

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



Seventy-fourth meeting of the Standing Committee
Lyon (France), 7 - 11 March 2022

Administrative and financial matters

Arrangements for the 19th meeting of the Conference of the Parties (CoP19)

REVIEW OF THE RULES OF PROCEDURE
OF THE CONFERENCE OF THE PARTIES:
REPORT OF THE WORKING GROUP

1. This document has been submitted by Canada as Chair of the working group on the review of the rules of procedure of the Conference of the Parties.*

Introduction

2. At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decision 18.1 on *Rules of Procedure* as follows:

18.1 Directed to the Standing Committee

With the support of the Secretariat, the Standing Committee shall review Rule 7.2 a) and Rule 25 of the Rules of Procedure of the Conference of the Parties and propose amendments, as appropriate, to the 19th meeting of the Conference of the Parties with the view to ensuring the effective conduct of meetings.

3. To address this Decision, the Standing Committee at its 72nd meeting (Geneva, August 2019), formed an intersessional working group that reported its conclusions regarding Rule 7.2 a) and Rule 25 to the 73rd meeting (online, May 2021) in [SC73 Doc. 9 Rules of Procedure of the Conference of the Parties: Report of the Working Group](#). Notably, the working group proposed amendments to Rule 7.2 a) and some amendments to Rule 25.5 and Rule 25.6. At its 73rd meeting, the Standing Committee agreed to the amendments proposed to Rule 7.2 a) and to Rule 25.5 and Rule 25.6 and further requested the working group to continue its deliberations on additional amendments to Rule 25.6, taking into account the comments made at the 73rd meeting of the Standing Committee (see the [Summary Record](#) for reference). These agreed amendments are reflected in Annex 1 to this document. The Committee further invited those Parties and observers wishing to join the working group to identify themselves to the Secretariat.
4. Following the 73rd meeting of the Standing Committee, the intersessional working group continued its deliberations with the following updated mandate:

* *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.*

Continue deliberations on amendments to Rule 25.6 of the Rules of Procedure of the Conference of the Parties, taking into account the comments made at SC73 and report its findings to the 74th meeting of the Standing Committee.

5. The membership of the intersessional working group on the rules of procedure of the Conference of the Parties was updated as follows (19 Parties; 10 Observers): Argentina, Belgium, Benin, Canada (Chair), China, the European Union, Gabon, Germany, India, Israel, Malaysia, Namibia, Niger, South Africa, Switzerland, the United Republic of Tanzania, the United States of America, the United Kingdom, and Zimbabwe; and Center for Biological Diversity, Conservation Alliance of Kenya, David Sheppard Wildlife Foundation, FACE, Forest Based Solutions, Fondation Franz Weber, Humane Society International, IWMC-World Conservation Trust, Lewis and Clark – International Environmental Law Project and Safari Club International.

Background

6. To begin discussions, the working group Chair provided a short summary of the views on Rule 25.6 expressed at the 73rd Standing Committee meeting. Notably, she recognized three Parties indicated they did not see a need for further amendments to Rule 25.6 (and were satisfied with the application of the current rule or were not ready to provide a view). An additional four Parties or regional representatives indicated a preference for, when two proposals cover the same species or taxa, the more restrictive is considered first. They further accepted that there may be cases where a Chair might propose an exception to this general approach if well justified. Thus, there appeared to be divided views within the Committee between generally accepting the proposal prepared by the working group or leaving the intent of Rule 25.6 as it currently exists.
7. Additionally, during the course of discussion at SC73, one Party noted that Rule 24.2 allows proponents to amend their species proposals without challenge while 25.5 is conditional. Both of these Rules provide the same condition for amendments, that is the amendment must “reduce the scope” of the original proposal. However, amendments arising in Rule 25.5 require agreement of the Conference of the Parties whereas a proponent may, at any time, amend their proposal to reduce the scope. The Party noted that these two Rules could result in competing amendments (both of which must reduce the scope of the original proposal). Similarly, the Party noted that under Rule 25.5, two different amendments may be proposed by different Parties (again, both of which must reduce the scope of the original proposal). In these cases, Rule 25.5 does not provide specific guidance on which amendment to consider first and the Chair would thus need to determine how to proceed. A Chair might, for example, use the guidance of “least” or “most” restrictive on trade to determine which of two amendments to consider first. The working group Chair noted the concern from the Party but also noted that the Standing Committee had asked the working group to focus specifically on Rule 25.6. As such, the working group did not address this aspect of Rule 25.5.
8. Finally, the Standing Committee, at SC73, indicated it would be useful to have some working examples of proposals with different restrictions covering the same species to illustrate how an amended rule might be operationalized. The working group prepared a number of examples contained in Annex 2 of this document. These examples address the application of Rule 25.5 and 25.6 with the amendments proposed by the working group.
9. To initiate discussion, the working group Chair invited the working group members, particularly those who had not yet expressed a view or who had newly joined the working group, to indicate whether they consider it necessary to amend Rule 25.6 regarding the treatment of amendment proposals that concern the same taxon but are different in substance. Further, working group members who believed there was merit in amending Rule 25.6, were asked to confirm if the three key aspects previously identified by the working group as needing attention were still relevant and, if so, how the proposed amendments to Rule 25.6 could be further improved. The three key aspects were:
 - a) The order in which proposals that concern the same taxon but are different in substance are considered – “most restrictive on trade” vs. “least restrictive”;
 - b) Providing clarity to the Chair to ensure that all submitted proposals are opened and presented; and
 - c) Giving consideration to all species/taxon presented for decision when there is consideration of two or more proposals that address incompletely overlapping taxon (see the examples provided in Annex 2 of this document for further clarity).

10. In response to the working group Chair's questions, the working group members also had mixed views on whether or not amendments to Rule 25.6 were necessary. Some working group members felt no further changes were necessary and cautioned against creating overly complex changes that may hinder, rather than support, the smooth operation of a meeting. Others however expressed that guidance in the Rules was indeed necessary to address issues which had arisen in past meetings of the Conference of the Parties. Further, those supporting changes indicated that the key aspects previously identified remain the relevant concerns to be addressed.
11. The working group Chair noted her agreement with those who commented that the ability of a Chair to guide the smooth operation of the debate is paramount. The meeting Chair should have some flexibility to fulfil their duties in a way that has the support of the Parties. Indeed, if the Conference of the Parties is not satisfied, they have recourse via a point of order. The working group Chair was equally mindful of the long discussions that led to the conclusion of a need to address the key aspects outlined in paragraph 9 above. For this reason, while some working group members had introduced new or different approaches to amending Rule 25.6, the working group Chair focused attention on refining, as needed, the text proposals the working group had previously presented to the Standing Committee.
12. In undertaking the discussion, it was evident that the issue of treating two or more proposals that address incompletely overlapping taxon (key aspect c) in paragraph 9 above) remains the most challenging to address. As per the existing rules, the Chair does not have an authority to address "parts" of a proposal. Proposals are submitted by Parties and considered as a whole unless a Party moves to divide during the course of debate. The amendments previously provided to the 73rd meeting of the Standing Committee by the working group were intended to provide the Chair with the latitude to consider remaining "parts" of an amendment proposal, with a goal of ensuring all species are considered by the CoP. However, this subtlety of the Rules of Procedure is complex to convey and there is not a common understanding on the application of the existing rules.
13. Based on the discussions, the working group Chair concluded that there remains a clear mix of views with members either generally in support of the amendments that had been proposed by the working group to the 73rd meeting of the Standing Committee, with some edits provided by the North American Region, or suggesting that no further amendments to Rule 25.6 were needed. As a result, the working group again proposes the amendments presented to the 73rd meeting of the Standing Committee, incorporating the edits from the North American Region. Annex 1 to the present document provides the full text of Rule 7 and Rule 25, including the previously agreed amendments to Rule 7 2. a) and Rule 25.5, as well as the additional suggested amendments to Rule 25.6.
14. Additionally, in response to the Standing Committee's request for examples, a number of scenarios were prepared which can act as guidance materials for future Chairs, should the amendments proposed be agreed. Annex 2 of the present document provides these guiding scenarios as well as further rationale to the amendments proposed to Rule 25.6.

Recommendation

15. In addition to the amendments agreed at the 73rd meeting of the Standing Committee, the Committee is invited to agree to propose to the 19th meeting of the Conference of the Parties amendments to Rule 25.6 as follows (additions in underline text, deletions in ~~strikeout~~ text):

Rule 25

6. If two or more proposals, including proposals amended in accordance with Rule 24, paragraph 2 or, and proposals made in accordance with paragraph 5 of this Rule, relate to the same taxon, but are different in substance, the Chair shall so advise the Conference, clearly indicating the implications of the adoption of one proposal for the other(s), and should allow each of the proposals to be introduced prior to submitting any of them for discussion and decision. The Conference shall first decide on the proposal that will have the ~~least~~ most restrictive effect on the trade and then on the proposal with the next ~~least~~ most restrictive effect on the trade, and so on until all proposals have been submitted to decision. However, the Chair may exceptionally propose a different order, if appropriate. If, in relation to the same taxon, When however the adoption of one proposal necessarily implies the rejection of another proposal, the latter proposal shall nevertheless ~~not~~ be submitted to decision in relation to any remaining taxon.

Suggested amendments to Rules 7.2, 25.5 and 25.6

Amendments as agreed at SC73 with additional amendments provided to SC74 by the intersessional working group are provided below. Additions are shown in underline text, and deletions are shown in ~~strikeout~~ text:

Rule 7 Plenary sessions, committees and working groups

1. The Conference of the Parties conducts its work in plenary sessions and in committee sessions.
2. The Conference of the Parties shall establish the following sessional committees:
 - a) the Credentials Committee, of not more than ~~five~~six Representatives of different Parties, each representing a different Region, which shall report to the meeting;
 - b) Committee I, which shall be responsible for making recommendations to the Conference on all proposals to amend the Appendices of the Convention and on any matter of a primarily biological nature; and
 - c) Committee II, which shall act similarly in relation to all other matters to be decided upon by the Conference.
3. The Conference and Committees I and II may establish such working groups as may be necessary to enable them to carry out their functions. They shall define the terms of reference and composition of each working group and shall strive to achieve regional balance. The membership of the working groups shall be limited to delegates and to those observers with expertise on the matter invited by the Presiding Officer of the session at which the working group is established. The Presiding Officer shall aim to ensure a fair and balanced representation of delegates and observers with the number of observers not exceeding the number of delegates.
4. Unless the chair of a working group is appointed by the Presiding Officer of the session at which it is established, each working group shall elect its own chair from among the delegates that are members of the working group.

Rule 25 Procedure for deciding on proposals for amendment of Appendices I and II

1. The Conference shall as far as possible decide on proposals for amendment of Appendices I and II by consensus.
2. Whenever the Conference does not reach a consensus on the adoption or rejection of a proposal for amendment of Appendices I and II, the Presiding Officer shall propose that the decision on the amendment be put to a vote.
3. A Representative may move that parts of a proposal for amendment of Appendices I and II shall be decided on separately. If any objection is made to the request for such division, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded only to a delegate from each of two Parties wishing to speak in favour of, and a delegate from each of two Parties wishing to speak against, the motion. If the motion is carried, those parts of the proposal which are subsequently approved shall be decided upon as a whole. If all parts of the proposal have been rejected, it shall be considered to have been rejected as a whole.
4. If two or more proposals for amendment of Appendices I and II relate to the same taxon and have the same substance, the Conference shall decide on one proposal only. If this proposal is adopted or rejected, the other or others is or are deemed to be adopted or rejected also.
5. Any Representative may propose an amendment to a proposal for amendment of Appendix I or II to reduce its scope or to make it more precise. The Presiding Officer may permit the immediate discussion and consideration of such a proposed amendment even though it has not been circulated previously. If

consensus cannot be reached, then the proposed amendment shall be put to a vote. If the proposed amendment is accepted, the amended proposal shall supersede the original proposal for amendment of Appendix I or II.

6. If two or more proposals, including proposals amended in accordance with Rule 24, paragraph 2 ~~or, and~~ proposals made in accordance with paragraph 5 of this Rule, relate to the same taxon, but are different in substance, the Chair shall so advise the Conference, clearly indicating the implications of the adoption of one proposal for the other(s), and should allow each of the proposals to be introduced prior to submitting any of them for discussion and decision. The Conference shall first decide on the proposal that will have the ~~least~~ most restrictive effect on the trade and then on the proposal with the next ~~least~~ most restrictive effect on the trade, and so on until all proposals have been submitted to decision. However, the Chair may exceptionally propose a different order, if appropriate. If, in relation to the same taxon, ~~When however~~ the adoption of one proposal necessarily implies the rejection of another proposal, the latter proposal shall nevertheless ~~not~~ be submitted to decision in relation to any remaining taxon.

GUIDANCE MATERIALS

Example scenarios to illustrate the application of Rule 25,
with the amendments agreed at SC73 and those proposed for consideration by SC74

A. Amendments proposed to Rule 25.5 and Rule 25.6

5. Any Representative may propose an amendment to a proposal for amendment of Appendix I or II to reduce its scope or to make it more precise. The Presiding Officer may permit the immediate discussion and consideration of such a proposed amendment even though it has not been circulated previously. If consensus cannot be reached, then the proposed amendment shall be put to a vote. If the proposed amendment is accepted, the amended proposal shall supersede the original proposal for amendment of Appendix I or II.
6. If two or more proposals, including proposals amended in accordance with Rule 24, paragraph 2 ~~or, and proposals made~~ in accordance with paragraph 5 of this Rule, relate to the same taxon, but are different in substance, the Chair shall so advise the Conference, clearly indicating the implications of the adoption of one proposal for the other(s), and should allow each of the proposals to be introduced prior to submitting any of them for discussion and decision. The Conference shall first decide on the proposal that will have the ~~least~~ most restrictive effect on the trade and then on the proposal with the next ~~least~~ most restrictive effect on the trade, and so on until all proposals have been submitted to decision. However, the Chair may exceptionally propose a different order, if appropriate. If, in relation to the same taxon, ~~When however~~ the adoption of one proposal necessarily implies the rejection of another proposal, the latter proposal shall nevertheless ~~not~~ be submitted to decision in relation to any remaining taxon.

B. Scenarios on the application of Rule 25.5 with the amendments agreed at SC73

Scenario B.1

Proponent AA has submitted Proposal 1 to include species Qa in App. II.

Party BB suggest to amend Proposal 1 to exclude the populations of species Qa found in BB in accordance with Rule 25.5. There is no consensus on this amendment. The amendment is put to a vote under 25.5 requiring 2/3 majority to be adopted.

If the amendment does not achieve a 2/3 majority, it is rejected. The original proposal is then put for decision. However, if the amendment does achieve a 2/3 majority and is accepted, the amended proposal is then put for decision.

Scenario B.2

Proponent AA has submitted Proposal 1 to amend the annotation to species Xa, already included in App. II. There is no consensus on an amendment suggested by the proponent

- A. The Proponent moves to amend the proposed text to reduce the scope of the proposal in accordance with Rule 24.2. This amended proposal will automatically supersede the original proposal as it is made by the Proponent and the amended proposal is put for decision.

or

- A. The Proponent does not move to amend the proposal but Party EE and Party FF make competing/overlapping suggestions for amending the original proposal to reduce its scope. There is no consensus on the various amendment proposals. After listening to the debate, the Chair decides to first put the amendment offered by Party EE to a vote. If it is rejected, the Chair then decides to put the amendment offered by Party FF to a vote. If it is accepted, the Chair then puts the proposal, as amended by Party FF, to a vote. As the rule is silent on order of amendments, it is left to the Chair to decide and justify the order in which the competing/overlapping amendments are considered.

C. Scenarios on the application of Rule 25.6 with the amendments proposed for consideration by SC74

The proposed amendments to Rule 25.6 for consideration by SC74 are found in three main parts.

- i) The first substantive edit, to the first sentence, address the key aspect of providing clarity to the Chair to ensure that all submitted proposals are opened and presented. It instructs the Chair that, in the case where there are two or more proposals relating to the same taxon but are different in substance, “the Chair shall so advise the Conference, clearly indicating the implications of the adoption of one proposal for the other(s), and should allow each of the proposals to be introduced prior to submitting any of them for discussion and decision.”
- ii) The second substantive edit addresses the key aspect the order in which proposals that concern the same taxon but are different in substance are considered, instructing the Chair to first consider the proposal that “will have the most restrictive effect on the trade”. It further provides the Chair flexibility to determine order with the addition of “However, the Chair may exceptionally propose a different order, if appropriate.” This is meant to be exceptional thus requiring the Chair to justify their proposed different order. Further, should the Conference disagree with the Chair’s proposal of a different order, they have recourse via a point of order.
- iii) The final substantive edit address the key aspect of giving consideration to all species/taxon proposed for decision by the Conference, when there are two or more proposals that address incompletely overlapping taxon. This edit allows the Chair to consider all the species/taxon found within each proposal. The edit is as follows: “If, in relation to the same taxon, ~~When however~~ the adoption of one proposal necessarily implies the rejection of another proposal, the latter proposal shall nevertheless ~~not~~ be submitted to decision in relation to any remaining taxon.”

The following scenarios illustrate the results when applying the amendments proposed.

Scenario C.1

Current situation: Species Aa, Ba, Ca and Da are currently not listed on the CITES Appendices; species Ea, Eb and Ec are included on CITES Appendix II.

Proposal 1: inclusion of species Aa, Ba, Ca, Da in Appendix II and adoption of a zero quota on wild specimens for commercial purposes for species Ea, Eb and Ec (already included in App. II)

Proposal 2: transfer of species Ea from App. II to App. I

Proposal 3: inclusion of species Aa and Ba in App. II

Proposal 4: transfer of the genus E, which includes species Ea, Eb and Ec, to App. I

In line with working group amendment i) to Rule 25.6, the Chair first invites proponents of Proposals 1 – 4 to introduce their proposals and subsequently opens discussion in the hopes of achieving a consensus view. Assuming consensus is not achieved, the proposals are considered in the order of most to least restrictive.

In line with amendment ii) to Rule 25.6 the most to least restrictive proposals would be:

Proposal 4 - transfer of the genus to App. I

Proposal 2 - transfer of one species to App. I

Proposal 1 - covering more species than prop. 3 and because of the zero-export quota

Proposal 3 – inclusion of two species in App. II

If Proposal 4 is adopted, Proposal 2 is deemed to adopted (Rule 25.4) and shall not be considered. For the purpose of this scenario, Proposal 4 is adopted and Proposal 2 is not considered. Remaining are Proposals 1 and 3.

As Proposal 1 is only partially overlapping with Proposal 4 with respect to Species Ea, Eb and Ec, the question is whether the remaining part of Proposal 1 (species Aa, Ba, Ca and Da) should be considered.

At this point a Party may move to divide the proposal in accordance with Rule 25.3 so that the CoP can decide on the remaining parts of Proposal 1. However, if such a motion is not introduced by a Party, amendment iii) to Rule 25.6 would apply. Notably, Proposal 1 “shall be submitted to decision in relation to any remaining taxon.” To note, without amendment iii) and without a motion to divide, Proposal 1 could not be put to decision. There were differing understandings amongst the working group members on this point. As such, the language in amendment

iii) is proposed to the Standing Committee to achieve greater clarity in light of the different understandings of the existing Rule.

The Chair would thus be expected to submit Proposal 1 for decision on species Aa, Ba, Ca and Da (and exclude the part concerning species Ea, Eb and Ec). If this adopted, Proposal 3 should not be considered and decided upon as the adoption of Prop. 1 covers proposal 3. For the purpose of this Scenario, proposal 1 (for Aa, Ba, Ca & Da) is agreed.

Result: Genus E in App. I and species Aa, Ba, Ca and Da in App. II. No zero-export quota adopted for species Ea, Eb and Ec as the species have been included in App. I under genus E.

For comparison, least to most restrictive:

If proposal 3 is adopted, proposal 1 would still be considered as the adoption of proposal 3 does not imply the rejection of the proposal 1 (there is full overlap between 1 and 3 with regard to species Aa and Ba). For this scenario, proposal 1 and proposal 3 are agreed.

If proposal 1 is adopted, this would imply a rejection of proposal 2 (the same species cannot be in both App. II and App. I). However, if there are more species than Ea, Eb and Ec in the genus E, the Chair would submit the remaining species in genus E for decision. For the purposes of this scenario Proposal 4, excluding Ea, Eb and Ec, is adopted with the following result:

Result: Species Aa, Ba, Ca and Da included in App. II. Zero-export quota adopted for species Ea, Eb and Ec in App. II. Genus E in App. I except species included in App. II (Ea, Eb and Ec).

However, with the proposed text, the Chair may propose a different order for the consideration of the proposals if appropriate. The Chair would need to justify their proposal to the CoP, and their proposal could be challenged by a Party via point of order under Rule 20 of the Rules of Procedure.

Scenario C.2

Current situation: Species in App. I with the exception of the populations of this species in countries XX and YY, which are included in App. II with an annotation.

Proposal 1: Transfer of the populations of country XX and YY currently in App. II to App. I

Proposal 2: Transfer of the population of country ZZ of the species from App. I to App. II with an annotation

Proposal 3: amendments to the current annotation to the two populations in App. II

Proposal 4: Transfer of the population of country XX to App. I and amendment of the annotation to the populations of country YY

The Chair first invites proponents of Proposals 1 – 4 to introduce their proposals and subsequently opens discussion in the hopes of achieving a consensus view. Assuming consensus is not achieved, the proposals are considered in the order of most to least restrictive.

Proposals in order from most to least restrictive

Proposal 1 – country XX's and YY's populations of the species to be included in App. I

Proposal 4 – country XX's population of the species to be included in App. I and amendments to the annotation to country YY's population in App. II

Proposal 3 – amendments to the current annotation for country XX's and YY's populations of the species in App. II

Proposal 2 – transfer of country ZZ's population from App. I to App. II with annotation

If proposal 1 is adopted, this implies the rejection of Proposals 3 and 4 as the populations of country XX and YY will be included in App. I (with no annotations). However, if proposal 1 is rejected, proposal 4 is next considered and if proposal 4 is rejected, proposal 3 is considered. For the purpose of this scenario, proposal 1 is rejected, proposal 4 is rejected and proposal 3 is accepted.

Proposal 2 concerns a different population than Proposals 1, 3 and 4 and may still be considered as the adoption of Proposal 3 (or 1 or 4) does not necessarily imply the rejection of Proposal 2.

If proposal 3 and proposal 2 are adopted the result would be as follows:

Result: Populations of the species in country XX and YY remain in App. II with modifications to the associated annotation, and the population of the species of country ZZ is included in App. II with an annotation.

For comparison, from least to most restrictive:

As above, if proposal 2 is adopted, this does not necessarily imply the rejection of the other proposals. If proposal 3 is adopted, it implies the rejection of Proposal 1 and Proposal 4 (the adoption of the amendment to the current annotation implies agreement to leave the populations of country XX and YY in App. II.) If proposal 3 is rejected, proposal 4 would be considered. If proposal 4 is rejected, proposal 1 would be the last to be considered.

For the purposes of this scenario, proposal 3 and proposal 2 are adopted the result that populations of the species of country XX and YY remain in App. II with an amended annotation and the population of country ZZ transferred from App. I to App. II with an annotation.

However, with the proposed text, the Chair may propose a different order for the consideration of the proposals if appropriate. The Chair would need to justify their proposal to the CoP, and their proposal could be challenged by a Party via point of order under Rule 20 of the Rules of Procedure.

Scenario C.3

Current situation: Genus A is unlisted

Proposal 1: Inclusion of Genus A (unlisted species Aa, Ab, Ac, Ad, and Ae) in Appendix II.

Proposal 2: Inclusion of species Aa in Appendix I

The Chair first invites proponents of Proposals 1 and 2 to introduce their proposals and subsequently opens discussion in the hopes of achieving a consensus view. Assuming consensus is not achieved, the proposals are considered in the order of most to least restrictive.

Proposals in order from most to least restrictive

Proposal 2 – List species Aa in Appendix I

Proposal 1 – List Genus A in Appendix II

If Proposal 2 was rejected Proposal 1 would be considered in its entirety. However, if proposal 2 is adopted, proposed amendment iii) to Rule 25.6 would apply. Notably, Proposal 1 “shall be submitted to decision in relation to any remaining taxon” and thus the Chair would put proposal 1 for decision on Genus A except the species included in Appendix I (i.e. consideration of species Ab, Ac, Ad and Ae). For the purpose of this scenario, both proposals are adopted.

Result: Species Aa listed in Appendix I; Genus A listed in Appendix II except for species included in App. I (Aa).

Scenario C.4

Current situation: species Aa, Ab, Ac, Ad and Ae in Genus A are unlisted

Proposal 1: inclusion of species Aa in Appendix I and all other species of Genus A in Appendix II (species Ab, Ac, Ad, and Ae)

Proposal 2: inclusion of species Ab in Appendix I and all other species of Genus A in Appendix II (species Aa, Ac, Ad, and Ae).

The Chair first invites proponents of Proposals 1 and 2 to introduce their proposals and subsequently opens discussion in the hopes of achieving a consensus view. Assuming consensus is not achieved, the proposals are considered in the order of most to least restrictive.

Proposals in order from most to least restrictive

The proposals are equally restrictive. As such, if a vote is necessary, the Chair would likely start with proposal 1 (alphabetical order in which they are presented).

In this scenario, the adoption of proposal 1 necessarily implied the rejection of proposal 2. All the species that are the subject of these proposals have been considered and there is no “remaining taxon”.

Result: Species Aa included in Appendix I; Genus A included in Appendix II except for those species found in Appendix I

However, any Party may move to divide proposal 1 and/or 2 in order to consider species Aa and Ab separately from Ac, Ad and Ae as follows (from most to least restrictive) in accordance with Rule 25.3:

Motion to divide from most to least restrictive:

Proposal 1.1: List species Aa in Appendix I

Proposal 2.1: List species Ab in Appendix I

Proposal 1.2: List species Genus A (species Ab, Ac, Ad and Ae) in Appendix II

Proposal 2.2 List Genus A (species Aa, Ac, Ad and Ae) in Appendix II

If the motion to divide the proposals is carried, the Chair would put to decisions proposal 1.1 (list species Aa in Appendix I), then proposal 2.1 (list species Ab in Appendix I). If accepted, the Chair would then consider proposal 1.2 for species Ac, Ad, and Ae as per proposed amendment iii to Rule 25.6. Proposal 2.2 would not be put to a vote.

D. Additional Notes

Other most to least restrictive examples

- a proposal to include an unlisted or Appendix-III species in Appendix I would be considered before a proposal to include the species in Appendix II
- a proposal to transfer an Appendix-II species to Appendix I would be considered before a proposal to remove the species from the Appendices
- a proposal to transfer an Appendix-I animal species to Appendix II subject to an annotation would be considered before a proposal to transfer the species to Appendix II without an annotation
- a proposal to transfer an Appendix-I plant species to Appendix II with no annotation would be considered before a proposal to transfer the species to Appendix II with an annotation specifying parts and derivatives included in and/or excluded from the listing
- a proposal to transfer an annotated Appendix-II species to Appendix I would be considered before a proposal to amend the annotation for that species