

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



Seventy-eighth meeting of the Standing Committee
Geneva (Switzerland), 3-8 February 2025

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 Conf. 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

Status of 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 and interactions with CITES [Decision 19.140, paragraph a)]

3. During the 77th meeting of the Standing Committee (SC77; Geneva, November 2023), the Standing Committee considered [SC77 Doc. 47](#) that provided information on the negotiations, adoption, and provisions for the entry into force of 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 (hereinafter referred to as the “BBNJ Agreement”) and complementarity with CITES. The Secretariat highlighted Articles of the BBNJ Agreement that may be relevant for CITES, namely Article 5, paragraph 2, which regulates the relationship between the Agreement and relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, as well as Article 7 which sets out general principles and approaches applicable to the BBNJ Agreement.
4. As of 30 October 2024, the BBNJ Agreement has been signed by 105 States and ratified by 14 States, out of which 98 and 12 States respectively are CITES Parties. The full list of signatories and Parties to the Agreement can be found in the website of the [United Nations Treaty Collection](#). The text of the Agreement will be open for signature until 20 September 2025 and 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. Since SC77, the Secretariat has undertaken a deeper analysis of the text of the BBNJ Agreement and identified additional provisions that might be relevant to CITES and potential areas of cooperation upon entry into force of the BBNJ Agreement as below:
 - a) Article 8 of the BBNJ Agreement regulates the international cooperation in its framework and provides for a two-pronged form of cooperation, as Parties are expected to *“strengthen and enhance cooperation with and promoting cooperation among relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies in the achievement of the objectives of this Agreement”* (see Article 8, paragraph 1) but also to *“promote, as appropriate, the objectives of this Agreement when participating in decision-making under other relevant legal instruments, frameworks, or global, regional, subregional or sectoral bodies”* (see Article 8, paragraph 2).
 - b) Part II of the BBNJ Agreement (Articles 9-16) regulates human activities with respect to marine genetic resources, and digital sequence information on marine genetic resources of areas beyond national jurisdiction (ABNJ), including for the fair and equitable sharing of benefits arising from such activities. The BBNJ Agreement and CITES provisions may both apply when samples of marine genetic resources of CITES-listed species are collected in ABNJ. It may require special attention when marine species listed in Appendix I are concerned, for which the Convention does not allow their introduction from the sea (IFS) for primarily commercial purposes, while the BBNJ Agreement does not impose species-based or purpose-related limitations as long as its requirements are met.
 - c) A core aspect of the BBNJ Agreement is the establishment and application of area-based management tools including Marine Protected Areas (MPAs) in ABNJ, regulated in Part III (Articles 17-26). This is also relevant for implementation of CITES provisions on IFS and exports/imports of marine specimens taken from ABNJ, in particular since the management plans for these tools may include possible restrictions on certain activities in these areas and have an impact on fishing efforts and quotas. In this respect, Article 17 (b) of the BBNJ Agreement includes as one of the objectives to *“strengthen cooperation and coordination in the use of area-based management tools, including marine protected areas, among States, relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies”*.
 - d) According to Articles 19 and 21 of the BBNJ Agreement, prior to submission of any proposals regarding the establishment of area-based management tools, including marine protected areas, Parties to this Agreement must undertake inclusive, transparent, and time-bound consultations, open to all relevant stakeholders, including global, regional, subregional and sectoral bodies. According to Article 21, paragraph 2 (b), the Secretariat of the BBNJ Agreement must facilitate consultations and gather input from bodies of relevant legal instruments and frameworks on a number of issues including among others (iii) *information regarding any existing measures adopted by that instrument, framework or body for the relevant area or for adjacent areas*; and (iv) *views regarding any aspects of the measures and other*

elements for a draft management plan identified in the proposal that fall within the competence of that body.

- e) Annex I of the BBNJ Agreement sets out a list of indicative criteria for the identification of areas for the establishment of area-based management tools, including MPAs, which also requires further consideration, as it lists among others “[t]he importance for threatened, endangered or declining species or habitats” [see subparagraph e)] as well as economic and social factors [see subparagraph o)], which are also parameters reviewed and considered in the implementation of CITES provisions.
 - f) According to Article 25, paragraph 1, of the BBNJ Agreement, Parties to this Agreement must ensure that their activities taking place in areas beyond national jurisdiction are conducted consistently with decisions adopted under Part III of the Agreement. They shall also “*promote, as appropriate, the adoption of measures within relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies of which they are members, to support the implementation of the decisions and recommendations made by the Conference of the Parties under this Part*” (Article 25, paragraph 4). This paragraph needs to be examined in more detail to clarify how the BBNJ Agreement could be promoted and implemented within CITES as one of the “relevant legal instruments and frameworks”. The language used in this paragraph, especially the use of “*as appropriate*” allows some flexibility in its implementation, but it would be important to follow any developments in the interpretation and application of this Article when the Agreement enters into force.
 - g) An important component of the BBNJ Agreement, which is expected to create synergies and potential mutual benefits with CITES implementation, is the obligation for the Parties to conduct Environmental Impact Assessments, regulated in its Part IV (Articles 27-39). The primary obligation for the Parties to the Agreement is to “*ensure that the potential impacts on the marine environment of planned activities under their jurisdiction or control that take place in areas beyond national jurisdiction are assessed as set out in this Part before they are authorized*” (Article 28, paragraph 1). Article 28, paragraph 2, of the BBNJ Agreement sets out the obligation to conduct Environmental Impact Assessment also for planned activities to be conducted **in marine areas within national jurisdiction** (emphasis added) when the Party to the Agreement determines that the activity may cause substantial pollution of or significant and harmful changes to the marine environment in areas beyond national jurisdiction.
 - h) The synergy between the BBNJ Agreement and CITES is related to the obligation of CITES Parties to make NDFs for both IFS and trade in specimens taken from ABNJ. In light of Article 28, paragraph 2, the BBNJ Agreement may also affect trade in specimens taken from marine areas within national jurisdiction of a Party which might be considered having potential impacts on marine resources in ABNJ. These relationships are addressed in detail in Article 29 of the BBNJ Agreement. In this respect, Article 29, paragraph 4, provides for the lifting of the obligation for conduct of environmental impact assessment under the BBNJ Agreement when these impacts have been *assessed in accordance with the requirements of other relevant legal instruments or frameworks or by relevant global, regional, subregional or sectoral bodies*, subject to some requirements further specified in point (b) of the said paragraph.
6. The above-mentioned synergies between CITES and the BBNJ Agreement were presented in three Regional Workshops on *Promoting a better understanding of the BBNJ Agreement* organized by the United Nations Office of Legal Affairs, Division for Oceans Affairs and the Law of the Sea, for a) North-East and South-East Asia, b) small island developing States in the Caribbean region, and c) Latin America respectively held as hybrid events in Bangkok, Thailand, in September 2024, Placencia, Belize, and Santiago de Chile, Chile, in October 2024.
7. Should a review process of Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea* be pursued, the Standing Committee may wish to instruct the Secretariat to continue to assess the synergies between the BBNJ Agreement and CITES provisions for further consideration by the Standing Committee.

Implementation of Resolution Conf. 14.6 (Rev. CoP16) and cooperation with States in relation to trade in marine species, particularly from areas beyond national jurisdiction [Decision 19.140, paragraphs b) and c)]

- 8. The Secretariat continued working closely with Parties to support their implementation of Resolution Conf. 14.6 (Rev. CoP16) and addressed different aspects of IFS.
- 9. The Secretariat organized a technical workshop on *Non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction* from 25 to 26 April 2024 in Geneva, Switzerland. The

Secretariat is grateful for the generous financial support from the European Union and the United Kingdom of Great Britain and Northern Ireland. The background and outcomes of the workshop were submitted to the Animals Committee (see document [AC33 Doc. 17](#)), which agreed to “*submit the recommendations in paragraph 16 of document AC33 Doc. 17 for consideration by the Standing Committee and noted the observations of the workshop in Annex 3 to document AC33 Doc. 17*”. Further details on the recommendations of the workshop can be found in document SC78 Doc. 48 on *Non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction*.

10. At the national level, the Secretariat has provided technical support and guidance to Parties upon request, particularly on Legal Acquisition Findings (LAF), traceability, NDF for specimens taken from ABNJ and reporting obligations relating to IFS *inter alia* to Costa Rica, Ecuador, El Salvador, Japan, Mauritius, Oman, Peru, and South Africa. With regard to reporting obligations relating to IFS, the Secretariat is proposing revised guidance in document SC78 Doc. 32.2.
11. In 2018, through Notification to the Parties [No. 2018/67](#) of 9 July 2018, the Secretariat undertook a broad consultation on the status of implementation of Resolution Conf. 14.6 (Rev. CoP16) and specifically challenges faced by the Parties. The Standing Committee considered document [SC70 Doc. 34](#), based on responses to the Notification received by 11 Parties, namely Australia, Canada, Chile, China, Côte d'Ivoire, Guatemala, Indonesia, Norway, New Zealand, Uruguay, and the United States of America, which brought to light some findings, including the lack of experience with applying the chartering provisions; gaps in adequate legislation or regulations to address the different scenarios outlined under the Resolution; limited practical experience in implementing these provisions; a low number of reported commercial trade transactions for specimens taken from the marine environment not under the jurisdiction of any State; and the limited number of Parties that have issued IFS certificates.
12. The workshop on NDFs for specimens taken from ABNJ mentioned in paragraph 8 above indicated that it is likely that many of the issues brought up in SC70 continue to exist. However, as only 11 Parties responded at the time, it would be useful to get a better insight of the status of implementation of the Resolution by a larger number of Parties, including case studies, good practices and challenges, that would inform the assistance needed and a possible review of Resolution Conf. 14.6 (Rev. CoP16).
13. With regard to the provisions of Resolution Conf. 14.6 (Rev. CoP16) on cases of chartering operations, addressed in paragraph 2 (c), uncertainties still exist regarding its application. Despite the requirement to inform the Secretariat on the arrangement between the State where the vessel is registered and the chartering State in cases of chartering operations, as provided for in subparagraph c (ii) of the said paragraph, the Secretariat has only been notified once about such a case in 2017. Actual instances where the provisions of the Resolution on chartering operations have been applied should be further explored, as this might possibly require the development of further guidance and clarifications on this matter.
14. Considering that a total of 124 marine species¹ have been added to Appendix II since 2018, the number of Parties' submitted reports on IFS and exports of specimens taken from ABNJ has increased, providing additional data and information on the matter.
15. Parties may wish to capitalize on the knowledge and experience gathered through the implementation of Resolution Conf. 14.6 (Rev. CoP16), including with support from the Secretariat as presented above, and use it in considering a potential revision to the Resolution.

Update of the document on the most frequently asked questions on IFS [Decision 19.140, paragraph d)]

16. At SC77, the Standing Committee noted the revised most frequently asked questions on IFS and the responses prepared by the Secretariat, contained in the Annex to document [SC77 Doc. 47](#) and encouraged Parties to provide further inputs to the questions and answers by 31 December 2023.
17. The Secretariat issued Notification to the Parties No. [2023/130](#) of 24 November 2023 inviting comments on a number of SC77 documents and agenda items including on the recommendations contained in SC77 Doc.47. The Secretariat received comments from the European Union and its Member States, Japan and the Wildlife Conservation Society (WCS). These comments were considered in the document on the most

¹ CoP18 (Geneva, August 2019) included in Appendix II the following: *Isurus oxyrinchus*, *Isurus paucus*, *Glaucostegus spp.*, *Rhinidae spp.*, *Holothuriidae spp.* (See Notification to the Parties No. 2019/052 issued on 3 October 2019)

CoP19 (Panama City, November 2022) included in Appendix II the following: *Carcharhinidae spp.*, *Sphyrnidae spp.*, *Rhinobatidae spp.*, *Thelenota spp.* (See Notification to the Parties No. 2023/005 issued on 12 January 2023)

frequently asked questions on IFS, that was published in March 2024 and is available on the [IFS page](#) of the CITES website as a living document.

18. The Secretariat notes that some of the responses to the most frequently asked questions on IFS may go beyond guiding elements and provide a standardized interpretation of aspects relating to IFS and trade in specimens taken by the sea and, as such, on the application of provisions of the Convention and Resolution Conf. 14.6 (Rev. CoP16). Therefore, and pursuant to Decision 19.141, the Standing Committee may consider if there would be merit in integrating elements derived from this document in a potential revision of the text of Resolution Conf. 14.6 (Rev. CoP16).

Discussion and conclusions

19. Through the monitoring of implementation of Resolution Conf. 14.6 (Rev. CoP16) and the review of comments and queries received from Parties, there seems to be some ambiguity among Parties on the interpretation and application of provisions relevant to the IFS, and those related to cases of trade in specimens of marine species taken from areas beyond national jurisdiction.
20. As explained above, the issuance of IFS certificates and export permits for specimens of CITES-listed marine species taken from ABNJ has increased. It is thus important to promote clarity and a common understanding among the Parties of the application of relevant provisions of the Convention against the realities on the ground.
21. The Standing Committee may therefore wish to consider the need of a revision to Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea*, with the primary aim to simplify and clarify the text. In this regard, a revision process may start by defining its main scope and identifying the main elements to be taken into consideration.
22. The following elements may be considered for integration in a potential revision of Resolution Conf. 14.6 (Rev. CoP16):
 - a) Synergies with the BBNJ Agreement: as indicated above (see paragraphs 3 and 5), the BBNJ Agreement regulates a number of aspects that may be complementary with obligations under CITES, in relation to IFS and trade in specimens of species taken from ABNJ, but also trade in specimens of species taken from areas within national jurisdiction which may have impacts on the marine environment in ABNJ. These synergies are apparent in the provisions on cooperation among relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies; marine genetic resources; area-based management tools including Marine Protected Areas; and the obligation to conduct environmental impact assessments. Although the BBNJ Agreement has not yet entered into force, these aspects may be taken into consideration when revising the text of the Resolution and reflected to the extent possible, in particular in the preambular part of the Resolution.
 - b) Interactions with the Kunming-Montreal Global Biodiversity Framework (KMGBF): despite the substantive synergies between the KMGBF and CITES provisions, these synergies should be considered mainly during the implementation of the Resolution and may not be reflected in its revised text. Reference to the KMGBF may be included in the preambular part of the Resolution.
 - c) Elements from the responses to the most frequently asked questions on IFS: as noted in paragraph 12 above, the collection and review of comments from Parties to these questions and the update of the responses indicated areas of uncertainty among the Parties. The updated FAQ document, in some cases, goes beyond the provision of simple guidance and best practices and may provide a standardized interpretation of certain elements, which could be integrated into the revised text of the Resolution with the aim to enhance its clarity and facilitate its implementation by the Parties. The Standing Committee may identify elements that merit to be considered for further integration into the text of the Resolution, including indicatively:
 - i) The adequate timing of issuance of the IFS certificates.
 - ii) The clarification on the issue of specimens caught as by-catch.
 - iii) The interlinkages with measures adopted under RFMOs or other applicable treaties.
 - iv) The clarification on transit and transshipment.

- d) Elements from Parties' responses to Notification to the Parties No. 2023/079 of 11 July 2023, providing information on their implementation of Resolution Conf. 14.6 (Rev. CoP16), as well as from the analysis undertaken by the Secretariat on the basis of the responses received to the Notification to the Parties No. 2018/67.
 - e) Elements from implementation challenges noted at the technical workshop on NDF for specimens of Appendix-II species taken from areas beyond national jurisdiction organized from 25 to 26 April 2024 in Geneva, contained in document SC78 Doc. 48.
 - f) Clarification on the role and responsibilities of all involved States in different scenarios of IFS and of trade (export/import/re-export) in specimens of species taken from ABNJ.
 - g) Clarification on the provisions to be applied in cases of chartering operations.
23. The Secretariat has prepared proposed draft decisions on *Introduction from the sea*, annexed to the present document, to guide this review process.

Recommendations

24. The Standing Committee is invited to:
- a) take note of the report provided by the Secretariat on the implementation of Decision 19.140 on *Introduction from the sea*;
 - b) take note of the updated status and detailed analysis of the synergies between CITES and 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;
 - c) take note of the updated set of most frequently asked questions and responses to introduction from the sea available on the CITES website;
 - d) review and submit the draft decisions contained in the Annex to the present document for consideration of the Conference of the Parties at its 20th meeting; and
 - e) agree that Decisions 19.140-141 have been implemented and can be proposed for deletion.

DRAFT DECISIONS ON
INTRODUCTION FROM THE SEA

Directed to the Secretariat

20.AA The Secretariat shall:

- a) monitor the implementation of Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea* and report as appropriate to the Standing Committee;
- b) issue a Notification to the Parties asking them to submit information on the legislation and regulations in place, and relevant applicable procedures to implement Resolution Conf.14.6 (Rev. CoP16) on *Introduction from the sea*, as well as any important challenges faced, and ways used to overcome them; and
- c) support Parties which are active in the trade in CITES marine species, particularly from areas beyond national jurisdiction, and assist them to effectively implement the Convention.

Directed to the Standing Committee, with support from the Secretariat,

20.BB With support from the Secretariat, the Standing Committee shall:

- a) prepare a revision of Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea* with the aim to provide clarifications where required, as well as to integrate, as appropriate, additional elements, including:
 - i) reflection of 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, in the preambular part;
 - ii) responses to implementation challenges noted at the technical workshop on non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction, and contained in document SC78 Doc. 48;
 - iii) key elements derived from the document on most frequently asked questions on introduction from the sea; and
- b) submit the proposed amendments to the Resolution for consideration by the 21st meeting of the Conference of the Parties.