

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



Sixteenth meeting of the Conference of the Parties
Bangkok (Thailand), 3-14 March 2013

Interpretation and implementation of the Convention

Amendment of the Appendices

CRITERIA FOR THE INCLUSION OF SPECIES IN APPENDICES I AND II

1. This document has been submitted by the Standing Committee¹.
2. The 15th meeting of the Conference of the Parties adopted three decisions on the subject of criteria for the inclusion of species in Appendices I and II:

Directed to the Secretariat

15.28 *The Secretariat shall:*

- a) *prepare a report that will summarize its experience in applying criterion Annex 2 a B and the introductory text to Annex 2 a of Resolution Conf. 9.24 (Rev. CoP15) to some or all of the commercially exploited aquatic species that were proposed for inclusion on Appendix II at the 13th, 14th and 15th meetings of the Conference of the Parties, highlighting any technical difficulties or ambiguous issues encountered, including, where appropriate, illustrations of these matters by comparison with application of the criteria to other species;*
- b) *request IUCN/TRAFFIC and the Food and Agriculture Organization of the United Nations to each prepare a report, subject to the availability of external funding, with the same requirements as the report referred to in paragraph a) above; and*
- c) *submit its report and any received under paragraph b) above for consideration at the 25th meeting of the Animals Committee.*

Directed to the Animals Committee

15.29 *The Animals Committee shall:*

- a) *on receipt of any or all of the reports referred to in Decision 15.28, and having sought the participation of representative(s) of the Plants Committee, IUCN, TRAFFIC, the Food and Agriculture Organization of the United Nations and other appropriate experts, develop guidance on the application of criterion B and the introductory text of Annex 2 a of Resolution Conf. 9.24 (Rev. CoP15) to commercially exploited aquatic species proposed for inclusion on Appendix II;*

¹ *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat or the United Nations Environment Programme concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

- b) *recommend the best way to incorporate the guidance for use when applying Resolution Conf. 9.24 (Rev. CoP15) to commercially exploited aquatic species, without affecting the application of Resolution Conf. 9.24 (Rev. CoP15) to other taxa; and*
- c) *submit its conclusions and recommendations at the 62nd meeting of the Standing Committee.*

Directed to the Standing Committee

15.30 *The Standing Committee shall:*

- a) *consider the report and recommendations submitted by the Animals Committee under Decision 15.29 together with comments or other input that the Food and Agriculture Organization of the United Nations may wish to submit; and*
 - b) *submit the Animals Committee's recommendations, together with its comments, at the 16th meeting of the Conference of the Parties.*
3. Having received the reports referred to in Decision 15.28 c) [which can be found in Annexes 1 to 3 of document AC25 Doc. 10], the Animals Committee prepared its conclusions and recommendations and submitted them to the 62nd meeting of the Standing Committee (SC62, Geneva, July 2012) in document SC62 Doc. 39, in accordance with Decision 15.29 paragraph c).
 4. The Standing Committee discussed the Animals Committee's recommendations at SC62.
 5. In accordance with Decision 15.30 paragraph b) the Standing Committee hereby submits the Animals Committee's recommendations on this matter to the Conference of the Parties and invites the Conference to note that it supports them and stresses the need for Parties to clearly explain which approach they have chosen for applying Resolution Conf. 9.24 (Rev. CoP15), Annex 2 a, criterion B, when preparing their amendment proposals.

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat notes the outcome from the Standing Committee on this issue, although the results are rather inconclusive. The Secretariat recognizes that there did not appear to be a wish on the part of the Standing Committee or the Animals Committee to pursue this matter further. This may have been influenced by the fact that, regardless of which interpretation of Resolution Conf. 9.24 (Rev. CoP15), Annex 2 a, criterion B was used at the 15th meeting of the Conference of the Parties, the scientific advice made available to the Parties in connection with proposals to list commercially-exploited aquatic species in Appendix II at CoP15 was not followed in a number of cases.
- B. The Secretariat considers that Decisions 15.28-15.30 have been implemented and recommends that they be repealed.

FINDINGS OF THE ANIMALS COMMITTEE, SUPPORTED BY THE STANDING COMMITTEE

1. Regarding the application of Annex 2a criterion B and the introductory text to commercially exploited aquatic species, the Animals Committee noted that:
 - a) While there are diverse approaches to the application of Annex 2a criterion B, there is commonality in that all Parties and those reviewing listing proposals should take a taxon-specific approach that is sensitive to species vulnerabilities and they should be mindful of the precautionary approach as outlined in Annex 4 of Resolution Conf. 9.24 (Rev. CoP15).
 - b) Vulnerability is defined in Annex 5 of Resolution Conf. 9.24 (Rev. CoP15) as the susceptibility to intrinsic or external effects which increase the risk of extinction, and examples of intrinsic and extrinsic factors are provided. Further, the footnote to decline in Annex 5 reiterates that “account needs to be taken of taxon- and case- specific biological and other factors that are likely to affect extinction risk.”
 - c) When considering whether a species qualifies for listing on CITES Appendix II, Parties and those reviewing listing proposals should be aware that, where numerical guidelines or thresholds are provided, they are presented only as examples, since it is impossible to give numerical values that are applicable to all taxa because of differences in their biology.
 - d) When considering whether a species qualifies for listing on CITES Appendix II, the analysis done by Parties and those reviewing listing proposals are influenced by their level of risk tolerance, which itself is informed by the quality and quantity of available information, their objectives, and their experiences. The variability in Parties’ and those reviewing proposals’ risk tolerance may be more pronounced when considering commercially exploited aquatic species.
 - e) The foregoing points are useful to consider and be mindful of when preparing or evaluating proposals to list commercially exploited aquatic species on Appendix II.
2. The Animals Committee finds that there are diverse approaches to the application of Annex 2a criterion B in Resolution Conf. 9.24 (Rev. CoP15). The Animals Committee finds that it is not possible to provide guidance preferring or favouring one approach over another. The Animals Committee recommends that Parties, when applying Annex 2a criterion B when drafting or submitting proposals to amend the CITES Appendices, explain their approach to that criterion, and how the taxon qualifies for the proposed amendment.
3. When drafting and submitting proposals to amend the CITES Appendices with respect to commercially-exploited aquatic species, the Animals Committee encourages Parties to elucidate the vulnerabilities, as defined in Annex 5 of Resolution Conf. 9.24 (Rev. CoP15), and mitigating factors including, but not limited to, large absolute numbers, refugia and fisheries management measures that they have considered.
4. The Animals Committee notes the lack of a definition of commercially-exploited aquatic species in the existing body of CITES documentation, and further notes that FAO documentation indicates that commercially-exploited aquatic species refer to fish and invertebrate species found in marine environments or in large freshwater bodies and subject to commercial exploitation (FAO 2001)².
5. The Animals Committee noted the issue of how to determine whether a commercially exploited aquatic species qualifies for listing on CITES Appendix II when that species is found in multiple stocks or subpopulations with varying statuses. The issue was raised in the papers provided by the CITES Secretariat, FAO and IUCN/TRAFFIC (AC25 Doc. 10), further discussed by Germany (AC25 Inf. 10) and referenced in discussions of the Animals Committee working group on criteria. There was recognition of the complexity of the issue and differing views on how to approach this matter.

² *Second technical consultation on the suitability of the CITES criteria for listing commercially-exploited aquatic species, www.fao.org/docrep/meeting/003/Y1455E.htm.*