

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

Sixty-ninth meeting of the Standing Committee
Geneva (Switzerland), 27 November - 1 December 2017

Species specific matters

Sturgeons and paddlefish (Acipenseriformes spp.)

DEFINITION OF COUNTRY OF ORIGIN OF CAVIAR

1. This document has been prepared by the Secretariat.
2. At its 17th meeting, the Conference of the Parties (CoP17, Johannesburg, 2016) adopted several revisions to Resolution Conf. 12.7 (Rev. CoP17) on *Conservation of and trade in sturgeons and paddlefish*.
3. The revisions were based on recommendations by the Standing Committee that were the result of a review of Resolution Conf. 12.7 by an intersessional working group.

Definition of "country of origin of caviar"

4. The intersessional working group in its report contained in document [SC66 Doc. 55.1](#) also stressed that uncertainties exist about the definition of "country of origin of caviar" in the context of Resolution 12.7 (Rev. CoP16) and its Annexes, in particular the "CITES guidelines for a universal labelling system for the trade in and identification of caviar":
 26. *Furthermore the working group recognized that uncertainties about the definition of the term 'country of origin of caviar' do exist. This is mainly the case due to the existence of a wide variety of specialized sturgeon aquaculture facilities which could encompass separated production stages with international trade of fertilized eggs, fingerlings and sturgeons of different age classes and subsequent caviar production in countries which might be different from the county in which the sturgeons were bred in captivity. This situation has increasingly confronted CITES authorities with the challenge to define the country of origin for caviar with a lot of different situations. Considering the fact that caviar labelling also requires the information about the country of origin to be included in the label this also needs to be clarified for all caviar producers. Members of the working group raised the question either whether caviar should be dedicated to the country where sturgeons were bred in captivity or to the country in which a registered processing plant harvests sturgeon eggs to process caviar. Group members referred to the definition of 'Country of origin' which is provided in the 'Instructions and Explanations' part of Annex 2 (the standard CITES form) attached to Resolution Conf. 12.3 (Rev. CoP16). Other group members raised the opinion that a solution should be based on reality and that a practical approach is needed to avoid confusion. The group did not come to a final conclusion but felt that this question would merit further discussion by the Parties. Therefore the problem that the explanation on the term 'Country of origin' given in Annex 2 to Resolution Conf. 12.3 (Rev. Cop16) might need in respect of caviar an amendment shall be submitted now to the CITES Standing Committee for consideration and further clarification.*
5. Upon consideration of the working group's report, the Standing Committee, at its 66th meeting, agreed to include the proposed text for a definition of country of origin of caviar in square brackets in its recommended revisions for the consideration of the Conference of the Parties (see summary record [SC66-SR](#), page 80). This proposal was further discussed at the 67th meeting of the Standing Committee and at the Conference

of the Parties, but no agreement could be reached, and consequently no definition for “country of origin of caviar” was included in the revision of Resolution Conf. 12.7 (Rev. CoP17).

6. To further consider this matter intersessionally, the Conference of the Parties adopted Decision 17.185 as follows:

Directed to the Standing Committee

17.185 *The Standing Committee shall, in collaboration with the Animals Committee, discuss the issue of the definition of country of origin of caviar, taking into account the draft definition proposed by the majority of the Standing Committee Working Group on Sturgeons and Paddlefish, which reads: “country of origin of caviar: country in which a registered processing plant harvests roe of Acipenseriformes species to process caviar,” and report to the 18th meeting of the Conference of the Parties.*

7. Pursuant to the above, the Animals Committee, at its 29th meeting, adopted the following points for consideration by the Standing Committee [see document [AC29 Com. 4 \(Rev. by Sec.\)](#)]:

- a) *It is clear that trade in caviar from aquaculture facilities has increased and is the major source of caviar in trade. There is a wide variety of specialised sturgeon aquaculture facilities and production methods that can encompass movement of fish at various life stages and mixing within the facilities. As such, there is a desire to create a practical approach to the caviar trade system in light of the current production systems.*
- b) *Resolution Conf. 12.3 (Rev. CoP17) on Permits and certificates provides a definition of “country of origin” to be applied to CITES permits. The proposed change in the definition of country of origin of caviar in Resolution Conf. 12.7 (Rev. CoP17) would need to be reflected in Resolution Conf. 12.3 (Rev.CoP17) as an exception to the current definition.*
- c) *Some concern was raised that the change in the definition of country of origin reflected in Decision 17.185 may be problematic for countries where roe is harvested from wild specimens and creates concerns with traceability. There was concern expressed that, in principle, this type of change could be applied to other complex production systems (such as in products derived from skins from multiple sources).*
- d) *However, others noted that the current system is unnecessarily cumbersome for aquaculture practices and that the conservation risks associated with the change in definition of country of origin are small.*
- e) *It was noted that strict controls are needed on wild harvest to prevent laundering from wild sources into aquaculture such that one additional proposal was to include both the “country of origin of roe” and the “country of origin of caviar” in the universal labelling system. It was further noted that the proposed definition of “country of origin of roe” is equivalent to the current approach for the definition of “country of origin” in Resolution Conf. 12.3 (Rev. CoP17).*
- f) *There is agreement that strict controls are needed for wild caught specimens and to prevent laundering from wild populations. There is further agreement that a practical approach for trade in caviar from aquaculture production may be needed. There are mixed views regarding addressing the issue with a change to the definition of country of origin that would apply to both the labelling system and to the CITES permit. The Standing Committee might wish to consider if there are other creative solutions to arrive at a practical caviar trading system in light of the recognized shift in source from wild to aquaculture.*

8. As the Secretariat had previously noted in document [SC67 Doc. 18 \(Rev.1\)](#), the only existing guidance pertinent to the definition of country of origin, based on the text of the Convention and the resolutions adopted by the Conference of the Parties, is contained in Annex 2 of Resolution 12.3 (Rev. CoP17), the “Standard CITES Form”, which under Instructions and Explanations for field 12, “Country of Origin” states that:

The country of origin is the country in which the specimens were taken from the wild, bred in captivity or artificially propagated, except in the case of plant specimens that cease to qualify for an exemption from the provisions of CITES. In such instances, the country of origin is deemed to be the country in which the specimens ceased to qualify for the exemption. (...)

Field 12. Country of Origin, in the sample permit also carries the footnote: "Country in which the specimens were taken from the wild, bred in captivity or artificially propagated (only in case of re-export)", implying that both the field and the associated explanation are only meant to be applied for re-exports.

9. Upon consideration of this guidance in the context of this document, the Secretariat notes that it presently does not cater for specimens with source code 'F' which according to the definitions adopted in Resolution Conf. 10. 16 (Rev.) are neither bred in captivity nor taken from the wild:

- a) *"first-generation offspring (F1)" are specimens produced in a controlled environment from parents at least one of which was conceived in or taken from the wild;*
- b) *"offspring of second generation (F2) or subsequent generation (F3, F4, etc.)" are specimens produced in a controlled environment from parents that were also produced in a controlled environment.*

This issue may be one possible source for the confusion referred to in the report of the Standing Committee's working group (see paragraph 4 above), but as it pertains to broader discussions on the implementation of the Convention relating to captive-bred and ranched specimen it may best be discussed in the context of that agenda item.

"Country of origin" in the context of the universal labelling system for caviar

10. In the context of the provisions outlined in Resolution Conf. 12.7 (Rev.CoP17) on *Conservation of and trade in sturgeons and paddlefish* and its Annexes however, the application of the existing guidance may cause difficulties to exporters and a practical approach specific to caviar may be needed to address existing challenges, as recognized in the report of the intersessional working group of the Standing Committee contained in document SC66 Doc. 55.1 and in the Animals Committee's recommendations above.

11. While country of origin would usually not have to be reflected on the relevant CITES permit or certificate, unless the trade transaction is a re-export (see paragraph 8 above), the "CITES guidelines for a universal labelling system for the trade in and identification of caviar" contained in Annex 1 of Resolution Conf. 12.7 (Rev. CoP17), ("labelling guidelines") create a link between the country of origin on the non-reusable label to be affixed to primary containers of caviar and the country of origin in the CITES export permit or re-export certificate:

- c) *In the country of origin, the non-reusable label should be affixed by the processing plant to any primary container. This label must include, as a minimum: a standard species code as provided in Annex 2; the source code of the caviar; the ISO two-letter code for the country of origin; the year of harvest; the official registration code of the processing plant (e.g. xxxx); and the lot identification number for the caviar (e.g. yyyy), for instance:*

HUS/W/RU/2000/xxxx/yyyy

(...)

- e) *A non-reusable label should be affixed by the repackaging plant to any primary container in which caviar is repackaged. This label must include, as a minimum: a standard species code as provided in Annex 2; the source code of the specimen; the ISO two-letter code of the country of origin; the year of repackaging; the official registration code of the repackaging plant, which incorporates the ISO two-letter code of the country of repackaging if different from the country of origin (e.g. IT-wwww); and the lot identification number, or CITES export permit or re-export certificate number (e.g. zzzz), for instance:*

PER/W/IR/2001/IT-wwww/zzzz

(...)

- g) *The same information that is on the label affixed to the container must be given on the export permit or re-export certificate, or in an annex attached to the CITES permit or certificate*

In the light of the increasing trade of caviar from aquaculture, the Secretariat notes that paragraph g) should be amended to include reference to captive breeding certificates.

12. The labelling guidelines also define under paragraph b) of Annex 1:

Processing plant: facility in the country of origin responsible for the first packaging of caviar into a primary container.

13. According to the report of the Standing Committee's working group to SC66 (see paragraph 4 above), challenges with regard to country of origin arise in particular in situations where sturgeons are produced in successive, separated production stages by sturgeon aquaculture facilities that specialize on a particular stage of production, e.g fertilized eggs, fingerlings or sturgeons of different age classes, with the specimens being traded internationally between production stages, and where eventually roe may be harvested to produce caviar in countries which are different from the county in which the sturgeons were bred in captivity.
14. The Secretariat notes that during working group discussions on this matter at SC66, CoP17 and AC29, it has also been highlighted that within the separated stages of production, mixing can take place with other specimen from the same size class, originating from different facilities, that could also be located in different countries, and that this further adds to the challenge of following the current applicable provisions set out above.
15. When considering the application of the existing provisions in the example described in paragraph 13, it becomes apparent that when following the guidance on country of origin contained in the "Standard CITES Form", i.e. the country in which the specimen is bred in captivity, a plant that harvests roe to produce caviar outside that country, would not fall under the definition of a processing plant, because the definition includes that the facility is in the country of origin.
16. With regard to the additional challenge resulting from mixing specimens from different countries of origin described in paragraph 14, the Secretariat notes that there are other examples of products derived from CITES-listed species that are composed of specimens from different countries of origin and that, in these cases, it has been the practice to list multiple countries of origin in the relevant CITES permit or certificate. One example would be the footnote 1 d) of the *Vicugna vicugna* Appendix II listing, which addresses a similar situation. Pursuant to sub-paragraph g) (see above) that list of multiple countries of origin would consequently have to the label affixed to the primary container of caviar.
17. Addressing the issues identified in paragraphs 11, 15 and 16 by amending the labelling guidelines may lead to greater clarity of regulations, there may be remaining concerns arising from practical implementation matters from different exporting states.

Recommendations

18. The Standing Committee is invited to
- a) consider proposing to the Conference of the Parties the suggested amendments to the labelling guidelines contained in the Annex to this document;
 - b) discuss whether these amendments would sufficiently address the apparent confusion on the issue of "country of origin" of caviar; and
 - c) if these amendments do not sufficiently address the apparent confusion on "country of origin" of caviar, consider forming an intersessional working group to resolve any remaining issues.

Possible amendments the “CITES guidelines for a universal labelling system for the trade in and identification of caviar” contained in Annex 1 of Resolution Conf. 12.7 (Rev. CoP17)

(new text: underlined, deleted text: ~~strike-through~~)

b) *The following definitions apply in relation to trade in caviar:*

- *Processing plant: facility ~~in the country of origin~~ responsible for the first packaging of caviar into a primary container.*

(...)

c) *In the country of ~~origin~~ the processing plant, the non-reusable label should be affixed by the processing plant to any primary container. This label must include, as a minimum: a standard species code as provided in Annex 2; the source code of the caviar; the ISO two-letter code(s) for the country or countries of origin; the year of harvest; the official registration code of the processing plant (e.g. xxxx); and the lot identification number for the caviar (e.g. yyyy), for instance:*

HUS/W/RU/2000/xxxx/yyyy

(...)

e) *A non-reusable label should be affixed by the repackaging plant to any primary container in which caviar is repackaged. This label must include, as a minimum: a standard species code as provided in Annex 2; the source code of the specimen; the ISO two-letter code(s) for the country or countries of origin, the year of repackaging; the official registration code of the repackaging plant, which incorporates the ISO two-letter code of the country of repackaging if different from the country of origin (e.g. IT-wwww); and the lot identification number, or CITES export permit or re-export certificate number (e.g. zzzz), for instance:*

PER/W/IR/2001/IT-wwww/zzzz)

(...)

g) *The same information that is on the label affixed to the container must be given on the export permit, re-export certificate or certificate of captive breeding, or in an annex attached to the CITES permit or certificate*