

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

CITES APPENDIX III

1. This document has been submitted by New Zealand*.
2. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties considered document [CoP17 Doc. 80](#), submitted by the European Union, which noted that Appendix III is the least used and most poorly understood of all CITES Appendices and has not yet developed its full potential. The inclusion of species in Appendix III represents an important and simple method for range States to control trade in nationally-protected wildlife and to improve international cooperation to control trade. In addition, this enables importing States to assist in controlling that trade in (non-native) species protected under foreign national law.
3. Following a discussion based on document CoP17 Doc. 80 at CoP17, the Conference of the Parties adopted interconnected Decisions 17.303 to 17.305 on *Appendix-III listings* as follows:

Directed to the Standing Committee

17.303 *The Standing Committee, in consultation with the Animals and Plants Committees, as appropriate, shall consider the development of guidance on the application of Appendix-III CITES listings. Considerations could include, e.g.:*

- a) *possible guidance for exporting and importing countries with respect to the effective implementation of Appendix III, including measures to address suspected illegal international trade in Appendix III-listed specimens; and*
- b) *possible guidance for range States on characteristics of species that may benefit from inclusion in Appendix III.*

Directed to the Standing Committee

17.304 *The Standing Committee shall, in consultation with the Secretariat, as well as Parties, as appropriate, make recommendations, including possible amendments to Resolution Conf. 9.25 (Rev. CoP17) on Inclusion of species in Appendix III, to the 18th meeting of the Conference of the Parties.*

* *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.*

Directed to the Animals and Plants Committees

17.305 *The Animals and Plants Committees shall advise the Standing Committee working group, if requested by the Standing Committee or its working group, on subject-specific items, e.g. on characteristics of species for a possible listing of species in Appendix III CITES.*

Appendix III-related provisions in the text of the Convention, Resolutions and Decisions

4. Article II, paragraph 3 of the Convention provides that Appendix III shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the cooperation of other Parties in the control of trade. Article V regulates trade in specimens of species included in Appendix III and Article XVI, paragraph 1 provides that any Party may at any time submit a list of species for inclusion in Appendix III.
5. In [Resolution Conf. 9.25 \(Rev. CoP17\)](#) on *Inclusion of species in Appendix III*, the Conference of the Parties has agreed recommendations for Parties when considering the inclusion of a species in Appendix III. With regard to the species' biological and trade characteristics, these include:
 - a) assurances that:
 - i) the species is native to the country;
 - ii) national regulations for the conservation of the species are adequate to prevent or restrict exploitation and to control trade;
 - iii) national enforcement measures are adequate to implement these regulations; and
 - iv) for species traded for their timber, consideration is given to include only geographically separate population or populations of the species for which the inclusion would best achieve the aims of the Convention; and
 - b) indications that the cooperation of the Parties is needed to control illegal trade.
6. Concerning annotations, [Resolution Conf. 9.25 \(Rev. CoP17\)](#) further recommends that the Appendix-III listing specifies which readily recognizable parts and derivatives are to be included (unless all specimens are to be included), and focuses on those specimens that first appear in exports from the territory, and that dominate trade and demand. The proposed annotations should, to the extent practical, be aligned with existing ones.
7. Additionally, a few Resolutions and Decisions contain recommendations for Parties to include certain species in Appendix III. Examples of these are:
 - [Resolution Conf. 12.6 \(Rev. CoP17\)](#) on *Conservation and management of sharks*:

“15. ENCOURAGES range States of species in the family Potamotrygonidae to:

 - c) *consider the listing of endemic and threatened species of freshwater stingrays (Potamotrygonidae) in CITES Appendix III as needing the cooperation of other Parties in the control of trade.”*
 - [Decision 17.277](#) on *Snakes (Serpentes spp.)*:

“Parties are invited to consider undertaking the following actions:

 - c) *Range States of Popeia buniana (Malaysia), Popeia nebularis (Malaysia), Cryptelytrops kanburiensis (Thailand and probably Myanmar) and Orthriophis moellendorfi (China and Viet Nam):*
 - i) *to assess whether existing legislation, protected areas and current levels of trade are compatible with the conservation of these species in the wild; and*
 - ii) *to evaluate the possible listing of these species under CITES (including Appendix III);*

d) *Parties and range States:*

- i) *to compile more information on the exploitation levels (i.e. direct harvest and as by-catch) of freshwater and marine aquatic snakes subject to high volumes of international trade, including all species of Elapidae (Hydrophis spp., Kerilia spp., Lapemis spp., Laticauda spp., Thalassophina spp.) and Homalopsidae (Enhydris spp., Erpeton spp., Homalopsis spp.) indicated in Table 1 of document AC28 Doc. 14.3; and*
- ii) *to evaluate the possible listing of these species under CITES (including Appendix III);”*

68th meeting of the Standing Committee

8. At the 68th meeting of the Standing Committee, held in Johannesburg (South Africa), 4 October 2016, New Zealand, as regional representative for Oceania, agreed to take the lead on this topic.

Animals and Plants Committees' considerations of these issues

9. These matters were considered at the joint session of the 29th meeting of the Animals Committee and the 23rd meeting of the Plants Committee (Geneva, July 2017) on the basis of document [AC29 Doc. 34/PC23 Doc. 30](#).
10. The Committees established a joint intersessional working group on Appendix III listings with the following terms of reference:
 1. *Taking account of document AC29 Doc. 34/PC23 Doc. 30 and discussions in plenary, explore ways to best advise the Standing Committee on characteristics of species for possible inclusion in Appendix III by:*
 - a. *identifying particular biological or trade characteristic for the species concerned, and*
 - b. *making suggestions for amendments to Resolution Conf. 9.25 (Rev. CoP17) concerning guidance for range States on characteristics of species that may benefit from inclusion in Appendix III; and*
 2. *Report to the 30th meeting of the Animals Committee and the 24th meeting of the Plants Committee.*

Recommendations

11. The Standing Committee is invited to consider the means for implementation of Decisions 17.303 and 17.304.
12. The Standing Committee is invited to agree on its lead for addressing this issue, and to establish an Intersessional Working Group on Appendix III listings with the following Terms of Reference:
 - a) Develop guidance for exporting and importing countries with respect to the effective implementation of Appendix III, including measures to address suspected illegal international trade in Appendix III-listed specimens;
 - b) Develop advice on characteristics of species that may benefit from inclusion in Appendix III, requesting and taking into consideration advice of the Animals and Plants Committee, and
 - c) Develop, in consultation with the Secretariat, as well as Parties, as appropriate, recommendations, including possible amendments to Resolution Conf. 9.25 (Rev. CoP17) on *Inclusion of species in Appendix III*, for consideration by the Standing Committee at its 70th meeting (2018), and its subsequent reporting to the 18th meeting of the Conference of the Parties as provided in Decision 17.304.