

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

SUMMARY

TUESDAY 8 MARCH  
MORNING

6. Report of the Chairs of the Animals and Plants Committees..... SC74 Doc. 6

The Committee noted the information in paragraphs 5 to 16 of document SC74 Doc. 6 concerning matters relating to fauna and noted the following draft decisions on *African elephant nomenclature* to be submitted by the Animals Committee to the 19th meeting of the Conference of the Parties (CoP19):

**19.BB Directed to the Secretariat:**

The Secretariat shall:

- a) issue a Notification seeking the perspectives of Parties and other stakeholders on the potential effects of recognizing African forest elephant (*Loxodonta cyclotis*) as a separate species to African savannah elephant (*Loxodonta africana*) for CITES purposes;
- b) develop a list of all current Resolutions and Decisions of the Conference of the Parties that would be impacted by such a change of nomenclature;
- c) collate the responses to the Notification to the Parties and prepare a review of the potential impacts of recognising *L. cyclotis* as a separate species for CITES purposes, including the potential impacts on Resolutions and Decisions of the Conference of the Parties; and
- d) prepare a report of its findings pursuant to a), b) and c) above and submit this report to the Standing Committee for its consideration.

**19.CC Directed to the Animals Committee**

The Animals Committee shall:

- a) review the taxonomic-nomenclatural history of African elephant *Loxodonta africana* in CITES and the nomenclature that reflects accepted use in biology, at its 32nd meeting; and
- b) if appropriate, make a recommendation on adopting a new standard nomenclature reference for African elephants, for decision at the 20th meeting of the Conference of the Parties.

**19.DD Directed to the Standing Committee**

The Standing Committee shall:

- a) review the report submitted by the Secretariat under paragraph d) of Decision 19.BB; and

- b) provide advice and any recommendations on the potential impacts of recognizing *L. cyclotis* as a separate species for CITES purposes, including the potential impacts on Resolutions and Decisions of the Conference of the Parties, for consideration at the 20th meeting of the Conference of the Parties.

The Committee agreed to propose the following draft decisions on higher taxon listings to CoP19:

**19.AA Directed to the Animals and Plants Committees**

The Animals and Plants Committees shall, taking into consideration document AC31 Doc. 38 with its Annex and its addendum, as well as the provisions of Resolution Conf. 9.24 (Rev. CoP17), Annex 3, review the impacts of existing and future higher taxon listings in the Appendices and propose further guidance and recommendations as necessary, for consideration by the Standing Committee.

**19.BB Directed to the Standing Committee**

The Standing Committee shall take into account the guidance and recommendations from the Animals and Plants Committees and make any recommendations to the 20th meeting of the Conference of the Parties, as required.

The Committee noted the information in paragraphs 17 to 23 of document SC74 Doc. 6 concerning matters relating to flora; and further noted the recommendations of the Plants Committee on *Specimens grown from wild collected seeds or spores that are deemed to be artificially propagated*.

The Committee noted the information in paragraphs 24 to 40 of document SC74 Doc. 6 concerning matters relating to fauna and flora; and agreed to submit the following draft decisions on *Nomenclature of Appendix-III listings* to CoP19:

**18.313 (Rev. CoP19) Directed to the Animals and Plants Committees**

The Animals and Plants Committees shall, taking into consideration the current guidance in Resolution Conf. 12.11 (Rev. CoP18) on *Standard nomenclature*, paragraph 2 g), evaluate how nomenclature changes affect Appendix-III listings and propose further guidance and recommendations as necessary, that address how such nomenclature changes are to be handled, for consideration by the Standing Committee.

**18.314 (Rev. CoP19) Directed to the Standing Committee**

The Standing Committee, in consultation with the Secretariat, shall take into account the guidance and recommendations from the Animals and Plants Committees and make recommendations to address nomenclature changes that affect an Appendix-III listing, including possible amendments to Resolution Conf. 12.11 (Rev. CoP18) or Resolution Conf. 9.25 (Rev. CoP18) on *Inclusion of species in Appendix III*, for consideration at the 20th meeting of the Conference of the Parties.

86. Reservations entered after the 18th meeting of the Conference of the Parties: Report of the Secretariat ..... SC74 Doc. 86

The Committee welcomed the intention of the Secretariat to submit a document with recommendations for the consideration of the Conference of the Parties at its 19th meeting (CoP19). The Committee invited Parties to send their comments in writing to the Secretariat and further invited the Secretariat to take these comments into account in its document to CoP19.

18. Review of the Convention ..... SC74 Doc. 18

The Committee agreed that there was no need for a targeted review of the implementation of the Convention at this time, in consideration of the cost implications of such a targeted review and of the existence of other review mechanisms already agreed by the Conference of the Parties.

## 28. Compliance matters

### 28.1 Implementation of Article XIII and Resolution Conf. 14.3 (Rev. CoP18) on CITES compliance procedures ..... SC74 Doc. 28.1

The Committee requested the Secretariat to follow up with Bangladesh on the issue of bird trade and noted Israel's request for further information on the export of live birds from Dominica to Germany in paragraph 28 of document SC74 Doc. 28.1.

The Committee agreed the following recommendations:

#### *Regarding trade in live Asian elephants (Elephas maximus)*

- a) The Secretariat shall continue to keep close communication and strengthen the cooperation with China and Lao PDR on this potential case and seek an invitation from China and Lao PDR to provide in-country assistance, conduct a technical assessment and a verification mission to understand the type of trade controls that are put in place, once the specimens had been introduced, to ensure compliance with Article III with respect to the import of live Asian elephants (*Elephas maximus*). The technical assessment of the facility(ies) hosting the live elephants should focus on clarifying the purpose of the transaction and the specific characteristics and objectives of the reported trade. The Secretariat shall present its findings and recommendations to the 75th meeting of the Standing Committee (SC75).
- b) The export of live Asian elephants from the Lao People's Democratic Republic shall be incorporated into the application of Article XIII in the Lao People's Democratic Republic to be considered under agenda item 28.2.1.

#### *Regarding trade in Pericopsis elata from Cameroon*

- c) The Committee noted the information provided on *Pericopsis elata* from Cameroon and requested the Secretariat to further investigate this case and make recommendations to the Standing Committee.
- d) Pursuant to Article II, paragraph 1, articles IV and VI and Resolution Conf. 12.3 (Rev. CoP18), the Secretariat shall continue to keep close communication and strengthen the cooperation with Cameroon on this potential case and seek an invitation from Cameroon to provide in-country assistance, conduct a technical assessment and a verification mission to understand how the CITES authorities ensure that timber species are legally acquired and exported in full compliance with CITES. The Secretariat shall present its findings and recommendations to SC75.

#### *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes – European Union and the United Kingdom of Great Britain and Northern Ireland*

- e) The Secretariat shall continue to keep close communication and strengthen the cooperation with the European Union, its member States and the United Kingdom of Great Britain and Northern Ireland regarding this case and seek an invitation from the European Union and from the United Kingdom to provide in-country assistance, conduct a technical assessment and a verification mission to several selected operations to know the type of trade controls that are put in place to verify the legal origin of the parental stock and the commercial or non-commercial nature of those operations. The aim of the visits would be to have a clearer understanding of the purpose of the breeding and the specific characteristics and objectives of the operations breeding bird and reptile species listed in Appendix I. The Secretariat shall present its findings and recommendations to SC75.

#### *Regarding timber trade from or to Viet Nam*

- f) The Secretariat shall continue to keep close communication and strengthen the cooperation with Viet Nam to understand how the CITES authorities ensure that timber and other species are imported and re-exported in full compliance with CITES. The Secretariat shall seek an invitation from Viet Nam to provide in-country assistance, conduct a technical assessment and a verification mission to further investigate allegations related to Viet Nam's possible

engagement in trade in timber and other species that have been illegally harvested or traded, including timber that has been traded contrary to CITES provisions. The Secretariat shall present its findings and recommendations to SC75.

## 28.2 Application of Article XIII: Reports of the Secretariat

### 28.2.1 Application of Article XIII in the Lao People's Democratic Republic..... SC74 Doc. 28.2.1

The Committee agreed the following recommendations:

#### *Regarding management of exports of Dalbergia spp.*

- a) Parties shall continue to suspend commercial trade in specimens of the genus *Dalbergia* spp., including finished products, such as carvings and furniture from Lao PDR, until Lao PDR makes scientifically based non-detriment findings for trade in the relevant species, including *D. cochinchinensis* and *D. oliveri*, to the satisfaction of the Secretariat.

#### *Regarding national legislation for the implementation of CITES*

Lao PDR shall:

- b) enact and effectively implement the CITES Decree and ensure that it is widely disseminated among all relevant authorities and stakeholders; and
- c) finalize the ongoing revision of the Wildlife and Aquatic Law to ensure that the gaps in the CITES Decree are fully addressed.

#### *Regarding CITES Authorities*

- d) Lao PDR shall continue to address the need for strengthening capacity and training of staff of the CITES authorities, in particular the CITES Scientific Authority, and ensure smooth collaboration between all relevant CITES authorities, with the support of the CITES Secretariat.

#### *Regarding law enforcement*

Lao PDR shall

- e) continue to progress the implementation of its National Wildlife Crime Response Strategy Plan to tackle illegal trade in wildlife as adopted by Decision MAF No. 1559 (2018);
- f) continue to investigate and prosecute cases involving organized or transboundary illegal trade activities, such as those identified by various international partners; and provide to the Secretariat the results of any investigations conducted by competent national authorities, including on arrests, and the results of any legal proceedings against alleged perpetrators, in the illegal trade report format;
- g) continue to work with the law enforcement agencies from China, Malaysia, Singapore, Thailand and Viet Nam, including the context of the Working Group on CITES and Wildlife Enforcement of the Association of Southeast Asian Nations and other relevant networks to facilitate the exchange of information and best practices with the objective of improving the mechanisms for justice and police cooperation on the issues of trade and transiting of illegal acquired wildlife and illegal wildlife tourism; and
- h) implement the recommendations of the Wildlife and Forest Crime Toolkit of the International Consortium on Combating Wildlife Crime (ICWC) with the assistance of ICWC and other partners and conduct a follow-up ICWC indicator framework

for wildlife and forest crime within 24 months to monitor performance over time and to identify any changes needed in the response.

*Regarding monitoring of wildlife farms and related trade*

Lao PDR shall

- i) disseminate and effectively implement Ministerial Decision No. 0188/MAF, dated 8 February 2019 on the *Establishment and Management of zoos, wildlife farms, centers for rehabilitation and breeding of wildlife and wild flora farms*;
- j) finalize the full audit of the tigers kept in captivity, combined with a marking scheme and genetic analysis of the animals to establish their origin in collaboration with relevant international organizations to comply with paragraph 1 h) of Resolution Conf. 12.5 (Rev. CoP18) on *Conservation of and trade in tigers and other Appendix-I Asian big cat species* and Decision 14.69, and taking into account the provisions of Decision 17.226; and
- k) establish an appropriate advisory committee or mechanism with involvement of the CITES Secretariat and other relevant organizations and partners to provide advice on the transformation of commercial tiger farms.

*Regarding trade in live Asian elephants*

- l) Parties shall suspend all trade in live specimens of Asian elephants from Lao PDR until Lao PDR is able to demonstrate to the satisfaction of the Secretariat that specimens to be traded with source code C comply with the definition of captive-bred specimens set out in [Resolution Conf. 10.16 \(Rev.\) on Specimens of animal species bred in captivity](#);
- m) Lao PDR shall take substantive steps to implement Decision 18.226, in particular by developing strategies to manage captive Asian elephant populations, by ensuring that trade is conducted in compliance with Article III for Asian elephants of wild origin and by strengthening its system for registration and marking of Asian elephants held in captivity in Lao PDR.

*Regarding awareness raising*

- n) Lao PDR should continue to implement outreach campaigns targeted to raise awareness among nationals, traders, visitors and consumers from neighbouring countries about the laws and regulations of the State for the protection of fauna and flora.

*Regarding capacity-building and technical assistance*

- o) Parties, the CITES Secretariat, international non-governmental organizations and development partners shall make efforts to respond to the requests for capacity-building and technical support expressed by Lao PDR to implement the action plan and aim to coordinate their support to maximize effectiveness and minimize overlap.

The Committee requested Lao PDR to submit a report to the Secretariat by 28 February 2023 on activities undertaken in the period January – December 2022 to implement the recommendations a) to m) in order for the Secretariat to convey this report and its comments and recommendations to the 77th meeting of the Standing Committee.

The Committee agreed to review progress made by Lao PDR at its 77th meeting and decide on appropriate compliance measures, including a recommendation to suspend trade in specimens of all CITES-listed species for commercial purposes if progress is considered insufficient.

The Committee invited the Secretariat to submit any relevant progress to the 75th meeting of the Standing Committee.

28.2.2 Application of Article XIII  
in the Democratic Republic of the Congo ..... SC74 Doc. 28.2.2 (Rev. 1)

The Committee noted the oral report by the Democratic Republic of the Congo and invited the Secretariat to review the updated information provided by the Democratic Republic of the Congo in information document SC74 Inf. 17 and provide any relevant updated recommendations to the 75th meeting of the Standing Committee.

The Committee agreed the following recommendations:

*Regarding quota setting and management*

- a) The Democratic Republic of the Congo (DRC) shall continue to strengthen its Scientific Authorities by building capacity and allocating sufficient modern resources for the making of the non-detriment findings and the setting of annual export quotas based on the best available science, particularly considering the species of wild fauna and flora in the DRC that are currently included in the Review of Significant Trade process.

*Regarding the management of trade in *Psittacus erithacus**

- b) Parties shall maintain the suspension of trade in specimens of the species *Psittacus erithacus* from the DRC pending compliance with the recommendations made at the 69th meeting of the Standing Committee (SC69, Geneva, November 2017).

*Regarding trade in pangolin stockpiles*

- c) Parties shall not authorize trade of specimens from stockpiles of *Manis* spp. held in the DRC, in accordance with the guidance provided by the Conference of the Parties at its 18th meeting (CoP18, Geneva, 2019).
- d) The Standing Committee urges the Management Authorities of the DRC and the Republic of the Congo to provide the information requested by the Secretariat on 17 June 2021 about the repatriation of pangolin scales.

*Regarding illegal trade*

- e) The DRC shall intensify efforts to conduct analyses of available information to map organized crime groups active in the country and convene multi-disciplinary investigative teams involving all relevant authorities, to work in close collaboration with local authorities in key identified areas, and initiate intelligence-driven operations and investigations, with a particular focus on pangolins and ivory.

*Regarding compliance assistance*

- f) Parties, partners and donors are encouraged to provide coordinated financial, technical and logistical support to the DRC to support the implementation of the above recommendations with a particular focus on scientific-related assistance.

*Regarding reporting to the Secretariat*

- g) The DRC should report to the Secretariat on progress made on the implementation of these recommendations by 31 December 2022, in order for the Secretariat to convey its report and its comments to the 77th meeting of the Standing Committee.

The Committee agreed the following recommendations:

*Regarding export of pre-convention specimens of Pterocarpus erinaceus*

- a) The Committee noted the inventory of the stockpile of pre-Convention *Pterocarpus erinaceus* made by the Guinean authorities on 7 June 2021, that is, a total volume of 12,882 m<sup>3</sup> of exportable wood of the 14,000 m<sup>3</sup> originally estimated;
- b) The Committee recommended that Guinea take all the necessary measures by 13 November 2022 to implement the Standing Committee decision adopted on 21 April 2021 (Notification to the Parties No. 2021/033 of 26 April 2021);
- c) The Committee invited importing Parties to exert due diligence when CITES permits or certificates from Guinea are submitted, if they have reason to believe that the specimens of CITES-listed species may not have been traded in accordance with the decision adopted by the Standing Committee on 21 April 2021 (Notification to the Parties No. 2021/033 of 26 April 2021) and in accordance with the provisions of the Convention [paragraphs 1 c) and 2 of Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*].

*Regarding national legislation*

The Standing Committee recommends that Guinea:

- d) adopt legislative measures that meet the CITES minimum requirements set out in Resolution Conf. 8.4 (Rev. CoP15) on *National laws for implementation of the Convention* and in accordance with the guidance provided under the National Legislation Project; this should include the issuance of a legally binding instrument on the functions and responsibilities of the CITES Scientific and Management Authorities.

*Regarding management and issuance of CITES permits and certificates*

The Standing Committee recommends that Guinea:

- e) implement a system for the receipt and management of applications for CITES documents, and for the issuance, filing and monitoring of CITES documents, including use of secure paper and security stamps;
- f) develop a protocol for the making of non-detriment findings by the CITES Scientific Authority prior to the issuance of export permits;
- g) assess the capacity of the CITES Management and Scientific Authority as well as customs on CITES implementation, including the capacity to make non-detriment findings, and address any gaps and needs for training and capacity-building, with the relevant technical assistance, including from the CITES Secretariat, if requested and subject to available resources;
- h) consider establishing voluntary national export quotas for CITES-listed species expected to be in trade; and
- i) every six months, submit copies of CITES permits and certificates issued to the CITES Secretariat for information and monitoring.

*Regarding compliance and law enforcement*

The Standing Committee recommends that Guinea:

- j) continue to investigate and prosecute cases of illegal trade in specimens of CITES-listed species, and inform the Secretariat of the results of any legal proceedings by submitting the annual illegal trade report in accordance with existing guidelines;
- k) establish a formal agreement between the CITES Management Authority and the Customs Service on collaboration, coordination and exchange of information;
- l) consider the implementation of the ICCWC *Indicator Framework for wildlife and forest crime* and request support from the CITES Secretariat in this regard; and
- m) develop a protocol for the management and disposal of seized and confiscated specimens (live and dead), taking into account the provisions of the Convention and the recommendations of Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*.

The Committee requested Guinea to submit a report to the Secretariat on the implementation of these recommendations before the 77th meeting of the Standing Committee so that the Secretariat can in turn submit its report and recommendations to the Standing Committee at that meeting.

The Committee instructed the Secretariat to provide capacity building and training to Guinea, subject to the availability of resources. This could include another mission to Guinea before the 77th meeting of the Standing Committee.

The Committee instructed the Secretariat to publish a Notification to the Parties to replace Notification No. 2021/037 of 6 May 2021, recommending that the Parties maintain the suspension of commercial trade with Guinea until the above-mentioned recommendations have been implemented to the satisfaction of the Secretariat.