

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

Interpretation and implementation

General compliance and enforcement

DOMESTIC MARKETS FOR FREQUENTLY ILLEGALLY TRADED SPECIMENS:
REPORT OF THE SECRETARIAT

1. This document has been prepared by the Secretariat.

Introduction

2. At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted the recommendations of the Standing Committee contained in CoP18 Doc. 31, including the revision of Decisions 17.87 and 17.88 in order for the tasks mandated by those Decisions to be completed, as follows:

17.87 (Rev. CoP18) Directed to the Secretariat

The Secretariat, subject to external funding and in consultation with relevant Parties, is requested to:

- a) *undertake a study of the domestic controls in consumer markets for specimens of CITES-listed species for which international trade is predominantly illegal, other than elephant ivory; and*
- b) *report the findings and recommendations of this study, as well its own recommendations, to the Standing Committee.*

17.88 (Rev. CoP18) Directed to the Standing Committee

The Standing Committee at its 73rd meeting shall review the findings and recommendations of the report referred to in Decision 17.87 (Rev. CoP18) and any recommendations of the Secretariat and make recommendations for consideration at the 19th meeting of the Conference of the Parties, including appropriate revisions to existing resolutions, to strengthen domestic controls addressing illegal trade in specimens of CITES-listed species for which international trade is predominantly illegal.

3. The Secretariat decided to undertake the study in two phases. The first phase preceded CoP18, and the second phase was implemented following CoP18. In the first phase, the focus was on domestic trade controls in consumer markets for elephant ivory. The Secretariat presented the main findings of the first phase of the study to the Standing Committee at its 70th meeting (see document SC70 Doc. 28) and the Standing Committee in turn presented the findings and its recommendations to CoP18.
4. In the second phase, the Secretariat focused on the examination of domestic controls in consumer markets for specimens of CITES-listed species for which international trade is predominantly illegal, other than

elephant ivory. A report was prepared on legal controls on domestic trade in Appendix-I listed species other than elephants, where trade in “Appendix-I listed species” is used as a proxy for “CITES-listed species for which international trade is predominantly illegal.”

Implementation of Decision 17.87 (Rev. CoP18)

5. The second phase study examines existing legal controls on domestic trade in Appendix-I listed species that have been adopted by ten Parties to the Convention: China [including Hong Kong Special Administrative Region (SAR) and Macao Special Administrative Region (SAR)]; the European Union; India; Indonesia; the Lao People’s Democratic Republic; Malaysia; Nigeria; Thailand; the United States of America; and Viet Nam. The Parties included in this study were selected mainly based on trends observed in seizure data indicating their importance as source, transit, and/or consumer markets for Appendix-I listed species. The study, including the profiles of each of these markets, is available as an information document to the present meeting.
6. The study was made possible thanks to funding made available by the United States of America and the collaboration of Parties included in the study. The Secretariat would like to express its gratitude to the donor and to the consultants and Parties involved in this study. The main findings and recommendations of the second phase of the study are set out below.
7. The study examined domestic controls set out in laws and regulations, as opposed to enforcement in practice. It was completed in July 2020 and hence does not cover developments after that date.

Main findings of the study related to legal controls on domestic trade in Appendix-I listed species

Approaches to domestic laws and regulations

8. The study on the legal frameworks that govern possession of and domestic trade in Appendix-I listed species demonstrates a variety of approaches. Certain trends could be identified. All but one jurisdiction studied regulate both possession of and domestic trade in wildlife. In some jurisdictions, there is one primary law that regulates the management and preservation of wildlife, with additional rules, regulations or orders to supplement it. In other jurisdictions, different aspects of wildlife trade are governed by separate laws.

Legality of domestic trade in Appendix-I listed species

9. Under the existing laws in each of the jurisdictions examined, domestic trade in some Appendix-I listed species is legal, despite the fact that it is predominantly illegal to trade these species internationally. Seven out of the ten Parties studied prohibit domestic trade in some Appendix-I listed species, but not in others, leaving trade in those other species not covered subject to more lenient controls, or entirely unregulated in some cases.
10. Regulations in some countries distinguish between native and non-native species in the listing of species that are covered by the legal controls. In Thailand, possession of and domestic trade in all native and 50 non-native Appendix-I listed species is prohibited under the primary CITES-implementing law, but possession of and trade in other non-native species not listed thereunder is largely unregulated.
11. In certain countries, there are broad prohibitions on domestic trade in all Appendix-I listed species, but there are also exceptions for certain uses or through permit systems. The European Union generally prohibits domestic trade in Annex A species, which include all CITES Appendix-I listed species. Member States, however, can grant trade certificates for a variety of reasons allowing for some limited domestic trade. India generally prohibits the domestic trade in Appendix-I listed species covered by the Wildlife Protection Law, as well as the development of businesses related to dealing in these species, including manufacturing, cooking and serving, taxidermy, meat or trophy dealing, or captive breeding. However, it is possible for individuals and businesses to obtain a licence allowing them to trade.

Regulation of domestic trade in Appendix-I listed species

12. Some jurisdictions adopt species-specific regulations that apply only to the species contained in their country-specific lists. The Wildlife Protection Law in India, for example, contains two schedules of species for which domestic possession and trade is forbidden. These schedules contain most, but not all, Appendix-I listed species.

13. Some Parties have regulations that are expressly applicable to Appendix-I listed species as these regulations reference the Convention directly. The wildlife protection laws in Hong Kong SAR, Macao SAR, the Lao People's Democratic Republic, the states of Sabah and Sarawak in Malaysia, Nigeria and the European Union make direct references to the Convention, including CITES Appendix I.
14. Others adopt a combined approach, either by referencing Appendix I or listing the species in Appendix I, together with species that are protected under specific national regulations. In Nigeria, regulations under the endangered species law expanded the scope of the law by including all Appendix-I listed species through a direct reference to CITES.
15. Some Parties, including China, India, Nigeria and Malaysia (Peninsular Malaysia), have developed different categories of lists, each of which affords different levels of protection or provides varying legal controls. In Peninsular Malaysia, many Appendix-I listed species are considered "totally protected" or "protected" under the Wildlife Conservation Act, where totally protected species can be possessed if a special permit has been granted, while protected species can be possessed or used in domestic trade if a licence has been granted.
16. Some Parties have adopted provisions or amended their laws to introduce controls specific to online trade. China has made it illegal to facilitate online marketplaces for protected species. Thailand has adopted a provision which extends its prohibition on possession of and domestic trade in protected species to online forums. Other Parties have less explicit controls on online markets, where online trade is usually regulated by a general prohibition on domestic trade in Appendix-I listed species.
17. At least one of the Parties studied further regulates domestic trade in Appendix-I listed species by restricting trade in non-Appendix-I listed species that resemble listed species. The United States of America regulates possession of and trade in species that so closely resemble endangered species that enforcement personnel may not be able to tell them apart. Under the Lacey Act of the USA, individuals may not falsely identify or label protected species being traded domestically in interstate commerce

Regulation of possession of Appendix-I listed species

18. Many of the Parties examined have laws prohibiting possession of protected species in general. Thailand prohibits the possession of Appendix-I listed species that are listed under its Wildlife Protection Law, unless permission has been obtained. Similarly, Hong Kong SAR prohibits possession of Appendix-I listed species unless a license or certificate has been obtained, or the specimen was imported before CITES entered into force.
19. Some Parties specifically restrict possession during transit. The Lao People's Democratic Republic prohibits transit of wild Appendix-I listed species, Appendix-I listed species that will be used for commercial purposes and non-wild Appendix-I listed species that will be used for non-commercial purposes without prior permission.
20. Other Parties do not have laws expressly prohibiting possession of Appendix-I listed species, but require individuals to report information about the specimen or product in their possession to the authority; acquire a permit; uniquely mark the specimen; keep records, or a combination thereof. For example, in the Lao People's Democratic Republic, individuals are prohibited from possessing Appendix-I listed species if they do not have prior permission to do so. Facilities breeding protected species in captivity must be authorized by the Ministry of Agriculture and Forestry prior to engaging in domestic trade involving captive-bred specimens, and if they are not breeding animals for commercial purposes, they must still provide records to their village agriculture and forestry units.

Authority to seize Appendix-I listed species

21. Generally, enforcement officials are authorized by existing wildlife laws and regulations to seize specimens or products of Appendix-I listed species when the officials reasonably suspect that the wildlife law has been violated. In China, government officials are authorized to seize specimens and products of special state protected species that are implicated in actions that violate the wildlife protection law. In Nigeria, officers can seize specimens involved in potential violations so long as there is sufficient evidence to support their suspicion that an offense has been committed.

Handling of seized or forfeited specimens and products

22. Some Parties have special legal instruments designating a management authority to care for live specimens that are seized or forfeited. In China, seized specimens may ultimately be released into the wild if it is determined to be in the best interests for the conservation of the species.
23. For specimens or products that are dead, the Lao People's Democratic Republic requires that the specimens or products be destroyed. In Nigeria, an authority is designated to receive and record seized dead specimens or products.

Penalties

24. Penalties for violations of laws related to possession of and domestic trade in Appendix-I listed species include both monetary fines and imprisonment. In Macao SAR, India and the Lao People's Democratic Republic, repeat offenders are subject to heavier fines. Some jurisdictions impose species-specific fines. For example, in the state of Sarawak in Malaysia, the penalties may increase in cases where rhinoceros, orangutans, or proboscis monkeys are concerned. In Malaysia and Nigeria, corporations are potentially liable for higher fines for violations of the relevant wildlife protection laws. In Nigeria, the principal officers of the corporations may further face up to seven years of imprisonment.
25. In some countries, violations of wildlife protect laws may result in charges under anti-money laundering laws. In Malaysia, proceeds from illegal wildlife trade are considered to have derived from criminal activity. The movement of proceeds within the financial system may be treated as money laundering, which is an offence punishable with imprisonment of up to 15 years and a fine of up to 5 million ringgit (approximately USD 1,200,000). In China, derived income from Appendix-I listed species illegally used or traded as food may be forfeited.
26. Some countries reward members of the public who successfully assist enforcement officials in identifying violations. In Hong Kong SAR, rewards of up to HK\$ 20,000 (approximately USD 2,600) can be paid to informants who provide information leading to a conviction, and rewards of up to HK\$ 5,000 can be paid to informants who provide information leading to seizures of endangered species or derivatives. The rewards often represent a portion of the penalties collected. In the United States of America, the Endangered Species Act expressly provides that a reward, from sums received as penalties, fines, or forfeitures of property for any violation under the Endangered Species Act, shall be paid to any person who provides information leading to an arrest, criminal conviction, civil penalty assessment, or forfeiture of property. Under the Endangered Species Act, the rewards may also cover reasonable and necessary costs incurred by any person who provides temporary care for the specimens.

Registration and regulation of captive-breeding facilities

27. While some countries prohibit captive-breeding of Appendix-I listed species altogether, others allow it for limited, non-commercial purposes. In cases where captive-breeding of Appendix-I listed species is allowed for commercial purposes, a range of registration, recordkeeping, licensing and other requirements apply. In the Lao People's Democratic Republic, although it is prohibited to develop new facilities breeding Appendix-I listed species in captivity for commercial purposes, such species are permitted to be bred in captivity for non-commercial purposes, including in zoos, wildlife farms, rehabilitation centres to serve purposes like conservation, tourism and science. The Lao People's Democratic Republic requires that these facilities be registered with the forestry offices at each level of government. Nigeria, on the other hand, allows breeding of Appendix-I listed species in captivity for commercial purposes on the condition that the facilities register with the national government. Recordkeeping of their operations is required, and they may be subject to random inspections.
28. The European Union does not require captive-breeding facilities to register with the CITES Secretariat. Captive-breeding of Appendix-I listed species for trade is allowed within the European Union as long as the facilities have the "sale exemption certificates" granted by a Member State. However, eight facilities from four European Union Member States (Czech Republic, Denmark, Germany and Spain) are registered with the CITES Secretariat as of July 2020.

29. The following table summarizes the measures taken by the Parties covered by the study to address the domestic trade in Appendix-I listed species:

Quick overview of elements covered by the national controls on domestic trade in CITES App. I species												
	China											
	China (mainland)	Hong Kong SAR	Macao SAR	European Union	India	Indonesia	Lao PDR	Malaysia	Nigeria	Thailand	United States	Vietnam
Regulation of possession and domestic trade in wildlife	Possession not regulated	Yes	Yes	Possession regulated at discretion of each Member State	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Does it cover all species included in Appendix I?	Unknown	Yes	Yes	Yes	No	No	Yes	Yes in Sabah and Sarawak; not in Peninsular Malaysia	Yes	No	No	No
Does it cover native and non-native species?	Unknown	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Does it cover captive-bred specimens?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Does it cover look-alike, non-protected species?	No	No	No	No	No	No	No	No	No	No	Yes	No
Is online trade expressly regulated?	Yes	Yes	Unclear	Unclear (yes in select Member States)	Unclear	Unclear	Unclear	Unclear	Unclear	Yes	Unclear	Yes
Is proof of legal origin expressly required for possession or domestic trade?	No	No	Maybe	Maybe	Maybe	No	No	Maybe	Maybe	Maybe	No	No
Seizure												
Are officials authorized to seize specimens illegally traded domestically – or illegally possessed?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes (for bears, otherwise unknown)

Are there guidelines for managing seized and confiscated specimens to prevent leakage (i.e., expressly discussing preventing leakage)?	No	No	No	No	No	No (but sale of seized App. I-listed species prohibited)	No (but live specimens to be managed consistently with CITES)	Yes (in Sabah)	No	No	No (but sale of seized App. I-listed species prohibited)	No
Penalties and adjudication												
Are penalties higher for corporations?	No	No	No	Maybe	No	No	No	Sometimes	Sometimes	No	Sometimes	No
Are penalties higher for members of organized criminal groups?	No	No	No	Maybe	No	No	Yes	No	No	No	No	Sometimes
Are there rewards for enforcement assistance?	Yes	Yes	No	Unknown	No	No	No	No	No	No	Yes	No
Can the public or enforcement officials access information on previously concluded cases?	Unknown	Yes	Unknown	Yes	Yes	Yes	No	No	No	Yes	Yes	No

30. Based on trends observed through the study of the current approaches to regulate possession of and domestic trade in Appendix-I listed species in the ten Parties examined, the study makes six suggestions to improve the effectiveness of national legal frameworks to regulate domestic trade in Appendix-I listed species and thereby address illegal international trade. The suggestions are briefly described below.
31. Prior to considering these suggestions, individual Parties could undertake an assessment of their legal framework to better understand the relevant controls that are already in place in their country to determine which approach is appropriate in their specific context.

Streamline and clarify applicable legal controls

32. The study pointed out that, in some countries, legal controls that regulate the possession of and domestic trade in endangered species are scattered and divided among laws that govern different enforcement authorities or different species (terrestrial, marine or plant species). Parties may wish to consider streamlining their legal instruments to avoid requiring regulated individuals and businesses, enforcement officials or impacted stakeholders to navigate through a complex system of laws and regulations. Parties are also recommended to undertake efforts to increase readability and comprehensibility of their legal controls on possession and domestic trade. Such legal instruments should be publicly accessible. To this end, Parties may consider consulting the United Nations Office on Drugs and Crime's (UNODC) rapid reference guides for investigators and prosecutors of wildlife and forest crime.
33. Additionally, Management Authorities may consider establishing secure national data management systems that allow enforcement officials to access information about cases and other legal resources. Such databases should be regularly maintained and updated. It would be desirable for such systems to track cases from arrest and seizure to conviction and enforcement of sentences.
34. Public information campaigns and other awareness-raising initiatives are encouraged to ensure the effective implementation of the laws.

Extend protections to all CITES-listed species

35. In some countries, the current controls on domestic trade apply only to species that are protected by the country-specific annexes or appendices. To implement CITES more effectively, legal controls on domestic wildlife trade should cover all Appendix-I listed species, whether native or non-native to the concerned country. One way would be to incorporate the CITES Appendices by reference into the national legislation. Parties may refer to the draft model law developed by the Secretariat to facilitate the adoption of provisions that incorporate the Appendices by reference to the implementation of the Convention.

Explicitly regulate online trade

36. Parties may wish to consider adopting provisions in their national laws that explicitly regulate online trade in Appendix-I listed species, given that online trade represents a major loophole in the legislation of many countries. Some existing legal controls may be broad enough to prohibit possession and domestic trade in Appendix-I listed species. In these cases, Parties could explicitly state how online trade is regulated and ensure that the legislation in place is applied and enforced with regard to online trade.
37. At its 18th meeting, the Conference of the Parties adopted Decision 18.82 encouraging Parties to draw upon INTERPOL's guidance on addressing illegal wildlife trade on the Internet. In late 2019, INTERPOL finalized its *Wildlife Crime Linked to the Internet: Practical Guidelines for Law Enforcement Practitioners*. These guidelines are not publicly available but can be provided to any wildlife trade enforcement authority that requests them.

Require proof of legal origin for possession of Appendix-I listed species

38. Some Parties require individuals to have a certificate of ownership or a permit issued by the Management Authority to legally possess or keep any protected animal species or derived product. The approach of requiring a permit for possession could be more widely adopted to prevent specimens that illegally enter a country from continuing to be traded or consumed in-country. One way of achieving this is to regulate possession of specimens of species included in Appendix I. For instance, the possession of a specimen of an Appendix-I listed species (whether dead or alive) could require the proof that the specimen was acquired legally and that the possession is legal. The burden of proof is on the owner. This provision could facilitate the enforcement of paragraph 1 of article VIII of the Convention requiring that Parties take measures to

penalize the possession of specimens traded in violation of the Convention unless the owner can prove that the specimens were not obtained in contravention of the laws of that State for the protection of fauna and flora.

Adopt higher penalties for violations by corporations to ensure sufficient deterrent effect

39. In some of the countries examined, businesses and corporations face higher penalties than individuals for committing the same violations. Countries may consider amending their laws to provide higher penalties for corporations, as well as imprisonment for responsible corporate officers, as a way to deter corporate actors who may not be otherwise deterred by fines due to their financial standing. Another way to ensure compliance is to introduce additional penalties, such as closing businesses and prohibiting their owners from owning or operating similar businesses in the future.

Specify procedures for management and disposal of seized, confiscated, and forfeited specimens.

40. Although in many countries there are provisions specifically addressing seizure or confiscation of specimens of Appendix-I listed species, it is not always clear how the authorities should manage and dispose of the specimens after they are seized. There may also be a significant lack of resources to secure the storage of seized specimens or the care of seized live animals. This may in turn be a disincentive for proceeding to seizure and forfeiture. The study suggests that Parties adopt clear procedures in their national legislation in relation to the management of both live and dead specimens and establish secure storage facilities. Parties may consider enacting or amending relevant legislation to identify specific disposal methods for certain scenarios and offer a range of suitable options to prevent “leakage” and ensure appropriate care for live specimens. These provisions should cover all seized or forfeited specimens and products, whether seized from illegal possession or illegal domestic or international trade. Parties should also endeavour to recover associated costs from offenders. For example, in Nigeria, costs incurred from the processing of seized specimens may be required to be paid by the party that committed the offence.

Discussion and conclusions

41. According to Decision 17.88 (Rev. CoP18), the Standing Committee is requested to *review the findings and recommendations of the report referred to in Decision 17.87 (Rev. CoP18) and any recommendations of the Secretariat and make recommendations for consideration at the 19th meeting of the Conference of the Parties, including appropriate revisions to existing resolutions, to strengthen domestic controls addressing illegal trade in specimens of CITES-listed species for which international trade is predominantly illegal.*
42. Based on the study and the suggestions summarized above, the Secretariat would like to offer the following comments on the suggestions and offer its own recommendations for the consideration of the Standing Committee.
43. The study suggests that Parties undertake a national assessment of their legal frameworks and, based on this, consider streamlining and clarifying national controls, extending national controls to cover all Appendix-I listed species and explicitly regulate online trade. To this end, Parties may consider reaching out to the UNODC to request support in the development of a rapid reference guide for investigators and prosecutors of wildlife and forest crime to consolidate, in a single document, information about relevant national legislation and points to prove. The Secretariat notes that Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement* contains a relevant recommendation in the context of wildlife crime linked to the Internet. Paragraph 12 a) of the Resolution recommends that Parties:
- a) *evaluate or develop their domestic measures to ensure that they are sufficient to address the challenges of controlling legal wildlife trade, investigating illegal wildlife trade and punishing the perpetrators, giving high priority to the offer for sale of specimens of species listed in Appendix I.*
44. The Standing Committee may wish to consider extending this recommendation to the control of any trade at the domestic level; not just online trade, i.e. by moving the subparagraph to another section of Resolution Conf. 11.3 (Rev. CoP18), for instance to paragraph 15.
45. The study suggests that high storage and care costs and lack of clarity with regard to management and disposal of illegally traded and confiscated specimens may be a disincentive for proceeding to seize and confiscate – which may in turn leave illegal specimens on the market. Parties should therefore consider adopting measures that enable the recovering of storage and care costs from offenders. To address this lack of clarity, Parties should adopt clear procedures for management and disposal of seized and/or confiscated

specimens. The Secretariat notes that Article VIII of the Convention and Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*. already make recommendations to this effect. The Secretariat has also recently revised and updated the draft CITES Model Law with a new section on seizure and confiscation, addressing both live and dead specimens. The Secretariat further intends to develop additional guidance for the development of action plans to manage and dispose of seized and confiscated live animals to complement the Guidelines set out in contained in Annex 3 of Resolution Conf. 17.8.

46. The Standing Committee may wish to consider whether national legislation as well as any action plan for seized and confiscated specimens should cover all specimens of wild fauna and flora, whether seized from illegal possession or illegal international trade. In this context, the Standing Committee may wish to consider current provisions and recommendations related to possession of specimens of CITES-listed species in the Convention and relevant Resolutions with a view to strengthening these, where doing so would help address illegal international trade, notably with respect to specimens of species included in Appendix I.
47. The study further suggests that Parties consider adopting stricter regulation of the possession of Appendix-I specimens. The study suggests that Parties consider amending their national legislation to regulate the possession of Appendix-I specimens requiring the owner to provide evidence that they were legally obtained. This suggestion has some potential in that it would shift the burden to prove that a specimen was legally obtained and possessed onto the individual possessing the specimen. Authorized captive-breeding of Appendix-I species would obviously entail a right to possess any offspring as would any zoo, museum, aquarium or other professional activity involving Appendix-I species. However, where possession would not be justified by a professional activity, it could be considered to amend the national legislation to require a permit/certificate for lawful possession. It is recalled that a number of Parties have already adopted this approach. The Secretariat proposes a set of new decisions addressed to the Standing Committee related to the implementation of Article VIII, paragraph 1 of the Convention as set out in the annex to the present document. In the short-term, the Secretariat proposes the following new subparagraph in paragraph 15 of Resolution Conf. 11.3 (Rev. CoP18) to address the recommendation by the study:
 - x) review and amend national legislation, as necessary, to enable authorities to take action in cases where evidence of legal acquisition of specimens of species included in Appendix I cannot be provided by the owner, to the extent that it is practicable to require such evidence;
48. The study reveals difficulties in obtaining information about how domestic legal controls are implemented in practice. It also suggests that obtaining comprehensive statistics on domestic trade and seizures is challenging. The Secretariat recalls that Parties are encouraged to submit annual illegal trade reports in accordance with Resolution Conf. 11.17 (Rev. CoP18) on *National reports*. The Secretariat further recalls that paragraph 2 g) of the [Guidelines for the preparation and submission of the CITES annual illegal trade report](#) provides that:
 - g) *The annual illegal trade report should include information on all seizures for violations involving CITES-listed species, irrespective of whether the seizure was made at an international border, or at domestic level for example during the search of a private or business property or during inspections at domestic markets.*
49. Parties are encouraged to include this information in their annual illegal trade reports in particular with regard to specimens of Appendix-I listed species.

Recommendations

50. Based on the study and its suggestions as well as the conclusions included in the preceding paragraphs, the Secretariat recommends that the Standing Committee
 - a) take note of the study and the information contained therein and agree that Decisions 17.87 (Rev. CoP18) and 17.88 (Rev. CoP18) have been implemented and can be deleted;
 - b) propose for consideration and possible adoption by the Conference of the Parties the following amendments to Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*:
 - i) move subparagraph 12 a) to become a new subparagraph 15 e) so that it addresses trade in specimens of species included in Appendix I more broadly and not only in the context of online trade;

- ii) include a new subparagraph in paragraph 15 as set out in paragraph 47 above;
- iii) include a new subparagraph 15 r) as follows:
 - r) ensure that legislative provisions cover online trade and that national agencies responsible for wildlife law enforcement be made aware of the challenges raised by online trade and provided with adequate means to tackle it;
- c) review and, as appropriate, submit the draft decision, contained in the Annex to the present document for the consideration and adoption by the Conference of the Parties at its 19th meeting.

DRAFT DECISION

19.AA *Directed to the Standing Committee*

The Standing Committee, with the assistance of the Secretariat, shall:

- a) explore whether further guidance is needed on the implementation of the Convention with respect to possession of specimens of species included in Appendix I to help address illegal international trade and, if so, request the Secretariat to prepare draft guidance for its endorsement;
- b) consider whether additional recommendations related to the possession of specimens of species included in Appendix I in relevant Resolutions are warranted to address illegal international trade in such specimens; and
- c) make recommendations for consideration at the 20th meeting of the Conference of the Parties, including appropriate revisions to existing Resolutions, to strengthen the regulation of possession of specimens of species included in Appendix I to help address illegal trade in such specimens.