

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 tradeNON-DETRIMENT FINDINGS FOR SPECIMENS OF APPENDIX-II SPECIES
TAKEN FROM AREAS BEYOND NATIONAL JURISDICTION

1. This document has been submitted by the Animals Committee.*
2. At its 19th meeting (CoP19; Panama City, 2022), the Conference of the Parties adopted Decisions 19.135 to 19.139 on *Non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction* as follows:

Directed to the Secretariat

19.135 *The Secretariat shall invite Parties, other governments and stakeholders through a Notification to the Parties to submit information on their experiences in making non-detriment findings for specimens of CITES Appendix II-listed species taken from areas beyond national jurisdiction, to share any non-detriment findings (NDFs) produced, to highlight any difficulties encountered in the process and any suggestions they might have for improvements.*

19.136 *The Secretariat shall, subject to external funding:*

- a) *convene a technical workshop to consider how non-detriment findings might best be achieved for the introduction from the sea of specimens of CITES Appendix II-listed, commercially exploited aquatic organisms taken by multiple Parties in waters beyond national jurisdiction; and invite workshop participants and Parties to contribute relevant information and expertise at the workshop;*
- b) *invite the Animals Committee, the Secretariats of the Convention on the Conservation of Migratory Species of Wild Animals and relevant daughter agreements and MoUs, Food and Agriculture Organisation of the United Nations, Regional Fisheries Management Organizations (RFMOs), other Regional Fisheries Bodies (RFBs), other relevant scientific advisory bodies, representatives from States especially those which flag vessels which undertake high seas fisheries, importing countries, fishery stakeholder and industry representatives, and relevant intergovernmental and non-governmental organizations to participate in this workshop;*
- c) *taking into consideration the responses to the Notification to the Parties in Decision 19.135, existing NDFs submitted by Parties for specimens taken from areas beyond national jurisdiction, outcomes of the second international expert workshop*

* *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.*

on Non-detriment findings and any other relevant information, prepare workshop documents on:

- i) the level (current and anticipated) of trade in CITES-listed species taken from areas beyond national jurisdiction;
 - ii) the difficulties encountered by Parties when making NDFs for specimens taken from areas beyond national jurisdiction;
 - iii) the current role, if any, of RFMOs and other RFBs in making data and information available to CITES Scientific Authorities making non-detriment findings; and
- d) submit findings and recommendations of this workshop to the Animals Committee for their consideration and to make recommendations to the Standing Committee for its consideration, and any recommendations to be considered by the 20th meeting of the Conference of the Parties.

Directed to the Animals Committee

19.137 The Animals Committee shall consider the report of the workshop in Decision 19.136 and make recommendations to the next meeting of the Standing Committee as appropriate.

Directed to the Standing Committee

19.138 The Standing Committee shall consider the recommendations and comments of the Animals Committee and shall submit recommendations to the 20th meeting of the Conference of the Parties.

Directed to Parties and relevant stakeholders

19.139 Parties, intergovernmental organizations, RFMOs and other RFBs, non-governmental organizations, fishery stakeholders and others are encouraged to respond to the Notification issued by the Secretariat as per Decision 19.135.

3. At its 33rd meeting (AC33; Geneva, July 2024), the Animals Committee considered document [AC33 Doc. 17](#) submitted by the Secretariat on the implementation of Decisions 19.135 and 19.136. The report of the technical workshop was presented in information document [AC33 Inf. 1](#).
4. In brief, 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, thanks to the generous contribution of the European Union and the United Kingdom of Great Britain and Northern Ireland.
5. The Secretariat prepared a background document, which provided information on requirements under the Convention for making non-detriment findings (NDFs) for specimens taken from areas beyond national jurisdiction (ABNJ), experiences of Parties making NDF for specimens taken from ABNJ, challenges and suggested solutions, the potential role of Regional Fishery Bodies (RFBs) and Regional Fisheries Management Organisations (RFMOs) and their current management measures.
6. The workshop was attended by 82 participants, which included four Members of the Animals Committee, including the nomenclature specialist, 56 participants from 32 Parties, 22 participants from 16 observer organizations, including representatives from the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), the Food and Agriculture Organization of the United Nations (FAO), the Secretariats of the Inter-American Tropical Tuna Commission (IATTC) and the International Commission for the Conservation of Atlantic Tunas (ICCAT), the International Union for Conservation of Nature (IUCN) and 12 non-governmental organizations

7. At AC33, in accordance with Decision 19.137, the Animals Committee reviewed the recommendations in the following paragraphs and agreed to submit them for consideration by the Standing Committee:
- a) agree that NDFs should ideally be made at a stock level – e.g., a single NDF covering the stock as a discrete unit irrespective of whether catch / harvest is taking place in the exclusive economic zone (EEZ) or in areas beyond national jurisdiction (ABNJ);
 - b) agree that distinct stocks / distinct populations, if defined, should require separate NDFs or a single NDF clearly describing findings for each distinct stock / population;
 - c) clarify that ‘international scientific authorities’ are not designated bodies and are separate from CITES Scientific Authorities. The interpretation of ‘international scientific authorities’ should remain inclusive and flexible to facilitate the use of information from various sources and engagements with a range of relevant bodies, organizations and experts (allow flexibility for CITES Scientific Authorities to identify the information sources they require to develop NDFs, as appropriate);
 - d) consider what biological and capture location information could be included as a traceability element to help inform the making of an NDF for specimens taken from ABNJ;
 - e) consider submitting relevant implementation matters raised at this workshop to the Standing Committee for its consideration, as appropriate;
 - f) encourage Parties to ensure engagement and collaboration between fisheries management authorities and CITES Authorities on matters relating to NDF for specimens taken from ABNJ;
 - g) encourage Parties to engage with RFBs, including RFMOs, where possible, to access and use data / information to inform NDFs for specimens taken from ABNJ;
 - h) encourage Parties to collaborate regionally, including with CITES Parties not Party to RFMOs, to share information, including information to understand stock status and trends, stock assessments, NDFs, quotas, and capacity-building initiatives;
 - i) invite Parties to consider, where possible, establishing regional networks of CITES Scientific Authorities and international scientific authorities such as RFBs to share information, experiences, best practice and build capacity for the making of NDFs for specimens taken from ABNJ;
 - j) invite Parties to consider using stock assessment data from RFBs, including RFMOs, in addition to national information and other relevant sources of information, as appropriate, in informing the making of NDFs for specimens taken from ABNJ; and
 - k) invite the Secretariat to append the outcomes of the workshop on *Non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction* and the Animals Committee’s deliberations to the CITES NDF guidance for aquatic species, and integrate it into any updated versions of the guidance, as appropriate.
8. As part of the recommendations in paragraph 7 e), the Animals Committee further agreed to submit relevant implementation matters raised at the workshop to the Standing Committee for its consideration. The implementation matters are shown below organized by topic:

Differentiation of catch

- a) An introduction from the sea (IFS) certificate is required for specimens taken from ABNJ. However, fishing vessels may catch specimens in the EEZ and ABNJ in the same fishing trip and it is not always feasible to determine where specimens were caught, especially for artisanal fisheries.
- b) There are traceability challenges for specimens when fishing vessels move between EEZ and ABNJ and catch in both the EEZ and ABNJ in a single trip.
- c) Some stocks may have overlapping geographic distribution and it is not always possible to differentiate from which stock a specimen was taken. If these overlapping stocks have different statuses, they may need different NDFs and therefore have different requirements for catch.

Issuance of permits

- d) For incidental catch or bycatch, NDFs must be made prior to fishing vessels retaining and landing catch, however, when should a permit/certificate be issued?
- e) Issuance of permits for scientific samples – implementation challenges, especially considering multiple jurisdictions.
- f) Practical permitting questions should be addressed prior to taking specimens taken from ABNJ. When issuing permits or certificates, consideration needs to be given to whether permits/certificates will be issued on a per vessel, per fleet, per trip, per vessel and trip, or per fishing season basis. In addition, consideration needs to be given to whether the permits/certifications will be issued to the vessel or dealers in ports.
- g) NDFs and number of specimens to be landed may be made on a yearly basis – how and when should permits/certificates be issued to avoid issuing them retroactively?

Flags of convenience

- h) There is a need for clarity on whether NDFs are required when Parties have vessels flying their flag on the high seas and catching/landing CITES-listed species. This may mean that all relevant government departments that are part of the process need to be involved including external affairs, CITES Authorities, and fisheries authorities.
- i) There is a need for clarity cases where a Party A (chartered) vessel with Party B flag is landing in Party A – which Party must make the NDF and issue the permits or certificates? This scenario may be more complicated when one Party has taken reservations on listings.

Article XIV on Effect on Domestic Legislation and International Conventions - paragraphs 4 and 5

- j) Clarification and examples through case studies on how paragraphs 4 and 5 of Article XIV of the Convention may be applied to specimens taken from ABNJ with respect to other agreements that were in place prior to CITES such as ICCAT and the International Whaling Commission (IWC).
9. In document SC78 Doc. 49 on *Introduction from the sea*, the Secretariat invites the Standing Committee to consider draft decisions on *Introduction from the sea*. The draft decisions in the Annex to document SC78 Doc. 49 includes a decision directed to the Standing Committee, with support from the Secretariat, to prepare a revision of Resolution 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 the implementation challenges highlighted in paragraph 8 of this present document.

Recommendations

10. The Standing Committee is invited to:
- a) take note of the report of the Animals Committee including the recommendations in paragraph 7; and
 - b) agree that the draft decisions on *Introduction from the sea* in the Annex to document SC78 Doc. 49 will allow the Standing Committee to address the relevant implementation matters raised at the technical workshop on *Non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction*.