

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

Sixty-sixth meeting of the Standing Committee  
Geneva (Switzerland), 11-15 January 2016

Interpretation and implementation of the Convention

Compliance and enforcement

EXPORTS AND IMPORTS OF CITES SPECIMENS SUBJECT TO NATIONAL DECISIONS

1. This document has been submitted by the United States of America.\*
2. At its 22nd meeting (PC22; Tbilisi, Georgia; October 2015), the Plants Committee considered Document PC22 Doc. 18, on *Exports and imports of CITES timber subject to national decisions*, which was prepared by the Chair of the Plants Committee. The document noted several instances where CITES documents were issued under court order for CITES-listed timber.
3. In response to such instances related to *Swietenia macrophylla* (bigleaf mahogany), at its 14th meeting (CoP14; The Hague 2007), the Conference of the Parties adopted Decision 14.145, on Bigleaf mahogany, and a related Annex containing the *Action plan for the control of international trade in the bigleaf mahogany* (*Swietenia macrophylla*), which stated that:

*Parties and international organizations should stress the importance of not authorizing any export without proof of legal origin of the timber. Importing countries should refuse mahogany shipments accompanied by CITES export permits issued under a court order, unless the importing country can confirm that a non-detriment finding has been made by the Scientific Authority of the country of origin.*

4. This Decision was deleted from the list of valid Decisions at the 15th meeting of the Conference of the Parties (CoP15; Doha 2010) because it was considered to have been implemented. However, in response to renewed concerns about this practice, the Secretariat issued Notification to the Parties No. 2013/002, on January 15, 2013. The Notification, which remains valid, encourages Parties importing bigleaf mahogany to determine if the accompanying CITES documents were issued under court order, and if so, to follow the advice in Decision 14.145 and confirm with the exporting Party that the required non-detriment and legal acquisition findings had been made prior to issuing the documents.
5. Noting that the problem appears to be continuing and is not limited to shipments of bigleaf mahogany, the Chair of the Plants Committee recommended in Document PC22 Doc. 18 that Resolution Conf. 10.13 (Rev. CoP15), on *Implementation of the Convention for timber species*, be amended to include a recommendation concerning the issuance of CITES export permits under court order for any CITES-listed timber species (see Annex 2 to document PC22 Doc. 18). Following discussion and minor revision to the proposed text, the Committee agreed to request the Depositary Government to submit the proposed amendment for consideration at CoP17.
6. During discussion, the Representative for North America noted that the issue raised applies not only to timber species but to other CITES-listed species as well, including animals. He noted that the North

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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 Region suggested a revision to the proposed amended text so that it would apply to all CITES-listed species and that the new amendment should be included in Resolution Conf. 12.3 (Rev. CoP16), on *Permits and certificates*. Noting that its mandate covers only plant species, the Plants Committee suggested that the North American Region should bring the issue to the attention of the Standing Committee. In line with that recommendation, we propose that a new section be added to Resolution Conf. 12.3 (Rev. CoP16) as follows:

**XVI. Regarding permits and certificates issued under court orders**

**RECOMMENDS that:**

- i) Exporting Parties should not proceed with any export of specimens of any CITES-listed species without evidence of legal origin of specimens of the species, and for species listed in Appendix I or II, without evidence of a non-detriment finding.
- ii) Upon receiving credible information or intelligence, importing countries should reject shipments of specimens of species accompanied by export permits issued under court order without the required CITES findings. The importing Party should contact the exporting Party to seek confirmation that a non-detriment finding by the Scientific Authority and a legal acquisition finding by the Management Authority were made.
- iii) Upon receiving credible information or intelligence, the Secretariat should contact the importing and exporting Parties involved in the potential trade of specimens accompanied by court ordered permits and inform them of the relevant provisions of the Convention.

**Recommendation**

7. The United States invites the Standing Committee to consider the proposed amendment to Resolution Conf. 12.3 (Rev. CoP16) and request the Depositary Government to present it to the 17th meeting of the Conference of the Parties to CITES, on behalf of the Standing Committee.