

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



Joint sessions of the 31st meeting of the Animals Committee and
the 25th meeting of the Plants Committee
Online, 4 and 21 June 2021

Interpretation and implementation matters

Regulation of trade

Non-detriment findings

ADDENDUM TO THE REPORT OF THE SECRETARIAT

1. This document has been prepared by the Secretariat.
2. Since the publication of document AC31 Doc. 14.1/PC25 Doc. 17 (19 August 2020), work to implement Decisions 18.132 to 18.134 has progressed as outlined in this addendum.

External funding for the implementation of Decisions 18.132 and 18.134

3. In line with paragraph a) of Decision 18.134, the Secretariat is working on a proposal for donors that expressed an interest in funding the implementation of Decision 18.132. The aim of the project would be to address 10 clusters of priority gaps or weaknesses in guidance on non-detriment findings (NDF); organize an international expert workshop place in 2022 with outputs available in 2022 and 2023.

Priorities for additional or improved NDF guidance materials [Decision 18.132, a) and b); Decision 18.133, a)]

4. Based on the analysis presented in document AC31 Doc. 14.1/PC25 Doc. 17, the Secretariat consulted the Animals and Plants Committees and Parties about priorities for additional or improved NDF guidance materials and about the best way to address apparent gaps or needs. These consultations were made through the Chairs of the Animals and Plants Committees and through [Notification to the Parties No. 2021/007](#).
5. The Secretariat received responses from both Committees and from Argentina, Canada, the European Union, Germany, Mali, Mexico, Thailand, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and Ukraine. The Secretariat also received a contribution from the International Wood Products Association.
6. These contributions can be summarized as follows:
 - a) The respondents generally welcomed the analysis presented in document AC31 Doc. 14.1/PC25 Doc. 17, including the detailed analysis of the comprehensiveness of existing NDF materials presented in its Annex 4 and the initial list of gaps and weaknesses proposed in paragraph 35.
 - b) It was suggested that a generic NDF guidance could explain governance issues relating to the making of NDFs and the different ways in which NDFs can be made. The generic guidance should also address risk analysis and risk categorisation for making NDFs and provide suggestions for the scientific rigour,

level of detail, consultation processes, and time frames that could be applied. Based on this generic 'core' NDF guidance, specific guidance for taxonomic groups or commodities in trade could be developed, emphasizing their specific characteristics in the context of making NDFs, including:

- i) taxon-specific field methodologies for evaluating and monitoring population size and trends;
 - ii) statistical methods for risk assessments;
 - iii) relative strengths of certain NDF methodologies; and
 - iv) taxon-specific population management tools.
- c) The respondents proposed several additional gaps and weaknesses, including some that address complementary approaches and situations, such as NDFs for Appendix-I imports [Article III, paragraph 3 (a)] and for introduction from the sea [Article III, paragraph 5 (a) and Article IV, paragraph 6 (a)].
 - d) Some respondents elaborated on the gaps and weaknesses that the Secretariat had identified, for example by suggesting taxa that could be the subject of case studies or model NDFs.
 - e) The translation of existing NDF guidance from English to French and Spanish was seen as an administrative process that should not be addressed in the workshop.
7. The Secretariat synthesized all comments and inputs in the Annex to this addendum and identified three thematic groups on gaps and weaknesses: overarching NDF formulation; complementary approaches and situations for making NDFs; and NDFs for specific life forms or taxa. The Secretariat proposes a set of 10 workstreams under these three thematic groups as follows:

Overarching NDF formulation

- 1) Updating and expanding generic NDF guidance, including more comprehensive analysis of risk assessments and categorizations. The generic guidance should also be applicable for 'low risk' situations involving source code W and NDFs associated with source codes A, C, D, F, R and Y. Illustrative examples or case studies could take into account topics or taxa not specified in other clusters that were suggested for improved or updated NDF guidance, such as species' roles in ecosystems, incorporating knowledge from certification processes, and live reptiles.

Complementary approaches and situations for making NDFs

- 2) Applying adaptive management and precautionary approaches and making 'conditional' NDFs, including in low data and low-capacity situations.
- 3) Incorporation of local, traditional and indigenous knowledge and participatory species monitoring and management in NDF making.
- 4) NDFs for Appendix-I imports.

NDFs for specific taxa/life forms

- 5) NDFs for marine or aquatic species, including regional implications for shared species, introduction from the sea, and NDFs for marine invertebrates (corals, sea cucumbers).
- 6) NDFs for migratory terrestrial mammals.
- 7) NDFs for terrestrial invertebrates (butterflies, scorpions, tarantulas, spiders).
- 8) NDFs for birds, including vultures, songbirds, hornbills and birds of paradise.
- 9) Species-specific NDF guidance for high-value timbers, with focus on forest inventories and establishing sustainable export quotas.
- 10) NDFs for specific life forms of medicinal and aromatic plants (MAPs) and ornamental plants.

Addressing agreed priorities [Decision 18.132, c) to e); Decision 18.133, b) to e)]

8. In planning for the further implementation of Decision 18.132, the Secretariat has considered the following activities and time frames. The Secretariat's suggestions for implementing Decision 18.132 in paragraph 36 of document AC31 Doc. 14.1/PC25 Doc. 17 can be updated as follows:

a) Anticipating a scenario where the external funds for Decision 18.132 are fully secured, using as a model the arrangements that were made for the first international workshop on NDFs [Cancun, 2008; see document AC23 Doc. 10 (Rev. 1)], the Secretariat proposes to establish an NDF technical advisory committee (TAC) consisting of Members of the Animals and Plants Committees and a balanced representation of Parties, intergovernmental organizations (IGOs) and non-governmental organizations (NGOs). The following terms of reference would be proposed for this technical advisory committee:

i) The NDF technical advisory committee (TAC) is to be convened by the Secretariat and will support the Secretariat in its implementation of Decision 18.132.

ii) The TAC will be co-chaired by the Chairs of the Animals and Plants Committees. It should be composed of interested members of the Scientific Committees and, upon expression of interest, at least one Party from each CITES region and a limited number of representatives from relevant IGOs and NGOs. The final composition of the TAC will be agreed by the Secretariat and the co-chairs. The TAC is not expected to exceed 20 members.

iii) The TAC is to advise the Secretariat, as appropriate, on:

A. the final list of gaps and weaknesses in NDF guidance materials to be addressed and the most appropriate ways to address them;

B. the content and conduct of the second international expert workshop on NDF guidance;

C. the draft guidance materials on NDFs that are to be prepared for the workshop for review, advancement or completion;

D. the finalization and dissemination of the workshop outputs; and

E. the development of a strategy to monitor the use of NDF guidance and materials and to adapt or expand on them in the future, as needed.

iv) The TAC will be convened by the Secretariat when sufficient external funding is secured to implement the project activities outlined in paragraph b) below.

b) Provided that sufficient external resources are available, the Secretariat would initiate activities to implement Decision 18.132 in consultation with the TAC, as appropriate. The following steps are envisaged:

2021: Commission work to develop or update NDF guidance materials on the 10 clusters of priority gaps and weaknesses.

2022: A. Review draft guidance materials in consultation with the TAC and make them available in advance of the international expert workshop on NDFs.

B. Organize an international expert workshop on NDFs in consultation with the TAC and a potential host country (preferably an exporting Party interested in NDF-related capacity-building). Tentatively, the workshop would last one week and bring together ca. 100 experts on relevant taxa and issues, including experts from national Scientific Authorities and range States. The different draft guidance materials would be reviewed and where possible finalized in smaller breakout expert groups.

C. Field-test the new NDF guidance for trade in certain taxa in collaboration with Parties that require capacity-building and are range States of taxa that are relevant for the gap analysis.

- 2023:
- A. Revise, format and edit guidance materials and submit them to a joint AC and PC meeting for review and approval.
 - B. Propose a draft strategy and a feedback mechanism so that Parties and the wider CITES community can share experiences with using NDF guidance materials. The aim of this strategy and feedback mechanism is to review and update NDF materials as may be needed.
 - C. Translate all new NDF guidance materials in the three CITES languages, publish them as appropriate, and make them available on the CITES website; incorporate all NDF guidance materials in a revised NDF database.
9. Considering the timelines anticipated in the project and the delays caused by the COVID-19 pandemic, it is anticipated that the full implementation of Decisions 18.132 to 18.134 will extend beyond the present intersessional period. The following draft decisions may be considered for submission to the Conference of the Parties:

19.AA Directed to the Secretariat

The Secretariat shall:

- a) *subject to external funding, address agreed priorities in capacity-building related to non-detriment findings (NDF), as determined by the Secretariat in consultation with the Animals and Plants Committees and Parties by:*
 - i) *undertaking targeted research in support of the development of new or updated NDF guidance materials in collaboration with a technical advisory committee, relevant experts, Parties and organizations; and*
 - ii) *organising the 2nd international expert workshop on non-detriment findings with assistance of the Animals and Plants Committees to review, advance or complete draft guidance materials on NDFs;*
- b) *present the results of the work under paragraph a) 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;*
- c) *make available to Parties on the CITES website the NDF guidance materials resulting from the implementation of the present Decision;*
- d) *develop a strategy and feedback mechanism for Parties and the wider CITES community to share experiences with using NDF guidance materials, which should allow to review and update of NDF materials as may be needed; and*
- e) *keep the Animals and Plants Committees informed on the implementation of the present Decision and make recommendations to the Conference of Parties as appropriate.*

19.BB Directed to the Animals and Plants Committees

The Animals and Plants Committees shall:

- a) *assist the Secretariat in preparing the 2nd international expert workshop on non-detriment findings;*
- b) *participate as appropriate in the expert workshop on NDFs where draft guidance materials are to be reviewed, advanced or completed;*
- c) *review and make recommendations concerning: the outcomes of the expert workshop on NDFs; the use of its outputs in support of the making of NDFs by Scientific Authorities; and their publication on the CITES website;*

- d) *make recommendations to the Secretariat concerning a strategy and a feedback mechanism for Parties and the wider CITES community to share experiences with using NDF guidance materials, which should allow to review and update of NDF materials as may be needed; and*
- e) *report on these activities at the 20th meeting of the Conference of the Parties.*

19.CC Directed to Parties

Parties are encouraged to:

- a) *provide financial support for the implementation of Decision 19.AA, including the 2nd international expert workshop on non-detriment findings;*
- b) *provide any help and information regarding methodologies, tools, scientific information, expertise and any other resources used to formulate NDFs in order to contribute to such a workshop; and*
- c) *make use of the guidance materials on NDFs resulting from the implementation of Decisions 19.AA and 19.BB and participate as appropriate in the feedback mechanism on NDF guidance, to be developed by the Secretariat as referred to in Decision 19.AA, paragraph d).*

Revised recommendations

10. The Animals and Plants Committees are invited to:

- a) review the Secretariat's suggestions regarding priority gaps and weaknesses and corresponding workstreams, as proposed in the Annex to this addendum;
- b) review the terms of reference of the Technical Advisory Committee, as proposed in paragraph 8 of this addendum;
- c) agree to the submission of the draft decisions in paragraph 9 of this addendum to the Conference of the Parties at its 19th meeting.

Summary of responses to consultations with Committees and Parties, synthesis of gaps and weaknesses, and proposed workstreams

Group	Secretariat analysis	PC response	AC response	Party responses	Proposed workstream
Overarching NDF formulation	Low risk situations				1 Updating and expanding generic NDF guidance to incorporate a more comprehensive analysis of risk assessments and categorizations. The generic guidance should also be applicable for 'low risk' situations involving source code W, and NDFs associated with source codes A, C, D, F, R and Y. Illustrative examples or case studies could take into account topics or taxa not specified in other clusters that were suggested for improved or updated NDF guidance, such as species' roles in ecosystems, incorporating knowledge from certification processes, and live reptiles.
	Ranched specimens of animal species and 'assisted production' specimens of plant species	Very important. Include guidance for assessing the NDF of the parental stock of specimens not of wild origin (source codes F, C, A, D) – both of the original founder stock of closed breeding operations and the NDF for occasionally added specimens to enrich the genetic diversity of the captive breeding operations. Further the understanding and promote the use of species risk assessments (the conservation status of a specimen which forms a large part of the making of an NDF assessment) and risk characterization (which is more related to regulatory assessments which have to take into account other factors than the species status, such as economics, public opinion, enforceability)		EU: include guidance on wild origin (W), ranched (R), captive-born (F) and assisted production (Y) in a general NDF guidance. This general guidance would provide guidance on initial risk analysis for specimens of wild origin (including R, F and Y), determine the scope and detail of the NDF and address issues identified in Annex 4.	
	Illustrating the concept, definition and implementation of assessing a species role in its ecosystem	As long as the regeneration rate of the species in question is not exceeded by the extraction rate, the species will continue to fulfil its role in the ecosystem	Very complex and with limited applicability in the development of NDFs	Argentina: Difficult to address EU: priority for overall NDF guidance	
		Working group on Medicinal and Aromatic Plants of the PC (PC MAP WG): Consider certification approaches and NDFs			
Complementary approaches and situations	Low data situations	Equivalent with "guidance for using the precautionary approach". Merge with guidance for source code "Y"?		EU: priority for overall NDF guidance Canada: high priority, examples or proxies that can be used would be helpful	2 Applying adaptive management and precautionary approaches, and making 'conditional' NDFs, also in low data and low-capacity situations
	Low capacity situations			Canada: high priority EU: high priority but should not be seen as avoiding proper risk analysis	

			Adaptive management in different settings, timelines of validity of NDFs, how NDFs are kept valid and how monitoring and adaptive management strategies support the validity of NDFs	Argentina: Será interesante tener una discusión sobre la validez o duración del DENP, debe ser variable según especie o situación, con el fin de incluir un período lógico en cada DENP.		
				US: Making conditional NDFs, allowing some export while continuing to gather research data (such as conditional harvest seasons, age, size and/or sex restrictions, gear limitations, harvest/catch quotas, harvest monitoring for adaptive management)		
	Incorporating expert knowledge and local and traditional knowledge	Multidisciplinary integration and data management to enhance the scientific, intuitive and credible nature of the NDF PC MAP WG: Supports		Canada considers this important and suggests to rephrase to include indigenous knowledge EU: priority for overall NDF guidance	3	Incorporation of local, traditional and indigenous knowledge, and participatory species monitoring and management in NDF making
	Implementing participatory species monitoring, management and decision-making		Management tools to ensure that harvest rates and harvest localities are allocated sustainably within the population and its range and do not lead to local extinctions	EU: priority for overall NDF guidance		
		Appendix-I imports			4	NDFs for Appendix I imports
Specific taxa / life forms	Fish (except sharks or rays)		Introduction from the sea	Canada, EU: support UK: High priority, also linked to use by multiple Parties and the cumulative impact of catches affecting the same stock (whether targeted or as bycatch), role of RFMOs in NDF making.	5	NDFs for marine or aquatic species, including regional implications for shared species, introduction from the sea, and NDFs for marine invertebrates (corals, sea cucumbers)
	(Marine) invertebrates (except queen conch)		Corals	EU: corals, US: sea cucumbers		
			Migratory species and transboundary populations	US: making regional NDFs for species that are managed on a regional basis, especially for shared species, transboundary species, marine fish, and migratory species.	6	NDFs for migratory terrestrial mammals
	Terrestrial mammals			Canada: clear and consistent guidance on how to interpret CITES trade data as they relate to whole or part of a specimen		

				US: Supports		
	(Terrestrial) invertebrates		Butterflies, scorpions, tarantulas	EU: butterflies, scorpions, US: tarantulas, spiders	7	NDFs for terrestrial invertebrates (butterflies, scorpions, tarantulas, spiders)
	Birds (including vultures)			US: songbirds, hornbills, and birds of paradise	8	NDFs for birds, including vultures, songbirds, hornbills and birds of paradise
	Rosewoods and palisanders			Canada: focus should be broadened to high-value timber. Conversion factors for determining whether finished products are made from whole or part of a harvested specimen. US: Supports	9	Species-specific NDF guidance for high-value timbers, with focus on forest inventories and sustainable quotas
		Non-timber producing plant species		UK: non-tree plant species; particularly where species are quite specific in their growth (e.g. airplants - <i>Tillandsia</i> spp.) and propagation or harvest (e.g. tree ferns, cacti and orchids).	10	NDFs for specific life forms of medicinal and aromatic plants (MAPs), and ornamental plants