

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



Twenty-eight meeting of the Animals Committee  
Tel Aviv (Israel), 30 August-3 September 2015

Interpretation and implementation of the Convention

Amendment of the Appendices

EXTINCT OR POSSIBLY EXTINCT SPECIES (DECISION 16.164)\*  
(Agenda item 8)

Membership (as decided by the Committee)

Chair:	Representative of Europe (Mr Fleming);
Parties:	Australia, Austria, Canada, Czech Republic, Israel, Mexico, Mozambique, Namibia, South Africa and United States of America;
IGOs and NGOs:	UNEP-WCMC, International Union for Conservation of Nature (IUCN), Conservation International, Humane Society International and TRAFFIC International.

Mandate

Taking account of the presentations and discussions in plenary, the working group shall:

- a) review the proposals of the working group, the United States of America and Mexico contained in the annexes to document AC28 Doc. 8 concerning the implementation of Decision 16.164;
- b) propose a way forward for the Animals Committee to consider, bearing in mind the consultation with the Plants Committee; and
- c) advise on the reporting by the Animals and Plants Committees on their findings to the Standing Committee.

Recommendations:

1. The working group **recommends** the Committee adopt option 1 of AC28 Doc.8 (Annex 1) with the suggested amendments shown in Annex 1 (a & b) to this working group report.
2. The group noted that these suggested changes to Res. Conf. 9.24 (Rev. CoP16) were the best approach to achieve the mandate of the group.

---

\* This agenda item is addressed to the Animals and Plants Committees

3. The group noted that Parties remain free to propose any amendments to the Appendices to de-list extinct species if they choose to do so.
4. The group were divided as to whether there was merit in annotating extinct species in the Appendices, noting that such an amendment would require a proposal(s) to the Conference of the Parties. As a result, possible text to use in any annotation is placed in brackets (in section D of Annex 4) for future consideration by the Plants and Standing Committees.
5. However, the group **recommends** that, regardless of whether the Parties choose to annotate extinct species, the Secretariat should be asked to request UNEP-WCMC to ensure that extinct species listed in the Appendices are appropriately flagged / annotated in the Species+ database and the Index of CITES Species.
6. With regard to paragraph 20.b of AC28. Doc.8, the group noted that it was not clear if higher taxon listings included species known to be extinct at the time of listing. The group felt that this issue was outside the scope of this working group and **recommends** to the Committee that it be drawn to the attention of the Standing Committee.

## **Annex 1a. Suggested amendments to Res. Conf. 9.24 (Rev. CoP16)**

New text underlined; deleted text in ~~strike through~~; version showing track changes from Annex 1 to AC28 Doc.8

### **Annex 3**

#### **Special cases**

##### ***Split-listing***

Listing of a species in more than one Appendix should be avoided in general in view of the enforcement problems it creates.

When split-listing does occur, this should generally be on the basis of national or regional populations, rather than subspecies. Split-listing<sup>5</sup> that place some populations of a species in the Appendices, and the rest outside the Appendices, should normally not be permitted.

For species outside the jurisdiction of any State, listing in the Appendices should use the terms used in other relevant international agreements, if any, to define the population. If no such international agreement exists, then the Appendices should define the population by region or by geographic coordinates.

Taxonomic names below the species level should not be used in the Appendices unless the taxon in question is highly distinctive and the use of the name would not give rise to enforcement problems.

##### ***Higher taxa***

If all species of a higher taxon are included in Appendix I or II, they should be included under the name of the higher taxon. If some species in a higher taxon are included in Appendix I or II and all the rest in the other Appendix, the latter species should be included under the name of the higher taxon, with an appropriate annotation made in accordance with the provisions of the relevant Resolutions on the use of annotations in the Appendices.

When preparing a proposal to include a higher taxon in the Appendices, Parties are encouraged to note any extinct species in the higher taxon and to clarify whether these are included or excluded from the proposed listing.

Parties contemplating preparing a proposal to transfer an individual plant species from a higher-taxon listing in Appendix II to a separate listing in Appendix I should consider:

- i) the ease with which it can be propagated artificially;
- ii) the extent to which it is currently available in cultivation from artificially propagated specimens; and
- iii) any practical problems in identifying the species, particularly in the form in which it may be traded.

##### Extinct species

Extinct species should not normally be proposed for inclusion in the Appendices. Extinct species already included in the Appendices may should be retained in the Appendices if they meet one of the precautionary criteria included in Annex 4.D.

[Species included under a higher taxon listing, that were considered extinct at the time that the listing came into force, are not considered to form part of that higher taxon for purposes of the Convention unless specifically included [under the provisions of Annex 2 b]. When preparing a proposal to include a higher taxon in the Appendices, Parties are encouraged to note any [recently] extinct species in the higher taxon which are excluded from the proposed listing.]

## Annex 4

### Precautionary measures

When considering proposals to amend Appendix I or II, the Parties shall, by virtue of the precautionary approach and in case of uncertainty either as regards the status of a species or the impact of trade on the conservation of a species, act in the best interest of the conservation of the species concerned and adopt measures that are proportionate to the anticipated risks to the species.

- A. 1. No species listed in Appendix I shall be removed from the Appendices unless it has been first transferred to Appendix II, with monitoring of any impact of trade on the species for at least two intervals between meetings of the Conference of the Parties with the exception that ~~the~~ ~~extinct~~ species may be deleted from Appendix I without first being transferred to Appendix II subject to the provisions of paragraph D.
2. Species included in Appendix I should only be transferred to Appendix II:
- a) If they do not satisfy the relevant criteria in Annex 1 and when one of the following precautionary safeguards is met:
- i) the species is not in demand for international trade, nor is its transfer to Appendix II likely to stimulate trade in, or cause enforcement problems for, any other species included in Appendix I; or
- ii) the species is likely to be in demand for trade, but its management is such that the inference of the Parties is satisfied with:
- implementation by the range States of the requirements of the Convention, in particular Article IV; and
- B) appropriate enforcement controls and compliance with the requirements of the Convention; or
- iii) an integral part of the amendment proposal is an export quota or other special measure approved by the Conference of the Parties, based on management measures described in the supporting statement of the amendment proposal, provided that effective enforcement controls are in place; or
- b) when a ranching proposal is submitted in accordance with an applicable Resolution and is adopted by the Conference of the Parties.
3. No proposal for transfer of a species from Appendix I to Appendix II shall be considered from a Party that has entered a reservation for the species in question, unless that Party agrees to remove the reservation within 90 days of the adoption of the amendment.
4. No species should be deleted from Appendix II if such deletion would be likely to result in it qualifying for inclusion in the Appendices in the near future.
5. No species should be deleted from Appendix II if, within the last two intervals between meetings of the Conference of the Parties, it has been subject to a recommendation under the provisions of the

Review of Significant Trade to improve its conservation status.

B. The following review procedures shall apply when a species is transferred to Appendix II pursuant to paragraph

A. 2. iii) above:

1. Where the Plants Committee, the Animals Committee or a Party becomes aware of problems in compliance with the management measures and export quotas of another Party, the Secretariat shall be informed and, if the Secretariat fails to resolve the matter satisfactorily, it shall inform the Standing Committee which may, after consultation with the Party concerned, recommend to all Parties that they suspend trade with that Party in specimens of CITES-listed species, and/or request the Depository Government to prepare a proposal to transfer the population back to Appendix I.
2. If, on review of a quota and its supporting management measures, the Animals or Plants Committee encounters any problems with compliance or potential detriment to a species, the relevant Committee shall request the Depository Government to prepare a proposal for appropriate remedial action.

C. With regard to quotas established pursuant to paragraph A. 2. iii) above:

1. If a Party wishes to renew, amend or delete such a quota, it shall submit an appropriate proposal for consideration at the following meeting of the Conference of the Parties.
2. When a quota has been established for a limited period of time, after that period the quota will become zero until a new quota has been established.

D. Species that are regarded as ~~possibly~~ extinct should not be deleted from the Appendices if:

- a) they may be affected by trade in the event of their rediscovery; **or**
- b) they resemble extant species included in the Appendices; or
- ~~b)c) such that their deletion would cause difficulties implementing the Convention; or~~
- ~~c)d) their removal would complicate interpretation of the Appendices unnecessarily.~~

~~[Extinct species retained for inclusion in the Appendices should be annotated as:~~

~~'considered possibly extinct by the IUCN Red List'. These species should be annotated in the Appendices as~~

~~'possibly extinct'.]~~

## Annex 5

### Definitions, explanations and guidelines

**NOTE:** Where numerical guidelines are cited in this Annex, they are presented only as examples, since it is impossible to give numerical values that are applicable to all taxa because of differences in their biology.

#### ***Possibly Extinct***

A species is considered to be 'possibly extinct' when

- a) ~~it is listed as such (as category EX) in the IUCN Red List; exhaustive surveys in known or suspected habitat, and at appropriate times (diurnal, seasonal, annual), throughout its historical range have failed to record an individual. Before a species can be declared possibly extinct, surveys should take place over a time frame appropriate to the species' life cycle and life form. or~~
- b) it complies with IUCN's 'extinct' definition, which reads: "A taxon is *Extinct* when there is no reasonable doubt that the last individual has died. A taxon is *presumed Extinct* when exhaustive surveys in known and/or expected habitat, at appropriate times (diurnal, seasonal, annual), throughout its historic range have failed to record an individual. Surveys should be over a time frame appropriate to the taxon's life cycle and life form."

## **Annex 1b. Suggested amendments to Res. Conf. 9.24 (Rev. CoP16)**

New text underlined; deleted text in ~~strike through~~; version without track changes

### **Annex 3**

#### **Special cases**

##### ***Split-listing***

Listing of a species in more than one Appendix should be avoided in general in view of the enforcement problems it creates.

When split-listing does occur, this should generally be on the basis of national or regional populations, rather than subspecies. Split-listing<sup>5</sup> that place some populations of a species in the Appendices, and the rest outside the Appendices, should normally not be permitted.

For species outside the jurisdiction of any State, listing in the Appendices should use the terms used in other relevant international agreements, if any, to define the population. If no such international agreement exists, then the Appendices should define the population by region or by geographic coordinates.

Taxonomic names below the species level should not be used in the Appendices unless the taxon in question is highly distinctive and the use of the name would not give rise to enforcement problems.

##### ***Higher taxa***

If all species of a higher taxon are included in Appendix I or II, they should be included under the name of the higher taxon. If some species in a higher taxon are included in Appendix I or II and all the rest in the other Appendix, the latter species should be included under the name of the higher taxon, with an appropriate annotation made in accordance with the provisions of the relevant Resolutions on the use of annotations in the Appendices.

When preparing a proposal to include a higher taxon in the Appendices, Parties are encouraged to note any extinct species in the higher taxon and to clarify whether these are included or excluded from the proposed listing.

Parties contemplating preparing a proposal to transfer an individual plant species from a higher-taxon listing in Appendix II to a separate listing in Appendix I should consider:

- i) the ease with which it can be propagated artificially;
- ii) the extent to which it is currently available in cultivation from artificially propagated specimens; and
- iii) any practical problems in identifying the species, particularly in the form in which it may be traded.

##### Extinct species

Extinct species should not normally be proposed for inclusion in the Appendices. Extinct species already included in the Appendices should be retained in the Appendices if they meet one of the precautionary criteria included in Annex 4.D.

[

### **Annex 4**

#### **Precautionary measures**

When considering proposals to amend Appendix I or II, the Parties shall, by virtue of the precautionary approach and in case of uncertainty either as regards the status of a species or the impact of trade on the conservation of a

species, act in the best interest of the conservation of the species concerned and adopt measures that are proportionate to the anticipated risks to the species.

- A.
1. No species listed in Appendix I shall be removed from the Appendices unless it has been first transferred to Appendix II, with monitoring of any impact of trade on the species for at least two intervals between meetings of the Conference of the Parties with the exception that extinct species may be deleted from Appendix I without first being transferred to Appendix II subject to the provisions of paragraph D.
  2. Species included in Appendix I should only be transferred to Appendix II:
    - a) If they do not satisfy the relevant criteria in Annex 1 and when one of the following precautionary safeguards is met:
      - i) the species is not in demand for international trade, nor is its transfer to Appendix II likely to stimulate trade in, or cause enforcement problems for, any other species included in Appendix I; or
      - ii) the species is likely to be in demand for trade, but its management is such that the Conference of the Parties is satisfied with:  
  
implementation by the range States of the requirements of the Convention, in particular Article IV; and  
  
B) appropriate enforcement controls and compliance with the requirements of the Convention; or
      - iii) an integral part of the amendment proposal is an export quota or other special measure approved by the Conference of the Parties, based on management measures described in the supporting statement of the amendment proposal, provided that effective enforcement controls are in place; or
    - b) when a ranching proposal is submitted in accordance with an applicable Resolution and is adopted by the Conference of the Parties.
  3. No proposal for transfer of a species from Appendix I to Appendix II shall be considered from a Party that has entered a reservation for the species in question, unless that Party agrees to remove the reservation within 90 days of the adoption of the amendment.
  4. No species should be deleted from Appendix II if such deletion would be likely to result in it qualifying for inclusion in the Appendices in the near future.
  5. No species should be deleted from Appendix II if, within the last two intervals between meetings of the Conference of the Parties, it has been subject to a recommendation under the provisions of the Review of Significant Trade to improve its conservation status.
- B. The following review procedures shall apply when a species is transferred to Appendix II pursuant to paragraph A. 2. iii) above:



1. Where the Plants Committee, the Animals Committee or a Party becomes aware of problems in compliance with the management measures and export quotas of another Party, the Secretariat shall be informed and, if the Secretariat fails to resolve the matter satisfactorily, it shall inform the Standing Committee which may, after consultation with the Party concerned, recommend to all Parties that they suspend trade with that Party in specimens of CITES-listed species, and/or request the Depository Government to prepare a proposal to transfer the population back to Appendix I.
  2. If, on review of a quota and its supporting management measures, the Animals or Plants Committee encounters any problems with compliance or potential detriment to a species, the relevant Committee shall request the Depository Government to prepare a proposal for appropriate remedial action.
- C. With regard to quotas established pursuant to paragraph A. 2. iii) above:
1. If a Party wishes to renew, amend or delete such a quota, it shall submit an appropriate proposal for consideration at the following meeting of the Conference of the Parties.
  2. When a quota has been established for a limited period of time, after that period the quota will become zero until a new quota has been established.
- D. Species that are regarded as ~~possibly~~ extinct should not be deleted from the Appendices † if:
- a) they may be affected by trade in the event of their rediscovery; or
  - b) they resemble extant species included in the Appendices; or
  - c) their deletion would cause difficulties implementing the Convention; or
  - d) their removal would complicate interpretation of the Appendices.

~~[Extinct species in the Appendices should be annotated as: 'extinct'. These species should be annotated in the Appendices as 'possibly extinct'.]~~

## Annex 5

### Definitions, explanations and guidelines

**NOTE: Where numerical guidelines are cited in this Annex, they are presented only as examples, since it is impossible to give numerical values that are applicable to all taxa because of differences in their biology.**

#### ***Possibly Extinct***

A species is considered to be 'possibly extinct' when

- e) it is listed as such (as category EX) in the IUCN Red List; exhaustive surveys in known or suspected habitat, and at appropriate times (diurnal, seasonal, annual), throughout its historical range have failed to record an individual. Before a species can be declared possibly extinct, surveys should take place over a time-frame appropriate to the species' life cycle and life form. or
- f) it complies with IUCN's 'extinct' definition, which reads: "A taxon is Extinct when there is no reasonable doubt that the last individual has died. A taxon is presumed Extinct when exhaustive surveys in known

and/or expected habitat, at appropriate times (diurnal, seasonal, annual), throughout its historic range have failed to record an individual. Surveys should be over a time frame appropriate to the taxon's life cycle and life form."