

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



Seventieth meeting of the Standing Committee
Rosa Khutor, Sochi (Russian Federation), 1-5 October 2018

Species specific matters

APPENDIX III LISTINGS:
REPORT OF THE WORKING GROUP

1. This document has been submitted by New Zealand, as Chair of the Standing Committee Working Group on Appendix III.*

Background

2. The Conference of Parties, at its 17th meeting (Johannesburg, 2016) adopted a number of interconnected Decisions related to Appendix III listings, as follows:

Directed 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.*

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.*

Directed the Animals and Plants Committee

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.*

* *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.*

3. The 69th meeting of the Standing Committee established a Working Group on Appendix III with the following mandate:
 - 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.
4. Working Group members are: New Zealand (Chair), Cameroon, Canada, Chad, China, Germany, Hungary, Japan, Peru, Thailand, and the United States of America; and Humane Society International, Species Survival Network, TRAFFIC, United Nations Environment Programme, and World Wildlife Fund.

The Approach of the Standing Committee Working Group

5. The Standing Committee Working Group (SC Working Group) invited the advice of the Animals and Plants Committee Working Group (AC/PC Working Group) on this topic before examining the application of CITES Appendix III listings through a questionnaire covering four subject areas: 1) implementation, compliance, and enforcement; 2) experiences of those Parties who had Appendix III listings; 3) advice on characteristics of species that may benefit from inclusion in Appendix III and 4) suggestions for amendments to Notification 2014/048 and Resolution Conf. 9.25 (Rev. CoP17). Comments were received from six members.
6. Parties generally noted the benefits of an Appendix III listing in providing urgent protection outside of CoP, that the procedure was generally straightforward, and it provided the ability to obtain trade data (often to determine if an Appendix II listing was necessary).
7. One exception was a Party that experienced an increase in illegal trade in an Appendix III species following listing.
8. The need for more effective and consistent implementation of Appendix III by all Parties was, however, a consistent theme. Parties would be encouraged to consider listing on Appendix III if it was known the listing would be effectively and consistently implemented by all Parties involved in trade, and Parties had suitable national legislation in place to fully enforce the listing.
9. The SC Working group took into account the findings of the AC/PC Working Group in the preparation of this document.

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

10. To improve implementation of Appendix III the SC Working Group recommends guidance is developed for the Party listing the species, and for exporting and importing countries. We suggest that guidance should encourage:
 - a) Listing Parties to seek the opinion of the Management Authority of other range state countries, known major importing countries, CITES Secretariat and the Animal and Plants Committees to determine the potential effects of proposed listings to ensure that implementation and enforcement challenges are considered [as recommended in Resolution Conf. 9.25 (Rev CoP17) paragraph 2c)].
 - b) Listing Parties to make available the reason for a listing and its relevance to all Parties.
 - c) Listing Parties to be made accountable for any annotations or de-listing proposals.
 - d) All parties to have appropriate national legislation in place, including enforcement measures for Appendix III specimens, and permitting requirements (for example applying the EU model for importation whereby in addition to export permit/re-export certificates and certificate of origin, an 'Import Notification' is completed by the exporter).

- e) Importing countries to ensure that border officials understand documentation requirements to enable timely processing and efficient clearance of CITES Appendix III specimens.
- f) Exporting countries to apply the same level of vigilance to exports of Appendix III species as to Appendix II species.

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

- 12. Most Parties provided their input on characteristics of species that may benefit from inclusion in Appendix III through the joint AC/PC Working Group on this topic. The AC/PC Working Group presented its recommendations (AC30 Doc. 31/PC24 Doc. 26) to the joint sessions of the 30th meeting of the Animals Committee and the 24th meeting of the Plants Committee Geneva (Switzerland), 20-21 July 2018. Its recommendations include; general statements to guide Parties making decisions on listing species on Appendix III, particular biological or trade characteristics for the species concerned, and suggest text changes to Resolution Conf. 9.25 (Rev. CoP17). The full report can be found at [AC30 Doc.31/PC24 Doc.26](#).
- 13. Most members of both Working Groups strongly agreed that Appendix-III listings should cover the entire geographic range of the species unless there is a compelling reason to restrict it. Geographically limited listings were generally seen to undermine the effectiveness of an Appendix-III listing by narrowing the scope of cooperation by other countries with regard to the species and therefore, failing to take advantage of the full benefit of an Appendix III listing. Although concern was raised by a small number of Parties that listing throughout a species range could burden countries not concerned about regulating those species.

General Statements of Guidance

- 14. Incorporating the following general statements of guidance recommended by the AC/PC Working Group in the preamble to Resolution Conf. 9.25 (Rev. CoP17) would help address the suggestion of the SC Committee Working Group that the benefits of Appendix III listings are described in the preamble:
 - a) When possible, species that meet the criteria for inclusion in Appendix I or II should be included in these Appendices. However, some species that might qualify for listing under Appendix I or II can still be considered under Appendix III.
 - b) Appendix III can be considered for species for which biological or trade information are uncertain, in cases of lack of support for an Appendix I or II proposal, or variable concern for the species among range States.
 - c) Inclusion in Appendix III could serve a role of allowing a range State improved monitoring and control of trade for species that do not qualify for listing on Appendix I or II, for which there may be some concern regarding the conservation of the species or trade levels.
 - d) Some Working Group members have found that an Appendix III listing can be used as an interim solution to an Appendix I or II listing, if either 1) comprehensive data on levels of international trade or the conservation status of species is lacking at the time, which would be required to fulfill Resolution Conf. 9.24; or 2) in case immediate action is required in advance of a CoP.
- 15. The AC/PC Working Group also recommended that the Standing Committee in its intersessional Appendix III Working Group consider the issue of nomenclature in consultation with the Secretariat, Animals and Plants Committee Chairs and Nomenclature Specialists. Nomenclature changes affect Appendix III species and it is unclear in Resolution Conf. 9.25 (Rev. CoP17) and Resolution Conf. 12.11 (Rev. CoP17) how nomenclatural changes are to be handled for Appendix III species.

Biological and Trade Characteristics

- 16. The AC/PC Working Group recommend the following biological and trade characteristics for consideration. These are in addition to those already included in the legal prerequisite as set out in Article II.3 of the CITES treaty (“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 co-operation of other Parties in the control of trade.”)

Biological Characteristics (used to evaluate conservation status and vulnerability to impacts from trade):

- a) Species that are near-threatened (which could serve as an early warning system of possible Appendix III listings), vulnerable or endangered under the 'IUCN Red List' or comparable evaluations.
- b) Species that are not yet assessed by any Red List etc. due to, for example, the lack of knowledge or capacities, but for which there may be concern.
- c) Species with intrinsic biological characteristics that make them especially vulnerable to harvest (offtake) or habitat destruction including, but not limited to:
 - i) species with habitat or food specializations in at least in one life stage
 - ii) species that are easy to detect and/or collect such as those with low mobility or, sedentary habits, or clumped distribution
 - iii) species with vulnerability to climate change [such as amphibian species]
 - iv) species with, high age of maturity, low reproductive output, high natural mortality rate, or occurrence in low abundances
- d) Offtake characteristics in relation to intrinsic biological characteristics. This could include, for example, volume or rate of offtake in relation to biological characteristics such as population size, population trends, and population resilience; and age or sex specific offtake.
- e) The inclusion of species that are non-migratory and/or endemic or with extremely restricted distribution area is not supported by most WG members. Endemism by itself is not a species characteristic that is useful for considering whether a species belongs on Appendix III.

Trade Characteristics

- a) Documented suspected or possible new or rapidly increasing exports of a species (including parts, derivatives, or finished products) not currently regulated through CITES.
- b) Increased availability of the species (including parts, derivatives, or finished products) in markets for traditional medicine, consumer goods, food, or the pet trade.
- c) Species known or suspected to be in illegal trade
- d) Uncertainty regarding the amount of trade and a need to monitor levels of trade.
- e) Increasing trade or demand in the species, when the species is demonstrably difficult to breed and to maintain in captivity, implying that the demand is likely being met with wild specimens.
- f) Species where trade known to be, is suspected to be, or could possibly be a threat to the species and there are national laws to protect it in some countries in its range. Cooperation between range states to enforce countries' national laws would be helpful to the species' conservation.

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

- 17. The SC Working Group considered whether further guidance on the process for listing Appendix III Species would be useful and what form it should take. There was strong support for Notification 2014/048, with Parties finding it a useful and comprehensive guidance document (although noting that some examples required updating). We suggest that a single source of guidance is preferable, and that the guidance provided by the Notification could be incorporated in the Resolution.
- 18. The AC/PC Working Group and SC Working Group comments on amendments to *Resolution Conf. 9.25 (Rev. CoP17)* complement each other well, and include:

- a) Clarifying the rationale for the Resolution in the preamble text, and explaining why a list of species not currently protected under CITES, with characteristics that may qualify them for Appendix III is not the desired approach.
- b) Refocusing the Preamble to highlight the benefits of listing species on Appendix III including the ability to monitor trade volumes and to help control illegal trade (incorporating the AC/PC Working Group general statements of guidance outlined above).
- c) Providing guidance on the process for listing Appendix III species and the implementation of listings in the operative part of the Resolution.
- d) Incorporating the guidance recommended above for importing and exporting countries (and Listing Parties); and the biological and trade characteristics.
- e) Incorporating the guidance from Notification 2014/048 'Implementation of the Convention regarding trade in Appendix III species' into Resolution Conf. 9.25 (Rev. CoP17), with updated examples.
- f) Revising or removing Resolution Conf. 9.25 paragraph 2a) iv as restricting an Appendix-III listing to as geographical population can hamper the objectives of the Convention.
- g) Revising the wording for paragraph 2. b) of the Resolution to read as follows: "determine that, notwithstanding these regulations and measures, there are indications that the cooperation of the Parties is needed to monitor (addition to Resolution Text) and control trade (deletion of word illegal).
- h) Including a clear definition of 'regulation' in the Resolution.
- i) Providing more guidance on provisions relating to reviewing the status of Appendix III species, emphasizing the importance of review by the Listing Party, the ability of a Listing Party to seek the assistance of the Animal and Plants committee in reviewing the status of a species; and clarifying that a species must be removed from Appendix III if it is no longer protected under the listing Party's national regulation.
- j) Providing criteria to guide whether an export of an Appendix III species can be allowed (noting that Non Detriment Findings are not required for Appendix III species).
- k) Clarify the issues of nomenclature.

Recommendations

19. The Working Group invites the Standing Committee to:

- a) Note that Parties generally consider that there are benefits for listing species on Appendix III, but implementation needs to be more effective and consistent.
- b) Consider the work of both the Standing Committee and Animals and Plants Committee Working Groups on Appendix III and note that amendments to Resolution Conf. 9.25 (Rev. CoP17) can be made to improve implementation of Appendix III.
- c) Consider the amendments proposed to Resolution Conf. 9.25 (Rev. CoP17) above.
- d) Consider the issues of nomenclature as it relates to Appendix III.

Directed to the Secretariat:

- e) Prepare draft amendments to Resolution Conf.9.25 (Rev. CoP17) on Inclusion of species in Appendix III in consultation with the Working Group for consideration by the 18th meeting of the Conference of the Parties.
- f) Encourage Parties with species listed on Appendix III to review those listings from time to time in accordance with paragraph 7 of Resolution Conf. 9.25 (Rev. CoP17)].