

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

Thirteenth meeting of the Conference of the Parties
Bangkok (Thailand), 2-14 October 2004

Eleventh session: 11 October 2004: 11h10-12h03

Chairman: M. Brasher (United Kingdom)

Secretariat: J. Barzdo
S. Nash
M. Yeater

Rapporteurs: H. Gillett
P. Wheeler

Interpretation and implementation of the Convention

Trade control and marking issues

42. Commercial trade in Appendix-I species

The delegation of Israel introduced document CoP13 Doc. 42. They also drew attention to document CoP13 Inf. 42, the Annex of which included details of a suggested study of commercial trade in Appendix-I listed species. The latter document additionally contained a revision of the proposed text to replace existing paragraph 4 of Resolution Conf. 5.10 as follows:

Article III, paragraphs 3 (c) and 5 (c), of the Convention concern all aspects of the specimens' intended use. This includes the final use in the country of importation and the nature of the transaction between the owner of the specimen in the country of export, the recipient in the country of import and any other third party. All phases of the transfer should be considered when assessing whether or not the commercial aspects predominate over non-commercial aspects, thereby determining whether or not the specimen is to be used for 'primarily commercial purposes'.

The proposed revision of Resolution Conf. 5.10 was supported by the delegation of Mexico, who emphasized the importance of clarity and simplicity regarding the general issue of exemptions from any legislation. The Secretariat did not support the proposed change, pointing out that import permits for Appendix-I species may be granted only if the Management Authority of the state of import is satisfied that the specimens in question are not to be used for primarily commercial purposes after importation and that, while the nature of the transaction might be commercial, the determining factor is the end use of the specimens. The view of the Secretariat was endorsed by the delegations of Canada, the Netherlands on behalf of the 25 Member States of the European Community, South Africa, Switzerland, the United States of America and Zambia, and by the observer from the World Association of Zoos and Aquariums. The delegation of Zambia expressed concern that the proposed amendment would gravely disadvantage exporters in range States legitimately entitled to gain commercial benefit from their holding of an export permit.

The delegation of the United States considered that the study alluded to by the delegation of Israel would stimulate discussion of the important issue of how Parties interpreted 'commercial' and 'non-commercial' and referred to information document CoP13 Inf. 61 that contained a draft decision. The delegation of Israel, acknowledging that the revised text they had proposed for Resolution Conf. 5.10 was problematic and that there was no intention to cause problems to range States, withdrew that proposal, and supported the draft decision proposed by the delegation of the United

States. Following a discussion, in which amendments were proposed by the delegations of Argentina and Mexico and the Secretariat, the draft decision was agreed in the following form.

The Standing Committee shall:

- a) conduct a review of trade in Appendix-I plant and animal species, through UNEP-WCMC. The review should take into account all exports, re-exports, and imports of Appendix-I specimens, including the species name, the source and purpose codes, and all other relevant information for the last five years. The identity of individual Parties should be protected in the report; and*
- b) consider the UNEP-WCMC report and draft recommendations, if necessary, based on the analysis of Appendix-I trade, at its 54th meeting, and present these recommendations for consideration at the 14th meeting of the Conference of the Parties.*

43. Management of annual export quotas

The Secretariat introduced document CoP13 Doc. 43, and reported that the Export Quota Working Group established by the Standing Committee, in accordance with Decision 12.17 had met the previous day. The Secretariat highlighted the recommendation from the Standing Committee that Decisions 12.17 and 12.18 be deleted and that Decision 12.72 be amended to refer to CoP14.

The delegation of Cameroon as Chairman of the Export Quota Working Group, reported on the progress of the group and stated that it would be submitting a report for comments to the 21st meeting of the Animals Committee and 15th meeting of the Plants Committee.

The Secretariat noted that Committee II had agreed in an earlier session to deletion of Decisions 12.90 to 12.93, but that the members of the working group asked that these be re-adopted to cover the scientific aspects of quota management. This was agreed.

The delegation of Argentina, supported by the Chairman of the Export Quota Working Group, noted that the procedure for the work of the working group, agreed by the Standing Committee had not correctly indicated that it should produce guidelines, as agreed by the Conference of the Parties. It was agreed that the Conference of the Parties should ask the Standing Committee to remain faithful to the original text of Decision 12.17.

The session was closed at 12h03.