

## Interpretation and Implementation of the Convention

### CRITERIA FOR GRANTING EXPORT PERMITS IN ACCORDANCE WITH ARTICLE V, PARAGRAPH 2

#### Background

1. This document has been prepared by the Secretariat on behalf of the Standing Committee.
2. Decision of the Conference of the Parties No. 5 directed to the Standing Committee is as follows:
3. "Uniform criteria shall be prepared for granting export permits in accordance with Article V, paragraph 2, and a draft resolution shall be prepared for consideration at the tenth meeting of the Conference of the Parties."
4. This Decision was derived from paragraph d) of Resolution Conf. 5.22 (on criteria for the inclusion of species in Appendix III), in the process of consolidating the Resolutions of the Conference of the Parties. In document Doc. 9.19.2 Annex 6, prepared by the Secretariat for the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994), it was stated that paragraph d) of Resolution Conf. 5.22 was redundant, and it was proposed to repeal this paragraph. At the meeting, the document was reviewed by a working group, which proposed that, although the paragraph should be repealed, it should be replaced by an instruction to the Standing Committee. This instruction was attached as Annex 10 to document Com. 9.20 and became Decision No. 5 directed to the Standing Committee after the ninth meeting.
5. Resolution Conf. 5.22 arose from a discussion of working document Doc. 5.24 submitted by Germany. At the ninth meeting of the Conference of the Parties, in Fort Lauderdale, it was the representative of the delegation of the United States of America who, in the working group reviewing document Doc. 9.19.2, suggested the adoption of the text in document Com. 9.20 Annex 10. Therefore, the Secretariat wrote in March 1996 to the Management Authorities of Germany and the United States of America to request their views on whether there was really still a need for uniform criteria.
6. The Secretariat made this request also because, as it had already said at the fifth meeting of the Conference of the Parties, it considered that a draft resolution on criteria for the inclusion of species in Appendix III was not necessary. In addition, it seems to us that paragraph d) of the draft resolution was originally intended to tackle the problem that different types of specimens of a species included in Appendix III may be subject to

different provisions. However, the text of the Convention is quite explicit in providing the possibility to include in Appendix III specified parts and derivatives. Moreover, the Conference of the Parties has now adopted guidelines for the inclusion of species in Appendix III and the Secretariat believes that nothing more needs to be done on this issue. Finally, concerning the export permits for Appendix-III specimens, Resolution Conf. 9.3 on Permits and Certificates is applicable.

7. In early September 1996, the Management Authority of Germany expressed the view that at the moment there was no need for additional criteria for the granting of permits for Appendix-III specimens because:
  8. – Resolution Conf. 9.25 now lays down criteria for the listing of species in Appendix III and these criteria are sufficient to restrict the listing to relevant species; and
  9. – in addition to the detailed criteria already laid down in Article V of the Convention, Resolution Conf. 9.3 under paragraph ff) recommends that certificates of origin only be issued by Management Authorities and that certificates of other authorities may not be accepted by other Parties.
10. In early October, the Management Authority of the United States of America, to which a copy of the letter from the Management Authority of Germany had been communicated, informed the Secretariat that it concurred with the position of the Government of Germany as stated in the letter of its Management Authority.
11. Consequently, at the 37th meeting of the Standing Committee (Rome, December 1996), the Secretariat brought this matter to the Committee's attention and proposed that it recommend to the Conference of the Parties to revoke Decision No. 5 directed to the Standing Committee regarding Criteria for Granting Export Permits for Appendix-III Species. The Standing Committee adopted this recommendation.

#### Recommendation

12. The Standing Committee recommends that the Conference of the Parties revoke its Decision No. 5 directed to the Standing Committee, for the reasons given above.