

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

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Eleventh meeting of the Conference of the Parties  
Gigiri (Kenya), 10-20 April 2000

Interpretation and implementation of the Convention

Amendment of Resolution Conf. 9.6

CONCERNING FINAL COSMETIC PRODUCTS CONTAINING CAVIAR

Introduction

1. This document has been submitted by Germany and Switzerland.
2. After all sturgeon species were listed in CITES Appendix II, an implementation problem arose, at least within the European region, with regard to cosmetics containing a very small quantity of caviar from Appendix-II species. This problem was discussed during the CITES European regional meeting held in Brussels on 29 January 1999. There was general agreement that a problem existed and was significant. Furthermore, it was acknowledged that the problem should be solved at the 11th meeting of the Conference of the Parties to CITES. The cosmetic products are new and up to now there is at least one company producing them. The material concerned is produced in Switzerland on the basis of caviar extract imported with CITES documents from France. It can not be excluded that other cosmetic companies in various parts of the world will produce similar products in the future.
3. For the production of these cosmetics for the final consumer, companies buy the material, a sort of creamy lotion, in large containers from the producing country. It is then re-packed into small containers (this being the final cosmetic product). The import of such large quantities of this material by companies, for re-packing and re-export in small containers, does not pose any implementation problems and may be fully regulated under the provisions of CITES.
4. However the problem of implementation is associated with the re-export and the re-import of the finished cosmetics once they have been re-packed in small containers for re-export for final consumers. Re-packing companies deliver their consignments within short notice, e.g. 24 hours, to importing firms throughout the world. These are single shops, agencies or even subsidiaries of the re-packing companies. However, because of the delivering practice, there is no possibility for the re-packing companies to obtain the required CITES certificates in advance of the intended re-export.
5. The caviar content in the re-exported cosmetic cream amounts to between 0.01 and 0.03 g/kg. Thus, for example, a 50 ml tube of face cream contains not more than 0.0015 g of caviar. It is worth mentioning that the cost for one re-export certificate is about the half price of one cosmetic product. Some consignments, especially to single shops, only containing one or two cosmetic products.
6. In 1999, the total quantity of caviar re-exported worldwide by one company in the form of cosmetics was calculated to amount to 250 g. It is worth noting that this very small quantity of sturgeon derivative does not exceed the maximum quantity of caviar allowed for one person, under the personal effects exemption provided for by Article VII, paragraph 3, as recommended by Resolution Conf. 10.12 on the Conservation of sturgeons, adopted at the 10th meeting of the Conference of the Parties.
7. The intent of the proposal in the Annex, which is limited to the trade in finished cosmetics with a very small caviar content, is to remove unnecessary bureaucratic controls without any detrimental effect on the conservation of the species concerned. The issuance of the required re-export

certificates and the paper controls over the movement of these sturgeon derivatives impose a significant workload on Management Authorities and other governmental agencies in charge of implementing and enforcing the Convention. In addition, they increase the costs of, and the time needed for, the transactions, without serving any conservation purposes. Therefore, the Parties submitting this proposal have decided to seek possible mechanisms to exempt such cosmetics from the provisions of the Convention.

8. As stated above, an exemption is included in Resolution Conf. 10.12 for caviar traded, as personal effects, in quantities of no more than 250 g. per person.

#### COMMENTS FROM THE SECRETARIAT

- A. The Secretariat supports the proposal but is wary lest it become fashionable, for example, for a cosmetic company to manufacture products containing nothing but caviar. Consequently, the Secretariat suggests that a limit be established on the proportion of caviar in cosmetic products that would benefit from the proposed exemption. (See also comment on document Doc. 11.45.2.)

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Amendment of Resolution Conf. 9.6 concerning final cosmetic products containing caviar

It is proposed to amend Resolution Conf. 9.6 by adding a new paragraph after the first operational paragraph as follows:

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES however that the following items are not considered readily recognizable and therefore shall not be subject to CITES controls:

- \* final cosmetic products containing caviar of sturgeon species included in Appendix II.