

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



Joint sessions of the 30th meeting of the Animals Committee and
the 24th meeting of the Plants Committee
Geneva (Switzerland), 20-21 July 2018

Strategic matters

Non-detriment findings

REPORT OF THE SECRETARIAT

1. This document has been prepared by the Secretariat.

Background

2. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties maintained Decision 16.53 on *Non-detriment findings* as follows:

Directed to the Secretariat

16.53 *The Secretariat shall:*

- a) *invite Parties to submit their experiences and the results from workshops, projects or publications related to the making of non-detriment findings for inclusion in the CITES website; and*
- b) *ensure this information is available in other formats (e.g. CD-ROM) where appropriate.*

3. Furthermore, at CoP17, Decision 17.104 on *Captive-bred and ranched specimens* was adopted as follows:

Directed to the Animals Committee

17.104 *Subject to available resources, the Animals Committee shall review the differences in the nature of non-detriment findings made for specimens with source code W, R and F and provide guidance for Parties, to be sent to the Secretariat for inclusion in the section for non-detriment findings on the CITES website referred to in Resolution Conf. 16.7 (Rev. CoP17) on Non-detriment findings.*

Implementation of Decisions 16.53 and 17.104

4. To implement these Decisions, the Secretariat issued Notification to the Parties [No. 2018/032](#) on 27 March 2018. The Notification reminded Parties that Resolution 16.7 (Rev. CoP17) on *Non-detriment findings* encourages Parties to share experiences and examples of ways of making non-detriment findings (NDFs), including, where they exist and if possible, written records of the science-based rationales and scientific information used for NDF assessments, and communicate them to the Secretariat, that should maintain a prominent section for NDFs on the CITES website, to be updated regularly with information from the Animals and Plants Committees, Parties and other sources. Parties were encouraged to provide relevant information

on the making of NDFs, including any capacity building materials, to the Secretariat for inclusion on the website by 30 April 2018.

5. The Notification furthermore reminded that for the purpose of implementing Decision 17.104, at its 29th meeting, the Animals Committee established an intersessional working group with a mandate to compare and contrast the nature of NDFs for specimens originating from production systems that meet the definitions of source codes R and F, with NDFs for specimens originating from the wild (source code W), using case studies, existing guidance and input from Parties. In support of this working group, Parties that produced NDFs or guidance for trade in specimens with source codes R or F were invited to submit any relevant information to the Secretariat by 30 April 2018. Parties were also invited to highlight any concerns or issues that may have arisen in relation to the making of NDFs for specimens from source codes R and F.
6. At the time of writing of this document (May 2018), Australia, Colombia and Mexico had responded to the Secretariat's call for NDF information. The response from Colombia is included in an Annex to this document, while the responses from Australia and Mexico contained information that was particularly relevant to Decision 17.104. Their responses are therefore included in the Annex to document AC30 Doc. 13.3, which is addressing in detail the matter of source codes R or F.
7. A number of Parties submitted information on NDFs independently, in the context of other items on the agendas of the meetings of the Animals and Plants Committees, or in response to other Notifications. These include for example the European Union (NDFs for hunting trophies of certain CITES Appendix I and II-listed mammals), India, New Zealand, Sri Lanka and the United States of America (NDFs for sharks and rays); and Honduras (NDF for queen conch). The Secretariat sincerely thanks the Parties for their submissions, and all this information will be made available on the NDF portal and other appropriate webpages on the CITES website. Peru should also be congratulated as the first Party to directly upload a document to the NDF portal on the CITES website. The Secretariat invites more Parties to make use of this facility.

Draft decisions concerning NDFs for consideration at CoP18

8. At the joint session of the 29th meeting of the Animals Committee and the 23rd meeting of the Plants Committee (Geneva, July 2017), the Secretariat proposed that work be undertaken to review materials and guidance on NDFs that are currently available to the Parties, identify gaps and needs, and develop and agree on new or updated materials as needed, possibly involving one or more dedicated expert workshops. The 'gap analysis' would assess where coverage of NDF guidance seems adequate, or is lacking in terms of taxonomic groups, geographical spread, exporting countries, commodities in trade, scientific information or language versions; and evaluate the appropriateness of the formats used, as well as their accessibility; etc.
9. The Secretariat indicated that it would develop draft decisions in this regard for consideration by the Conference of the Parties at its 18th meeting (CoP18, Colombo, 2019). The Committees noted document AC29 Doc. 10/PC23 Doc. 11.1, and asked the Secretariat to share draft decisions with the Animals and Plants Committees for their comments and review at their next meetings.
10. One of the main objective of this initiative is to support the implementation of Resolution Conf. 16.7 (Rev. CoP17) on *Non-detriment findings* [and indirectly of Resolution Conf. 12.8 (Rev. Cop17) on *Review of Significant Trade in specimens of Appendix-II species*], *inter alia* by assisting Parties in exploring methods for making non-detriment findings, sharing experiences and examples of ways of making NDFs, and helping to generate and update information from the Animals and Plants Committees, Parties and other sources on NDFs, which can be maintained on relevant sections of the CITES website.
11. In paragraphs 5 to 9 of document [AC29 Doc. 10/PC23 Doc. 11.1](#), the Secretariat provided further justifications for developing the draft decisions indicated below. The Secretariat is also mindful of the need to develop NDF guidance for trade in specimens with source code R and F, as indicated in Decision 17.105 (see document AC30 Doc.13.3).
12. The Secretariat is considering the following draft decisions for submission to CoP18:

Directed to the Secretariat

18.XX The Secretariat shall:

- a) inventory and review the materials and guidance for the making of non-detriment findings (NDFs) that are available to the Parties, and identify any apparent gaps or needs, including guidance for making NDFs for trade in specimens from different sources (W, R and F);
- b) in consultation with the Animals and Plants Committees and Parties, and based on the analysis, identify priorities for additional or improved NDF guidance materials, and for addressing apparent gaps or needs;
- c) subject to external funding, address the agreed priorities by
 - i) undertaking targeted research in support of the development of new or updated NDF guidance materials in collaboration with relevant experts, Parties and organizations; and
 - ii) organising one or more interdisciplinary expert workshops on NDFs where draft guidance materials on NDFs are to be reviewed, advanced or completed;
- d) present the results of the work to the Animals and Plants Committees for their review, and make suggestions on how best to use the outputs to assist Scientific Authorities in the making of NDFs; and
- e) make available to Parties on the CITES website the NDF guidance materials resulting from the implementation of the present Decision.

Directed to the Animals and Plants Committees

18.XX The Animals and Plants Committees shall:

- a) review the Secretariat's gap analysis of NDF materials and guidance, and assist in identifying priorities for additional or improved NDF guidance materials, and for addressing apparent gaps or needs;
- b) participate as appropriate in the interdisciplinary expert workshops on NDFs where draft guidance materials are to be reviewed, advanced or completed; and
- c) review and make recommendations concerning the outcomes of the interdisciplinary expert workshops on NDFs; the final draft guidance materials on NDFs; the use of these outputs in support of the making of NDFs by Scientific Authorities; and their publication on the CITES website.

Directed to the Parties

18.XX Parties are encouraged to make use of the guidance materials on NDFs resulting from the implementation of Decisions 18.XX and 18.XX, and report experiences and findings to the Animals and Plants Committees.

Recommendations

13. The Animals and Plants Committees are invited to:

- a) provide views and comments, as appropriate, regarding the making of NDFs by Parties and sharing this information, as outlined in paragraphs 4 to 7, and taking into consideration the submission in the Annex to the present document, and those contained in the Annex to document AC30 Doc. 13.3; and
- b) provide views and comments on the draft decisions presented in paragraph 12 of the present document.

Response of Colombia to Notification 2018/032

Apreciado Doctor Scanlon,

Dando alcance a la Notificación a las Partes No. 2018/031 del 27 de marzo de 2018, en especial al literal a) del numeral 3º, el Ministerio de Ambiente y Desarrollo Sostenible (MADS), en su calidad de Autoridad Administrativa CITES de Colombia, muy amablemente desea poner en conocimiento las diferentes actividades que el país ha adelantado en materia de Dictámenes de Extracción No Perjudicial:

- El MADS en conjunto con el Instituto de Investigación de Recursos Biológicos Alexander von Humboldt (IAvH), en su calidad de coordinador de las Autoridades Científicas CITES de Colombia, realizaron el Taller “*Dictámenes de Extracción No Perjudicial (DENP) CITES Colombia*,” el cual contó con la participación de las Autoridades CITES de Ecuador, México, Perú, y España, así como la participación de la Secretaría de la Convención y WCMC. La reunión tuvo lugar en la ciudad de Cartagena (Colombia) del 21 al 24 de noviembre de 2017 y durante los cuatro días, además de fortalecer la base conceptual sobre la elaboración de DENP, los países invitados expusieron los modelos nacionales empleados para *herpetos* y se realizó una visita de campo a una comunidad para conocer sus inquietudes y necesidades con respecto a la extracción posible del recurso.

El taller fue una oportunidad para el intercambio científico y técnico enfocado a los procedimientos y métodos empleados para la elaboración de DENP por parte de los países invitados de manera que sirvan como insumo en la construcción de los procesos de Colombia, enfocándose principalmente en *herpetos*.

- Mediante trabajo conjunto entre el MADS y el Instituto de Investigaciones Marinas (INVEMAR), se realizó el taller de construcción de propuesta de los DENP para Colombia (del 1 al 2 septiembre de 2016) de los Tiburones listados en el Apéndice II de CITES.

Como resultado de este espacio de trabajo se desarrolló una propuesta preliminar para la especie *Sphyrna lewini* (Tiburón Martillo común); esta propuesta de dictamen fue revisada por la autoridad administrativa y en proceso de ajuste por la autoridad científica CITES del País.

- Gracias a la asistencia y participación de las AA y AC CITES de Colombia (MADS e INVEMAR), en el Taller sobre *Metodologías de Evaluación de Riesgo para Especies Marinas incluidas en el Apéndice II de la CITES*, llevado a cabo en Guatemala en junio del 2017, se tuvo la oportunidad de reevaluar la presentación del estado actual del DENP nacional y con base en este espacio se hicieron ajustes para la presentación del DENP actual provisional sobre *Sphyrna lewini* (Tiburón Martillo común).
- **En el marco de la Comisión Permanente del Pacífico SUR (CPPS):** Durante el 2017, en compañía de la Autoridad Nacional de Acuicultura y Pesca (AUNAP), se participó en las reuniones virtuales y presencial del Comité Técnico Científico del Plan de Acción Regional de Tiburones, Rayas y Quimeras (CTC PAR Tiburones), en las cuales se trataron temas relacionados con la implementación de las decisiones en marco de CITES, en especial los retos en la realización de DENP cuando no se tienen datos o poca información sobre las especies de Tiburones enlistadas en el Apéndice II.
- **Progreso de avance actividades complementarias:**
 - Se han fortalecido canales de comunicación y espacios de trabajo (comités de seguimiento) para el desarrollo de actividades que permitan cumplir con las decisiones en el marco del recurso tiburón.
 - Se viene trabajando en el desdoblamiento de códigos arancelarios para el recurso tiburón con especial énfasis de las especies listadas en Apéndice II de CITES, con miras a contar con herramientas para una mejor trazabilidad de exportación e importación de productos y subproductos de tiburones y rayas en Colombia. De este esfuerzo ya se cuenta con el desdoblamiento arancelario específico de las especies incluidas en la CoP-16 del 2013, las cuales están ya incluidas en lo establecido en el Decreto 2153 del 26 de diciembre de 2016, por el cual se adopta el Arancel de Aduanas y otras disposiciones, donde se especifica códigos para diferentes presentaciones de carne (fresca, congelada, salada) y códigos para sus aletas.