

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



Seventy-third meeting of the Standing Committee
Online, 5-7 May 2021

Interpretation and implementation matters

Existing Resolutions and Decisions

REVIEW OF RESOLUTIONS AND DECISIONS:
REPORT OF THE SECRETARIAT

1. This document has been prepared by the Secretariat.
2. The Secretariat published a first version of this document on the intersessional webpage of the Standing Committee on 5 November 2020 (see document [SC2020 Doc. 3](#)), requesting comments from Parties and other stakeholders by 7 December 2020 in Notification to the Parties No. 2020/067. The Secretariat thanks Canada, Colombia, the European Union, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States of America for providing their comments. All comments supported the proposed revisions and one proposed to set the date of submission of the implementation report six months prior to a meeting of the Conference of the Parties. The Secretariat did not incorporate this suggestion as the proposed submission date would coincide with the document deadline for CoP documents. This would mean that information contained in these implementation reports could not be taken account of in CoP documents. Any analysis of the implementation reports would have to wait for the following CoP. The Secretariat further notes that a fixed submission date is preferable since some Parties include this requirement in their national legislation. As a consequence, the proposed revisions to Resolutions and Decisions below have not changed compared to the previous version of this document, with the exception of the changes outlined in the following paragraph.
3. Since the publication of the first version of this document, the Secretariat noticed incorrect cross-references in Resolution Conf. 18.6 on *Designation and role of Management Authorities* and in Decision 18.199 on *Eels (Anguilla spp.)*. The proposed corrections can be found in paragraph 4 below.
4. In accordance with paragraph 5 of Resolution Conf. 4.6 (Rev. CoP18) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Secretariat has pursued its review of the Resolutions and Decisions and identified the following non-substantive errors. The Secretariat has also included in the table below a non-substantive error found in the Interpretation Section of the Appendices.

Appendices, Resolutions or Decisions	Non-substantive error
Interpretation section of the Appendices	– In the Spanish version, “productos musicales acabados” is the incorrect translation of “finished musical instruments” (the original text was in English) and should be replaced by “instrumentos musicales acabados”. The position of this definition in paragraph 8 would be changed to keep the definitions in alphabetical order in the Interpretation section.

Appendices, Resolutions or Decisions	Non-substantive error
Resolution Conf. 11.15 (Rev. CoP18) on <i>Non-commercial loan, donation or exchange of museum, herbarium, diagnostic and forensic research specimens</i>	– In Resolution Conf. 11.15 (Rev. CoP18), the phrase “Annex 1” in paragraphs 3 g iv) and v) should read “the Annex to the present Resolution” since there is no Annex 2 to this Resolution. The change would apply to the English, French and Spanish versions of the Resolution.
Resolution Conf. 14.6 (Rev. CoP16) on <i>Introduction from the sea</i>	– In all three languages, the title of section III of the Annex to the Resolution should read “Export / import / re-export, not occurring after an IFS [under paragraph 2 b)]” instead of “Export / import / re-export, not occurring after an IFS [under “FURTHER AGREES that”, paragraph b)]”. When the Secretariat numbered the operative paragraphs of the Resolutions, it forgot to make that consequential change.
Resolution Conf. 17.7 (Rev. CoP18) on <i>Review of trade in animal specimens reported as produced in captivity</i>	– In paragraph 2 c), the cross-references to subparagraphs of Stage 2 of the review are incorrect and should read as follows in all three languages: c) The Secretariat shall provide the outcome of the analyses in subparagraph 2 a) and a compilation of information from subparagraph 2 b) to the first regular meeting of the Animals Committee following a meeting of the Conference of the Parties. The Animals Committee may select a limited number of species-country combinations for review, taking into account the biology of the species, for which it should draft general or specific questions and a brief explanation of the selection, to be addressed by the Secretariat to the Parties concerned in accordance with Stage 2, subparagraph 2-e) f). The Animals Committee will determine for which species the short reviews provided for in Stage 2, subparagraph 2-f) g) are required; urgent enforcement matters identified at this stage should be referred to the Secretariat and the country concerned and subsequently reported to the Standing Committee;
Resolution Conf. 18.6 on <i>Designation and role of Management Authorities</i>	– In paragraph 2 c), one of the cross-references to paragraphs on official communication by Management Authorities with the Secretariat is incorrect and should read as follows in all three languages: c) in cases where more than one Management Authority is designated, Parties appoint the Management Authority authorized to communicate officially with the Secretariat and other Parties on the matters mentioned in paragraphs 7, 8, 15 and 18-19 below;
Decision 18.108 on <i>Asian big cats (Felidae spp.)</i>	– In Spanish, the following grammatical error should be corrected: La Secretaría deberá: a) sujeto a la disponibilidad de financiación externa, emprenderá una misión a las Partes identificadas en el documento SC70 Doc. 51 y en cuyos territorios existen establecimientos que mantienen grandes felinos asiáticos en cautividad y pueden ser motivo de preocupación, con la finalidad de entender mejor su funcionamiento y las actividades que realizan; e b) informará al Comité Permanente, en sus reuniones 73ª y 74ª, acerca de la aplicación de las Decisiones 18.107 a 18.108, párrafo a), y sobre los progresos realizados con respecto a las misiones concernidas, y formulará recomendaciones para someterlas a la consideración del Comité Permanente.

Appendices, Resolutions or Decisions	Non-substantive error
Decision 18.199 on <i>Eels</i> (<i>Anguilla spp.</i>)	<ul style="list-style-type: none"> – In paragraph e), the cross-reference to the study is incorrect and should read as follows in all three languages: <ul style="list-style-type: none"> e) prepare and submit a summary of the responses to the Notification and the study referred to in paragraph ed) of this Decision, if available, with draft recommendations to the Animals Committee and Standing Committee as appropriate for their consideration.

5. At its 18th meeting, the Conference of the Parties adopted Decision 18.84, paragraph c), requesting the Secretariat to: “amend all relevant Resolutions and Decisions to ensure consistent use of the term ‘wildlife crime linked to the internet’ with regard to reference to combating wildlife cybercrime and include as appropriate this terminology on the CITES glossary and the new webpage on *Wildlife crime linked to the internet* on the CITES website.” Accordingly, the Secretariat amended the text under *Regarding wildlife crime linked to the Internet* [paragraphs 12 c), 12 h) and 13 d)] in Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*. The changes made simply consisted of replacing ‘cybercrime’ by ‘crime linked to the Internet’. In addition, the Secretariat intends to propose to the Conference of the Parties the following changes to the Resolutions listed in the table below:

Resolutions	Proposed change
Resolution Conf. 10.10 (Rev. CoP18) on <i>Trade in elephant specimens</i>	<ul style="list-style-type: none"> – In paragraph 16, replace “e-commerce” by “wildlife crime linked to the Internet” in all three languages: <ul style="list-style-type: none"> 16. RECOMMENDS that Parties develop measures and evaluate existing ones to ensure that they are sufficient to address the challenges posed by e-commerce of <u>wildlife crime linked to the Internet concerning</u> elephant specimens, as outlined in Resolution Conf. 11.3 (Rev. CoP18) on <i>Compliance and enforcement</i>;
Resolution Conf. 11.3 (Rev. CoP18) on <i>Compliance and enforcement</i>	<ul style="list-style-type: none"> – In paragraphs 12 g) and 13 d), replace “illegal online trade in wildlife” by “wildlife crime linked to the Internet” in all three languages: <ul style="list-style-type: none"> 12. RECOMMENDS that Parties: <ul style="list-style-type: none"> [...] g) engage online platforms to: <ul style="list-style-type: none"> i) introduce and publish policies to address and prevent the use of such platforms for illegal trade in wildlife including measures to ensure compliance with such policies; ii) ensure that such policies are presented as clearly and visibly as possible; iii) encourage them to inform their users about illegal online trade in wildlife <u>crime linked to the Internet</u>, by using targeted alerts and other technology to make users aware of relevant laws and website policies; [...] 13. RECOMMENDS further that Parties and ICPO-INTERPOL: <ul style="list-style-type: none"> [...] d) consider ways in which funding may be provided for the establishment of a full-time position, dedicated to wildlife crime linked to the Internet, within the General Secretariat of ICPO-INTERPOL. The responsibilities of such a position should include ensuring that all information or intelligence regarding illegal online trade <u>wildlife crime linked to the Internet</u> is consistently

Resolutions	Proposed change
	collected and disseminated to the relevant Enforcement Authorities designated by Parties;
Resolution Conf. 17.4 on <i>Demand reduction strategies to combat illegal trade in CITES-listed species</i>	<p>– In the preamble, replace “wildlife trafficking via e-commerce” with “wildlife crime linked to the Internet” in all three languages:</p> <p>PREAMBLE</p> <p>RECOGNIZING that wildlife trafficking via e-commerce <u>crime linked to the Internet</u> is a growing and significant threat that calls for new approaches to reduce demand for illegally traded wildlife;</p>

6. In the context of its general duties to invite the attention of the Parties to matters pertaining to the aims of the Convention and make recommendations for its implementation, the Secretariat is considering preparing proposals for revision of a number of Resolutions, for consideration at the 19th meeting of the Conference of the Parties. These proposals arise from the normal work of the Secretariat, in the course of which it becomes aware of a variety of problems of interpretation or implementation of the Resolutions; the Secretariat's regular review of Resolutions with a view to proposing consolidations; and correspondence from Parties and organizations suggesting the need for corrections or clarifications.
7. Consequently, the Secretariat will be reviewing the Resolutions listed in the table below, and is likely to prepare proposals to revise them, for the reason indicated.

Resolutions	Reason
Resolution Conf. 11.17 (Rev. CoP18) on <i>National reports</i>	<p><u>Date of submission of the implementation report:</u></p> <p>– The implementation reports cover three years of implementation of the Convention with the next upcoming implementation report covering the triennium 2018-2020. Without prejudging the results of the work of the Standing Committee's intersessional working group on the <i>CITES Strategic Vision</i>, the indicators being developed for the Strategic Vision will most likely make use of the data provided in the implementation reports. The date of 31 October of the year before a meeting of the Conference of the Parties had been previously used as a submission deadline in order to simplify the reporting deadlines and to have the same date for both reports called for in Article VIII paragraph 7 of the Convention. However, should a meeting of the Conference of the Parties take place in the first quarter of the year, the implementation reports would not be submitted before the document deadline for that meeting. As such, it is preferable to propose 31 May of the year prior to the meeting of the Conference of the Parties in order to allow for enough time for the analysis of the implementation reports.</p> <p>– The Secretariat would then propose the following change to paragraph 2 in all three languages:</p> <p>2. URGES all Parties to submit their <u>implementation</u> reports required under the provisions of Article VIII, paragraph 7 (b), <u>on 31 May of the one</u> year before each meeting of the Conference of the Parties, beginning with the 17th meeting of the Conference of the Parties and in accordance with the report format distributed by the Secretariat, as may be amended by the Secretariat from time to time with the concurrence of the Standing Committee;</p>

Resolutions	Reason
Resolution Conf. 11.17 (Rev. CoP18) on <i>National reports</i>	<p>Annual illegal trade reports</p> <ul style="list-style-type: none"> – Paragraph 3 refers to the report format for the annual illegal trade reports, but the recommended format is in fact part of the broader <i>Guidelines for the preparation and submission of the CITES annual illegal trade report</i> which are adopted by the Standing Committee periodically upon a proposal from the Secretariat. The following change of language in paragraph 3 would address this inconsistency: <p>3. URGES all Parties to submit an annual illegal trade report by 31 October each year covering actions in the preceding year and in accordance with the report format <u>most recent version of the <i>Guidelines for the preparation and submission of the CITES annual illegal trade report</i></u> distributed by the Secretariat, as may be amended by the Secretariat from time to time with the concurrence of the Standing Committee.</p>
Resolution Conf. 18.6 on <i>Designation and role of Management Authorities</i>	<ul style="list-style-type: none"> – In line with the changes proposed for Resolution Conf. 11.17 (Rev. CoP18), Resolution Conf. 18.6 would also need to be changed. The Secretariat would then propose the following changes in paragraph 7 b): <p>7. REMINDS Parties that, when implementing Article VIII of the Convention and Resolution Conf. 11.17 (Rev. CoP18) on <i>National reports</i>, Management Authorities are to:</p> <p>[...]</p> <p>b) coordinate the preparation of an implementation report on legislative, regulatory and administrative measures taken to enforce the provisions of the Convention, and submit this report to the Secretariat by 31 May <u>October</u> of the year preceding a meeting of the Conference of the Parties;</p>
Resolution Conf. 12.3 (Rev. CoP18) on <i>Permits and certificates</i>	<ul style="list-style-type: none"> – In all three languages, the term “biennial report” in paragraph 23 d) ii) should be replaced by “implementation report” in order to bring the terminology into line with what was adopted by the Standing Committee at its 66th meeting.
Resolution Conf. 14.3 (Rev. CoP18) on <i>CITES compliance procedures</i>	<ul style="list-style-type: none"> – In all three languages, the term “biennial report” in paragraph 15 of the Annex should be replaced by “implementation report” in order to bring the terminology into line with what was adopted by the Standing Committee at its 66th meeting.
Resolution Conf. 14.8 (Rev. CoP17) on <i>Periodic Review of species included in Appendices I and II</i>	<ul style="list-style-type: none"> – Since Decision 14.81 has been maintained for 13 years (since 2007), the Secretariat would propose that it be incorporated in Resolution Conf. 14.8 (Rev. CoP17). As a reminder, Decision 14.81 directs the Animals Committee not to conduct periodic reviews for any great whale while the moratorium by the International Whaling Commission is in place.

Recommendation

8. The Secretariat invites the Standing Committee to:
 - a) agree to the proposed corrections of the non-substantive errors outlined above in paragraph 4 above and instruct the Secretariat to republish the Interpretation section of the Appendices and the Decisions and Resolutions concerned with the necessary corrections;
 - b) take note of the Secretariat's intention to propose revisions to certain Resolutions to ensure consistent use of the term 'wildlife crime linked to the internet' in accordance with Decision 18.84, as indicated in paragraph 5 above;
 - c) to further take note of the Secretariat's proposed revisions in paragraph 7 above; and
 - d) comment on any further consolidations or corrections that are needed.