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

RAPID MOVEMENT OF WILDLIFE DIAGNOSTIC SAMPLES AND OF MUSICAL INSTRUMENTS

1. This document has been submitted by Australia as Chair of the working group on rapid movement of wildlife diagnostic samples and of musical instruments.*

2. At its 19th meeting (CoP19; Panama City, 2022), the Conference of the Parties adopted Decision 19.160 directed to the Standing Committee as follows:

   Directed to the Standing Committee

   19.160 *The Standing Committee shall consider the need for the development of further appropriate mechanisms, including guidance and capacity-building on simplified procedures in accordance with the recommendations in Part XIII of Resolution Conf. 12.3 (Rev. CoP19) on* Permits and certificates*, to facilitate the efficient international movement of wildlife samples for diagnostic purposes and/or conservation purposes and the non-commercial movement of musical instruments for purposes of performance, display or competition, for consideration by the 20th meeting of the Conference of the Parties.*

3. At SC76 (Panama City, November 2022), the Standing Committee established an intersessional working group on rapid movement of wildlife diagnostic samples and of musical instruments with a mandate to:

   Consider the need for the development of further appropriate mechanisms, including guidance and capacity-building on simplified procedures in accordance with the recommendations in Part XIII of Resolution Conf. 12.3 (Rev. CoP19) on Permits and certificates*, to facilitate the efficient international movement of wildlife samples for diagnostic purposes and/or conservation purposes and the non-commercial movement of musical instruments for purposes of performance, display or competition, for consideration by the 20th meeting of the Conference of the Parties.*

4. The membership of the intersessional working group on rapid movement of wildlife diagnostic samples and of musical instruments was agreed as follows (19 Parties; 18 Observers): Australia (Chair), Austria, Brazil, Canada, China, European Union, Georgia, Germany, Indonesia, Japan, Liberia, Peru, Republic of Korea, Singapore, South Africa, Switzerland, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America; International Whaling Commission (IWC), United Nations Office on Drugs and Crime (UNODC), World Organisation for Animal Health (WOAH); International Union for Conservation of Nature (IUCN); Animal Welfare Institute (AWI), Association of Southeastern Fish and Wildlife Agencies, Association of Zoos and Aquariums (AZA), Confederation of the European Music Industries (CAFIM), International Association of Violin and Bow Makers, International Elephant Foundation, International Federation of Musicians, IWMC-World Conservation Trust, MEA Strategies LLC, League of

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* *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.*

American Orchestras, Pan African Sanctuary Alliance, Pearle, World Wide Fund for Nature (WWF), Zoological Society of London.

Background

5. The 18th meeting of the Conference of the Parties (Geneva, 2019) adopted amendments to Resolution Conf. 11.15 (Rev. CoP18) on *Non-commercial loan, donation or exchange of museum, herbarium, diagnostic and forensic research specimens* and Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates*.

6. The amendments addressed a number of concerns raised by persons, bodies and organizations involved in the movement of CITES samples for the urgent international movement of CITES biological samples for diagnostic and other health/disease related purposes. In particular, they enabled Parties to allow for the expedited movement of these samples and expanded the types of biological specimens that are eligible for transport under simplified permitting procedures, which addressed many of the concerns associated with the delay in receiving permits for these items. The broadened application of Resolution Conf. 11.15 (Rev. CoP18) was intended to allow for a broader range of scientific research to be conducted, further forensic research capabilities and allow for more rapid research response to wildlife disease outbreaks.

7. On 12 October 2021, the Director General of the World Organisation for Animal Health (then OIE, now WOAH), Dr. Monique Eloit, wrote to the Chair of the Standing Committee's working group on the role of CITES in reducing the risk of future zoonotic disease emergence associated with international wildlife trade (Canada) to raise an issue relating to the issuance of permits and certificates associated with the exchange of wildlife health diagnostic samples.

8. In its letter, WOAH proposed further exploring simplified CITES requirements for the transport of wildlife diagnostic specimens (most of the times collected and held by veterinarians or wildlife rangers in the field) with the aim to further facilitating the ability to undertake rapid wildlife health diagnostics. In particular, WOAH noted that when there is a wildlife health event, the current requirements to seek CITES export permits for wildlife diagnostic specimens (and in some cases import permits) frequently extends the time to obtain a diagnosis and thus may compromise any early measures that could be taken to protect the health of these and other species. WOAH also observed that there has been a decrease in international collaboration with many scientists and laboratories no longer being willing to expend the time and effort required to obtain CITES permits since the work is conducted on a voluntary or non-profit basis.

9. SC74 (Lyon, 2022) agreed to submit to the 19th meeting of the Conference of the Parties a Decision directing the Standing Committee to consider the need for the development of further appropriate mechanisms, including guidance and capacity-building on simplified procedures in accordance with the recommendations in Part XIII of Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates*, to facilitate the efficient international movement of wildlife samples for diagnostic purposes and/or conservation purposes, for consideration by the 20th meeting of the Conference of the Parties.

10. The 19th meeting of the Conference of the Parties agreed to this recommendation, and also agreed to include consideration of the need for further such mechanisms to facilitate the efficient international non-commercial movement of musical instruments for purposes of performance, display or competition in the Decision.

Approach of the working group

11. Due to the distinct differences in the two elements of the Decision (that is, wildlife samples and musical instruments) and the resulting divergence in interests of the members of the wildlife group (particularly amongst the Observer members), the working group agreed to complete much of its work in two separate sub-groups, and to, at the discretion of the Chair, periodically convene an email 'plenary' session with both groups together to share what each sub-group has discussed. Consequently, the reports of the two sub-groups are presented separately below.

12. To begin discussions, the working group considered how widely the existing mechanisms for efficient international movement of wildlife samples and musical instruments were being used; what barriers were encountered in their use, or problems created; whether there was a need for further mechanisms (and what these mechanisms might be); and whether there is a need for further guidance and capacity-building on simplified procedures beyond what is contained in Resolution Conf. 12.3 (Rev. CoP19) and the *Guidance on the use of the scientific exchange exemption and the simplified procedures to issue permits and certificates*.

13. One matter that was raised in discussions is the distinction between the simplified permitting procedures outlined in Resolution Conf. 12.3 (Rev. CoP19), and the so-called 'scientific exchange' process outlined in Resolution 11.15 (Rev. CoP18) on *Non-commercial loan, donation or exchange of museum, herbarium, diagnostic and forensic research specimens.* While the latter was not specifically a part of the group's mandate, given that the group was asked to consider the need for the development of further appropriate measures including (but not exclusively) guidance and capacity building on simplified procedures, the group concluded that discussing this matter was not outside of its mandate. These two mechanisms for movement of wildlife samples are discussed separately below, along with options for making current procedures work better and exploration of whether further appropriate mechanisms may be developed consistent with the Convention.

Wildlife diagnostic samples

14. In discussing what barriers there are to using the currently available simplified procedures in Resolution Conf. 12.3 (Rev. CoP19) for the exchange of wildlife samples, the group noted that the procedures are not used by every Party, creating inconsistency. Where simplified procedures are used, they tend to be used by Parties with permitting systems that are already efficient and working well. Some members of the group expressed that simplified procedures such as partially completed permits were not practical in emergency or unplanned situations, as the permit holder would generally not know what type of specimen (e.g., species, specimen type, unit) they may need to send ahead of time. Some members expressed that there are a range of stakeholders who might need access to permits, who may not have established networks within Parties in order to access or request simplified procedure decisions. The use of simplified procedures is also complicated by the fact that some practitioners may need one-off permits, and others may need more regular or frequent permits.

15. Members discussed that the reason for requiring rapid movement of wildlife samples was not simply to facilitate urgent diagnosis or testing but can also be required due to the nature of the specimen and the way it is stored or transported. In this regard, a number of members expressed their view that 'rapid' issuance of permit documents would be issuance within just a few days.

16. In regard to whether further appropriate mechanisms are required, some members expressed that they would favor maintaining the current simplified procedure framework and finding way to make this existing framework work better. Many members expressed that better guidance for Parties on using the simplified procedures in emergency situations would be beneficial. In this regard, the Secretariat also advised the Chair that they shared the view that shorter and more practical guidance would be developed for different sectors on how the procedures could be used. The use of schematics or diagrams was suggested as a useful tool. Some members also indicated that they would be interested to hear examples of where Parties are using simplified procedures specifically for the movement of the types of the biological samples listed in Annex 4 of Resolution Conf. 12.3 (Rev. CoP19).

17. Some members noted that the decision-making authority regarding what constitutes wildlife sample requiring 'rapid movement' may benefit from veterinary authority (or other expert) input given the technical aspects relating to what constitutes an urgent wildlife sample.

18. There was also a suggestion that Parties who normally charge fees for the issuance of CITES documentation could consider waiving fees for emergency movement of diagnostic specimens, and that Parties could consider specific amendments to Appendix II plant species listings to specifically exempt diagnostic samples where relevant.

19. Acknowledging the practical implications that CITES permitting requirements can have on the rapid movement of wildlife samples critical to wildlife conservation and health, the group generally acknowledged that a comprehensive exemption from regulation of these samples under CITES would not be possible. One suggestion was to conclude that wildlife samples are not 'readily recognizable' in accordance with Resolution Conf. 9.6 (Rev. CoP19). Noting that the Resolution agrees that "the term 'readily recognizable part or derivative', as used in the Convention, shall be interpreted to include any specimen which appears from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be a part or derivative of an animal or plant of a species included in the Appendices", a number of members expressed the view that wildlife samples would be inherently readily recognisable (including via a label or other associated documents) and that this would preclude them from being exempted from permit requirements.

20. Finally, one member suggested that Parties could consider whether they could propose to amend any listings of plant species in Appendix II to include an annotation specifically exempting wildlife samples or similar.

21. On the use of the scientific exchange provisions of Resolution Conf 11.15 (Rev. CoP18), members expressed that the scientific exchange provisions were not always available to those practitioners needing to send wildlife samples. In many cases, the requirement for both the exporting institution and importing institution to be registered with their respective Management Authority prevents its use. Members described that often the practitioner collecting the samples is not associated with a registered institution in that country, and often the institution with the appropriate expertise to conduct the required tests or analysis of the wildlife samples is not registered or could not be registered as it does not meet the standards for registration of scientific institutions outlined in Resolution Conf. 11.15 (Rev. CoP18). Some members explained that it was difficult to have potential recipient institutions to become registered with their Management Authority in case they may need to receive samples in the future, due to the perceived burdensome process.

22. Other members expressed confusion as to when or under what circumstances the scientific exchange provisions can be legitimately used. Members questioned whether it is the purpose of the exchange of the sample, the outcome of the exchange, the nature of the exchanging institutions, or the type of specimen (or a combination of these factors) that determines when the scientific exchange provisions apply. A review of Resolution Conf. 11.15 (Rev CoP18) could be undertaken by the working group after SC77, if the Committee agrees.

23. Some members explained that there are circumstances where the appropriate facility to conduct diagnostic tests is a commercial (or partly commercial) laboratory. Members were unsure whether it is permissible for commercial laboratories to be registered institutions for the purposes of conducting ostensibly non-commercial diagnostic tests.

24. Finally, some members noted that the standards for registration of scientific institutions outlined in Resolution Conf. 11.15 (Rev. CoP18) paragraph 3(g)(vi) are more suited to assessing the suitability of museums for registration, rather than diagnostic laboratories (noting that there is a specific reference to diagnostic testing laboratories recognised as an official reference laboratory or collaborating centre by the World Organization for Animal Health being eligible for registration). These standards could be reviewed by the working group following SC77, if the Committee agrees.

25. In considering how to address some of these barriers, members noted that improved guidance on how the scientific exchange provisions could be used to exchange diagnostic samples would be beneficial. This could potentially be done alongside the enhanced guidance for the use of simplified procedures discussed in paragraph 16. This guidance could be informed by Parties sharing their experiences of the scientific exchange provisions being used for wildlife samples. Members also expressed a specific desire to better define the requirements for cataloguing of specimens under different circumstances (e.g., research, diagnosis, or forensic).

26. Members also began discussions on whether laboratories that are primarily commercial in nature could meet the criteria for registration as a scientific institution for the express purpose of receiving wildlife samples to undertake non-commercial diagnostic tests. The working group would welcome the view of the Standing Committee on this matter.

<u>Musical instruments</u>

27. Overall, many members commented that the current simplified procedures for permit issuance for musical instruments, such as musical instrument certificates and travelling exhibition certificates work reasonably well, where they are implemented. There was no detailed comment suggesting that further mechanisms are needed to facilitate efficient international movement of musical instruments. Parties could be encouraged to make better use of available simplified procedures and exemptions. A repeated comment was about inconsistent implementation of those provisions by Parties, which is considered to be a barrier to comprehensive use of those provisions by musical instrument owners. Members reported that it is hard for musical instrument owners to know where (or if) the simplified procedures or exemptions apply, which can create some problems for musical instrument owners travelling the multiple countries on a tour.

28. Musical instrument certificates seem to be useful to musical instrument owners, as long as they are travelling to countries that recognise the certificates for both import and export. Travelling exhibition certificates are often useful for ensembles and orchestras who are shipping their instruments in cargo, although they are often only used for one tour or event as frequently the instruments/musicians will change between events. Personal and household effects exemptions can be useful for instruments individually carried by their owner, but again, not all Parties implement these exemptions. Stricter domestic measures can further complicate trade.

29. In contrast to the wildlife samples sub-group's discussions, the concept of 'rapid' is not primarily limited to the rapid issuance of permits or other documents by Management Authorities. While this is still desirable (particularly when travelling musicians urgently need to apply for re-export documentation while they are in a country during a tour), there are experiences of delays during inspections at borders which can hamper musicians' ability to keep to their schedule. Inspections and other border practices can present challenges including creating delays (including due to availability of inspection staff), and in some cases damage to instruments. Some members mentioned specific border inspection challenges with their countries (a matter the group noted, but which is outside the mandate of this working group). Relatedly, there was a suggestion that border agencies are made aware of the simplified procedures and exemptions (as per Resolution Conf. 16.8 (Rev. CoP17) (para 3) on *Frequent cross-border non-commercial movements of musical instruments.*

30. The working group noted that CoP19 directed the Standing Committee, in consultation with the Secretariat, to (Decision 19.151) consider ways in which electronic CITES permitting systems can simplify procedures for the non-commercial movement of musical instruments, which is within the mandate of the Standing Committee working group on Electronic systems and information technologies.

31. Noting that the most significant barriers to the movement of musical instruments via existing simplified procedures include the inconsistent use of these procedures by Parties and credentialing and inspection procedures at border crossings, a proposed amendment to existing procedures was the potential to extend the validity period of musical instrument certificates beyond the current three years, and/or only requiring certificates to be produced on request by border authorities, rather than requiring it to be stamped at each border. At least one Party expressed that they could not accommodate or implement such changes, and so the working group does not recommend either amendment at this stage.

32. One member suggested that Parties could consider whether they could propose to amend any listings of plant species in Appendix II that may occur in musical instruments, parts or accessories to include an annotation specifically exempting musical instruments, parts and accessories, as per annotation #15 on *Dalbergia* and *Guibourtia* species.

33. Finally, similarly to the wildlife samples sub-group, there was also a suggestion that better guidance for Parties on how to apply the simplified procedures available (personal and household effects exemptions, musical instrument certificates, and travelling exhibition certificates) could be beneficial. The working group noted that some of the Observer groups had produced awareness raising materials within their sector.

34. Specifically, one member suggested that better information about access to the personal effects exemption for musical instrument owners would help ensure compliance. It was suggested that updating the resources found on the *Exemptions and special procedures* webpage could be of help, with special attention to updating the table of Parties implementing the personal and household effects exemption.

Recommendations

35. The Standing Committee is invited to:

    a) review the progress made by the working group; and

    b) offer its comments and suggestions, in particular with respect to work the group could undertake following SC77.