species name (including scientific, common, and local names), fishing document, and the quantity of the specimens.
12. The United Kingdom of Great Britain and Northern Ireland (UK) responded that, in April 2022, it had published an NDF for *Isurus oxyrinchus* (shortfin mako) for the North and South Atlantic, the Mediterranean, the Indian Ocean, and the North and South Pacific basins. Additionally, the UK CITES Scientific Authority was currently at the final stage of production of an NDF for *Prionace glauca* (blue shark). This work was being done in consultation with the Centre for Environment, Fisheries and Aquaculture Science (CEFAS). The United Kingdom intends to upload the NDF on the CITES webpage dedicated to NDFs once complete, so it can be commented on and eventually used for reference by other Parties. The United Kingdom also mentioned that a three-guide series for the identification of full carcasses, processed carcasses and dried products of sharks and rays had been developed by CEFAS in collaboration with the Indonesian Authorities and published by the Wildlife Conservation Society in 2022 with the aim of facilitating the work of customs officials at the time of import/export of sharks and rays. The series was currently being updated for the inclusion of newly listed shark species following CoP19 and would be made available to CITES in due time.
13. The United States of America responded that with new marine species added to the Appendices at each meeting of the CoP since CoP14, applying the practical guidance provided in Resolution Conf. 14.6 (Rev. CoP16) was becoming increasingly important for the conservation of these species and to ensure effective implementation of the Convention and noted that it remained fully committed to the implementation of Resolution Conf. 14.6 (Rev. CoP16). The United States (US) had established national legislation under Title 50 Code of Federal Regulations Section 23.39 addressing the requirements for an introduction from the sea (IFS) certificate. To spread awareness of introduction from the sea requirements, the United States had also created different outreach material including a fact sheet available in multiple languages.
14. The United States further noted that its CITES authority cooperated and sought input from the US National Marine Fisheries Service (NMFS), a US fisheries agency, when reviewing applications for proposed

introduction from the sea activities. NMFS provides information on domestic marine species management to help inform the Fish and Wildlife Service (FWS) for the making of legal acquisition findings and non-detriment findings. The Management Authority would also inform the law enforcement authorities when issuing an IFS certificate so US ports can be well prepared for wildlife inspections.

*Paragraph c) – approach and work with the States that are most active in the trade in CITES marine species particularly from areas beyond national jurisdiction*

15. As reported in document SC77 Doc. 46 on *Legal acquisition findings*, the Secretariat and the Food and Agriculture Organization of the United Nations (FAO) jointly organized a series of legal workshops on CITES and fisheries, which included capacity-building on introduction from the sea. The first and second workshops were held at the subregional level, respectively for [Pacific Island countries \(November 2021\)](#) and [English-speaking Caribbean countries \(May-June 2022\)](#). The third workshop for Latin American and Spanish-speaking Caribbean countries was hosted by the CITES Management Authority of Ecuador, in Manta, Ecuador, from 8 to 11 May 2023.
16. The [Study and Guide on Implementing CITES through national fisheries frameworks](#), developed jointly by FAO and the CITES Secretariat and published in 2020 is currently being revised to include the amendments to the Appendices agreed at CoP19. The publication will also be made available in French, once the revision is finalized. The Secretariat is currently developing a short video to illustrate the implementation of the Convention with regard to specimens taken in the marine environment beyond national jurisdiction. The video will be made available on the CITES website.
17. The Secretariat would like to draw the attention to agenda item 67 on *Sharks and rays* for further information on the implementation of the Convention for trade in marine species from areas beyond national jurisdiction.

*Paragraph d) – Feedback on ten most frequently asked questions on introduction from the sea and the responses proposed by the CITES Secretariat*

18. With respect to Decision 19.140, paragraph d), in Notification to the Parties No. 2023/079, the Secretariat also invited feedback on the ten most frequently asked questions on introduction from the sea. Responses were received from the following five Parties: Australia, Indonesia, Japan, the Netherlands, and the United States of America, as well as one non-governmental organization: Wildlife Conservation Society (WCS).
19. The Secretariat has produced a revised set of questions and answers in the Annex to the present document. The Annex incorporates all the detailed comments provided by the United States and, most, but not all, of the comments provided by WCS. In particular, the Secretariat did not include deletion of text where this had not been proposed by a Party as well. The responses of the remaining Parties are summarized in the following paragraphs.
20. Indonesia responded that they generally agreed with the answers to the ten most frequently asked questions and found them useful and mentioned the mechanism for issuing the certificate of introduction from the sea (IFS) mentioned above in paragraph 11. Indonesia further noted that no IFS certificate had been issued because Indonesia has not produced any NDFs for CITES Appendix II-listed species taken from ABNJ. Indonesia did not provide any detailed comments on the responses to the questions.
21. Australia and the Netherlands provided comments only on the answer in paragraph 1.2, which are covered in the revised version, contained in the Annex. Japan suggested the deletion of the text contained in paragraph 6.2 and had a technical comment on paragraph 6.3. The United States of America and WCS also suggested the deletion of 6.2 and 6.3.
22. The Secretariat would welcome any further feedback on the questions and answers in the Annex to the present document, noting that IFS is becoming increasingly important with the inclusion of additional marine species in Appendix II.

Implementation of Decision 19.141

23. Pursuant to Decision 19.141, the Standing Committee is invited to review the revisions to the ten most frequently asked questions and the amended responses proposed by the Secretariat in the Annex to the present document building upon the feedback from Parties and stakeholders summarized above and provide any further feedback as appropriate. The Standing Committee is also invited to consider if there would be merit in considering revising Resolution Conf. 14.6 (Rev. CoP16) based on these questions and answers.

The work on aquatic species and NDF for marine species taken in ANBJ may also need to be reflected. Finally, the recent adoption of the Kunming-Montreal Global Biodiversity Framework (GBF) and the UN Agreement on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction could also be considered in this context, noting that the Agreement is subject to ratification by sovereign States and has not yet entered into force.

24. Should the Committee find that a review of the Resolution Conf. 14.6 (Rev. CoP16) might be useful in light of these developments, it may wish to present draft decisions to the 20th meeting of the Conference of the Parties accordingly.
25. The Secretariat will continue to monitor the implementation of the Resolution and will include in its capacity building activities and materials the questions and answers with the aim of testing their utility and applicability to real cases and presenting further information and draft recommendations to the 78th meeting of the Standing Committee.

#### Recommendations

26. The Standing Committee is invited to
  - a) take note of the recent adoption of the UN Agreement on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction;
  - b) take note of the responses from Parties provided on the implementation of Resolution Conf. 14.6 (Rev. CoP16) and summarized above in paragraphs 10 to 14 of the present document;
  - c) review the revised 10 questions most frequently asked on 'CITES trade from areas beyond national jurisdiction' and the responses prepared by the Secretariat, contained in the Annex to the present document and provide further inputs, as appropriate;
  - d) request the Secretariat to make the final document available on the CITES webpage and to use it as part of its capacity-building material to test its utility and applicability and collect further feedback; and
  - e) request the Secretariat to prepare a further report for its 78th meeting for onward submission to the 20th meeting of the Conference of the Parties.

## 10 MOST FREQUENTLY ASKED QUESTIONS ON INTRODUCTION FROM THE SEA CONSOLIDATION OF COMMENTS FROM PARTIES AND STAKEHOLDERS

New text is underlined and text proposed to be deleted is marked with ~~strike-through~~.

### **Question 1: When to issue an IFS certificate – can it be issued after the specimens have been landed in the port of the State of introduction?**

1.1 Noting that an IFS certificate shall be issued only when a specimen of a species included in Appendix I or II is taken in the marine environment not under the jurisdiction of any State by a vessel registered in one State and is transported into the same State, the IFS certificate needs to be issued prior to the transportation into a State. For Appendix-II species, see Article IV, paragraph 6: “the introduction from the sea of any specimen of a species included in Appendix shall require the prior grant of a certificate...”

1.2 The IFS certificate should be applied for and issued before the specimen has been caught, in order that all necessary findings can be made. This ensures that when the findings cannot be made in advance or can only be made subject to certain conditions having been met, applicants can act accordingly. If a non-detriment finding (NDF) and legal acquisition finding, as appropriate, have already been made and an annual quota established, the certificate could be issued after the specimen is caught. Also, in limited circumstances where opportunistic non-commercial sampling of the specimen could not be reasonably foreseen, the IFS certificate could be issued after the specimen has been caught as long as the specimen is not yet transported into the State, or in-transit or transhipped through any Party. In those cases, the vessel would need to communicate the catch of specimens of CITES-listed species to the CITES Management Authority (MA) while still outside of national jurisdiction. The MA will then consult with the Scientific Authority (SA) on the non-detriment finding (NDF) and if all the conditions in Article IV are fulfilled, the MA may issue the IFS certificate before the catch is landed. Parties would need to anticipate what would happen in an instance where the specimens are obtained in the ~~high-seas marine environment not under the jurisdiction of any State~~ and a certificate is sought before the vessel enters territorial waters, but the SA deems the catch unsustainable while the vessel is in transit between the ~~high-seas marine environment not under the jurisdiction of any State boundary~~ and the port of landing. Presumably, the MA would not be able to issue a certificate and the specimen would be confiscated.

### **Question Y. What if the Party is also Party to a Regional Fisheries Body or other Convention that has management measures for species that are also listed on the CITES Appendices?**

~~4.3~~ Y.1 For several in the case of a species included in CITES Appendix I or II, there will most likely may be binding fisheries measures in place that are stricter than the Convention, e.g. prohibiting the capture, retention, or landing of such species for commercial purposes. In the case of Appendix I species, a CITES certificate or permit should not be issued under any circumstances for primarily commercial purposes. For Appendix I or II species, if the Party is a contracting Party to a Regional Fisheries Body that prohibits retention or landing, a CITES certificate or permit cannot be issued. If a CITES Party is also a Party to the Convention on the Conservation of Migratory Species of Wild Animals (CMS), and the species in question is listed on CMS Appendix I, then take (other than limited exemptions) is prohibited, and a permit or certificate should not be issued. For introduction of biological samples of species in Appendix I for scientific purposes, the researcher/scientist should normally apply for the IFS certificate in advance of the take of the samples and the IFS certificate should be issued prior to the sampling operation. The Secretariat notes that there may be instances where benthic sampling was done ~~on~~ in the high-seas marine environment not under the jurisdiction of any State and CITES-listed specimens were obtained unexpectedly.

### **Question 2: Is a specimen caught as by-catch (i.e. sharks) covered by CITES provisions?**

2.1 All parts and derivatives of CITES-listed ~~marine~~ species, whether marine, terrestrial, or freshwater are covered by the provisions of the Convention unless otherwise indicated. This includes fins, meat, blubber, biological samples, etc. It makes no difference to CITES implementation whether the specimen was caught intentionally or as by-catch. The CITES provisions on trade from the ~~high-seas marine environment not under the jurisdiction of any State~~ apply, irrespectively. In other words, there is no by-catch or incidental take exemption in CITES.

**Question 3: Whose responsibility - Can a Regional Fisheries Management Organization (RFMO) issue a CITES document?**

3.1 Only the CITES MAs designated by each Party to the Convention have the authority to issue CITES documents. RFMOs and similar organizations have a role to play in gathering information and data that can be used for NDFs. See paragraph 7 of Article IV.

3.2 Paragraphs 4 and 5 of Article XIV suggest that there may be another type of certificate for trade in Appendix-II specimens taken by ships registered by a Party to CITES that is also party to any other treaty, convention or international agreement which was in force before 1 July 1975 and under the provisions of which protection is afforded to marine species included in Appendix II. In those limited cases, a certificate is required from a MA of the State of introduction to the effect that the specimen was taken in accordance with the provisions of the other treaty, convention or international agreement in question. That provision does not apply to any treaty, convention, or agreement which entered into force after 1 July 1975.

**Question 4: If national fisheries legislation – or RFMO measures – include a “no-retention” obligation for a species in CITES Appendix II, can trade still be authorized for those species taken in the marine environment not under the jurisdiction of any State?**

4.1 If a Party has adopted stricter domestic measures or is a member of an RFMO that prohibits the take, retention or landing of a species, those measures would prevail and no trade in that species should be authorized by that same Party as it would not be legally acquired and the MA could not make a Legal Acquisition Finding. However, ~~other~~ Parties to CITES that are not bound by such stricter measures may authorize trade in the species concerned. Furthermore, if the management of a CITES-listed species is covered by several RFMOs, where one prohibits retention of the species and another does not, a Party may only authorize international trade in specimens of the species where the harvest of such species is permitted in the RFMO Convention Area. The Secretariat understands that an RFMO requirement, just like CITES, will have national implementing legislation and requirements on its Parties/Members for fisheries that fall under the RFMO remit. For instance, if an RFMO ~~is banning~~ has banned onboard retention, transshipment, landing, storing, selling or offering for sale any part or whole carcass of a shark species that is included in CITES Appendix II, then, if one of the members of that RFMO ~~wished to retain and trade,~~ would not be authorized to trade in that shark species, ~~they would not be able to do so as they also could not make a LAF. Management Authorities are invited to verify if “participating territories” and “co-operating non-members” are also bound by specific RFMO conservation and management measures.~~

**Question x: If a CITES Party is Party to another treaty that prohibits take or trade in a CITES-listed species, what are the implications?**

X.1 A good example is the Convention on the Conservation of Migratory Species of Wild Animals (CMS). If a CITES-listed species is also listed on CMS Appendix I, then take (other than limited exemptions) is prohibited, and a CITES permit or certificate should not be issued unless it meets those narrow exemptions (which do not include commercial trade). There are CITES-listed marine species included on CMS Appendix I and CITES Parties that are also CMS Parties should be particularly vigilant therefore, in the making of Legal Acquisition Findings and issuance of subsequent CITES certificates or permits.

**Question 5: What is the relationship between illegal, unreported, unregulated (IUU) fishing and CITES – Can a CITES document be issued to authorize trade in specimens of CITES-listed species that have been caught as IUU?**

5.1 Trade under CITES can be authorized only when four main conditions are met:

- a) Legal acquisition: the specimens have been obtained in conformity with all applicable legislation;
- b) Sustainable harvesting: trade is not detrimental to the survival of the species in the wild; and
- c) Traceable: a valid CITES document has been issued by the relevant competent authority.

d) For living specimens: the MA is satisfied that they will be prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment. For live Appendix-I specimens being imported, the SA has to be satisfied that the facility they are going to is suitably equipped to house and care for it.

5.2 ~~If these conditions are met, it is not possible that the specimens are also IUU: by definition they cannot be illegal or unreported. If the species is included in the CITES appendices, it is by definition not unregulated either.~~



~~In other words, a CITES document cannot authorize trade in IUU specimens. For the four conditions outlined in paragraph 5.1 to be met, the specimens of CITES-listed species cannot be illegal or unreported. Valid CITES documentation cannot authorize trade in specimens of CITES-listed species caught by vessels engaged in illegal or unreported fishing. In all cases of IUU fishing, CITES Parties should use the criteria outlined in paragraph 5.1 to evaluate whether trade in a given species should be authorized.~~

**Question 6: CITES trade from the marine environment beyond national jurisdiction the sea under flags of convenience (FOC) – what is the flag State’s responsibility?**

~~6.1 Whether a Flag State is aware of CITES requirements or not, or a vessel flies a flag of a country other than where the vessel is owned or based, the obligations of all Flag States that are CITES Parties are the same. The Secretariat received some questions from States with large fleets about their obligations to issue CITES documents considering that they are not always aware of the CITES-related activities undertaken by vessels flying their flags. The responsibilities of the State of introduction, export, import or re-export for regulating trade in CITES Appendix I and II marine species are well defined in Articles III and IV of the Convention. The State where a vessel is registered is obligated to comply with all CITES requirements, if that State is a CITES Party. Flag States shall assume must implement those obligations under CITES responsibilities by monitoring, regulating and controlling the activities of all vessels flying their flag.~~

~~6.2 The Standing Committee may consider instructing the Secretariat to explore the feasibility of having a register with the list of flag of convenience States and territories. The list could include the vessels which are authorized to take CITES-listed species in the respective zones. If such a list is created, it could be used to improve the matching between declared catches and reported trade involving vessels that are registered in the States and territories which appear on that list.~~

~~6.3 In this regard, the Standing Committee may also wish to consider instructing the Secretariat to approach and work with the States and territories in question with a view to encouraging them to fulfil their CITES responsibilities as a flag State.~~

**Question 7: Transit and transshipment – can customs authorities seize specimens that are in transit or being transhipped and were declared as harvested in international waters but are not accompanied by a CITES document?**

7.1 Yes and they should. The Secretariat received some questions from customs officers about seizing CITES shark specimens that were in transit without CITES documents. For the purpose of Article VII, paragraph 1 of the Convention, the paragraph a) of Resolution Conf. 9.7 (Rev. CoP15) on *Transit and transshipment* states that ‘transit or transshipment of specimens’ be interpreted to refer only to: i) specimens that remain in customs control and are in the process of shipment to a named consignee when any interruption in the movement arises only from the arrangements necessitated by this form of traffic’.

7.2 For sharks in particular, paragraph d) of Decision 19.222 encourages the Parties to ‘inspect, to the extent possible under their national legislation, shipments of shark parts and derivatives in transit or being transhipped, to verify presence of CITES-listed species and verify the presence of a valid CITES permit or certificate as required under the Convention or to obtain satisfactory proof of its existence’.

7.3 The Secretariat advised customs officers that contacted the Secretariat with specific questions on how to deal with cases where CITES-listed specimens are declared to customs or detected during an inspection. In those cases, the customs officers should verify the presence of valid CITES documents. ~~Depending on the State of introduction or the State of import of those specimens, they need to verify if that country had entered reservations.~~

7.4 If the shipment does not have CITES documentation ~~and the State has not entered a reservation~~, the specimens should be seized in accordance with procedures established in national legislation, and the Secretariat and the country of destination should be informed. As explained in question 1 above, the documents should be issued prior to the transit of the specimens and the argument that the documents are being requested upon arrival to the port is not admissible.

**Question 8: Can a Party that has entered a reservation with respect to a marine species included in CITES Appendix I request an authorization to transit or transship specimens of such species harvested in the high-seas the marine environment not under the jurisdiction of any State through ports of other CITES Parties without any CITES document?**



8.1 No, see question 7. If the shipment that is in transit or being transshipped through a Party does not have valid CITES documentation, then the specimens should be seized. The Convention stipulates that Parties that have entered a reservation shall be treated as a State not a Party to the Convention with respect to trade in the species concerned (Article XV, paragraph 3). Trade with States not a Party to the Convention is regulated by Article X of the Convention. This stipulates that for Parties to trade with non-Parties, Parties should demand comparable documentation to the CITES documents.

8.2 Secondly, CITES Parties have adopted Resolution Conf. 4.25 (Rev. CoP19) on Reservations that recommends that Parties that have entered a reservation with regard to a species in Appendix I treat that species as if they were included in Appendix II for all purposes, including documentation and control. This means that a Party that has entered a reservation with respect to a species included in Appendix I can export this to another Party that has made a reservation with respect to the same species (including subspecies and population) using the provisions of Article IV of the Convention. The list of Parties that have entered reservations can be found here: <https://cites.org/eng/app/reserve.php>

**Question 9: Are scientific biological samples taken from CITES-listed species in the ~~high-seas~~ marine environment not under the jurisdiction of any State covered by CITES?**

9.1 Yes. CITES covers any specimen taken from a species included in the Appendices, even for non-lethal or non-destructive sampling, such as the collection of DNA samples from skin biopsies.

**Question 10: Can CITES Simplified procedures be applied to biological samples taken in the ~~high-seas~~ marine environment not under the jurisdiction of any State?**

10.1 Yes. The simplified procedures contained in Resolution Conf. 12.3 (Rev. CoP19) on Permits and certificates, section XIII, ~~applies~~ may apply to any species and specimen where trade is considered to have none or negligible impact on the conservation status of the species. See the CITES webpage on the CITES permit system at [https://cites.org/eng/prog/Permit\\_system](https://cites.org/eng/prog/Permit_system).