

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

EUROPEAN UNION POSITION ON *INTRODUCTION FROM THE SEA*
DOCUMENT COP16 DOC. 32

This document has been submitted by Ireland, on behalf of the European Union and its Member States, in relation to agenda item 32 on *Introduction from the sea*.^{*}

The EU and its Member States welcome the considerable progress achieved by the working group on introduction from the sea. We are of the view that the principles elaborated by the working group represent a good outcome, notably since they lay out the principle that the State of registration of the vessel should be responsible for issuing the CITES documentation in the case where CITES-listed specimens are taken in the marine environment not under the jurisdiction of any State. The solution put forward by the working group has the potential to solve an issue that has been outstanding since CITES was adopted in 1975 and which is of great importance for the good functioning of the Convention.

We had expressed concerns at the CITES Standing Committee in relation to the specific provisions on chartering contained in the draft Resolution established by the WG. In particular there was a concern that those provisions could set a negative precedent in relation to the exclusive jurisdiction of flag States over vessels fishing on the high seas and could be abused to the benefits of operators involved in illegal, unregulated and unreported fishing.

At CITES CoP16, we would be ready to support the proposed text of CITES Resolution 14.6 as drafted by the working group unchanged, but also believe that the provisions on chartering in that Resolution need to be subject to closer monitoring and scrutiny and greater transparency to enable all Parties to assess their application in practice and review them. We therefore propose that the draft Decisions ancillary to the draft Resolution are reinforced.

To this end, we would suggest some additions to the Decisions contained in Annex 3 of CoP16 Doc. 32, as follows (the new text is in italics):

"Decision directed to the Secretariat:

The Secretariat shall report at the 65th and 66th meetings of the Standing Committee on the implementation of the Convention by the Parties concerned in relation to the provision on chartering arrangements provided for in Resolution Conf. 14.6 (Rev. CoP 16).

The report should focus in particular on the conditions under which non-detriment findings are made and permits and certificates are issued, as well as on the relationship between chartering States and States in which the vessel is registered, in performing those tasks. *It should address how the chartering State and the flag State are complying with their obligations under international law (UNCLOS Articles 94, 116-120 and 217) and should in particular assess the capacity of chartering States to control compliance by chartered vessels with the provisions of the CITES Convention.*

^{*} *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.*

In that regard, the report should pay special attention to the compliance with the provisions of the Resolution pertaining to the legality of the acquisition and landing of the specimens concerned.

The report shall also include any cases where Parties have been unable to take advantage of this provision, including in situations where at least one of the States involved is not Party to a relevant RFMO.

The Secretariat shall further closely collaborate with the Secretariat of the relevant RFMO/A and share information provided by Parties on a timely basis.

Decision directed to the Parties

Parties taking advantage of the provision on chartering arrangements provided for in Resolution Conf. 14.6 (Rev. CoP16) should provide in a timely manner all information that might be requested from them by the Secretariat in view of the establishment of its report on this issue at the 65th and 66th meetings of the Standing Committee.

Decision directed to the Standing Committee

The Standing Committee should assess the findings of the report of the Secretariat on the implementation of the Convention by the Parties concerned in relation to the provision on chartering arrangements provided for in Resolution Conf. 14.6 (Rev. CoP16). On the basis of this report and any other information available, the Standing Committee should provide an assessment on the implementation of this provision and, where relevant, propose amendments to this provision at CoP17.

Decision directed to the Parties

On the basis of the assessment of the Standing Committee and any other relevant information, the Parties shall review the provisions on chartering provided for in Resolution Conf. 14.6 (Rev. CoP16) at the 17th meeting of the Conference of the Parties".