

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



Seventeenth meeting of the Conference of the Parties  
Johannesburg (South Africa), 24 September - 5 October 2016

Interpretation and implementation matters

Trade control and traceability

INTRODUCTION FROM THE SEA

1. This document has been prepared by the Standing Committee in collaboration with the Secretariat. \*

Background

2. At its 16th meeting (CoP16, Bangkok, 2013), the Conference of the Parties adopted Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the Sea*. It also adopted the related Decisions 16.48 to 16.51 on *Introduction from the sea: chartering*, and Decision 16.52 on *Introduction from the sea: capacity building and special requirements of developing States*, as follows:

***Directed to the Secretariat***

- 16.48 *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. CoP16).*

*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 especially assess the capacity of chartering States and the States in which the vessels are registered to control compliance with the provisions of the CITES Convention.*

*In that regard, the report should pay special attention to the implementation of 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 Regional Fishery Management Organization/Arrangement (RFMO/A).*

*Between now and the 17th meeting of the Conference of the Parties (CoP17), the Secretariat shall further communicate with the Secretariat of the relevant RFMO/A and other relevant international organizations, in particular regarding the implementation of the relevant obligations resulting from these RFMO/As or other international organizations, and share information provided with Parties on a timely basis.*

***Directed to Parties***

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\* *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.*

- 16.49 *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.*

**Directed to the Standing Committee**

- 16.50 *The Standing Committee shall 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 shall provide an assessment on the implementation of this provision and, where relevant, propose amendments to this provision at CoP17.*

**Directed to Parties**

- 16.51 *On the basis of the assessment of the Standing Committee and any other relevant information, the Parties should review at CoP17 the provisions on chartering provided for in Resolution Conf. 14.6 (Rev. CoP16).*

**Directed to the Secretariat**

- 16.52 *The Secretariat shall develop capacity-building tools and materials for use by Parties (e.g. a module in the CITES Virtual College) related to the implementation of the Convention for specimens taken from the marine environment not under the jurisdiction of any State.*

Implementation of Decisions 16.49 to 16.51: CITES provisions on chartering

3. At the 65th meeting of the Standing Committee (Geneva, July 2014), the Secretariat reported on its activities in relation to introduction from the sea in document [SC65 Doc. 28](#).
4. The Standing Committee noted the document and the oral report of the Secretariat, and requested that, in response to Decision 16.48, the Secretariat issue a Notification to the Parties inviting them to provide information on chartering and incorporating the recommendations contained in paragraph 12 document SC65 Doc. 28 where relevant.
5. On 30 July 2015, the Secretariat issued Notification to the Parties [No. 2015/042](#), requesting Parties to provide information on the experience they had gained with the provisions on chartering arrangements in Resolution Conf. 14.6 (Rev. CoP16), specifically:
  - a) the conditions under which non-detriment findings are made and permits and certificates are issued;
  - b) the relationship between chartering States and States in which the vessel is registered, in performing those tasks;
  - c) the capacity of chartering States and the States in which the vessels are registered to control compliance with the provisions of CITES paying special attention to the implementation of the provisions of the Resolution pertaining to the legality of the acquisition and landing of the specimens concerned; and
  - d) in any cases where Parties have been unable to take advantage of the provision, including in situations where at least one of the States involved is not party to a relevant Regional Fishery Management Organization/Arrangement (RFMO/A).
6. At the 66th meeting of the Standing Committee (SC66, Geneva, January 2016), the Secretariat reported that two written replies and one oral update had been received in response to the Notification (see document [SC66 Doc. 33](#)). The submissions can be summarized as follows:
  - a) China had not received any application for an introduction from the sea Certificate since Resolution Conf. 14.6 (Rev. CoP16) came into effect;

- b) The United States of America had nothing to report with regard to chartering and it did not have any experience dealing with the provisions of Resolution Conf. 14.6 (Rev. CoP16) on chartering arrangements; and
  - c) Japan advised that its two chartering agreements with countries that include operations on the high seas contained a provision that CITES-listed shark species were not allowed to be retained on board and should be released alive.
7. Because of the low number of responses to the Notification, the Secretariat recommended that the validity of Decisions 16.48, 16.49, 16.50 and 16.51 be extended. It also suggested to the Standing Committee that Decision 16.48 be amended by adding a request that the Secretariat approach relevant Parties bilaterally regarding their experience with the implementation of the CITES provisions on chartering.
  8. At SC66, the Standing Committee noted document SC66 Doc. 33 and agreed to recommend to the Conference of the Parties at its 17th meeting that the validity of Decisions 16.48 to 16.51 be extended. During the discussion of this item, it was pointed out that the lack of responses by Parties could reflect the length of bilateral negotiations needed to conclude chartering agreements.

#### Implementation of Decision 16.52: capacity building

9. In close collaboration with the Food and Agriculture Organization of the United Nations (FAO) the Secretariat developed CITES/FAO standard presentations on “Introduction from the sea” and “Legality” (i.e. legal acquisition findings required by Articles III, IV and V of the Convention). These capacity-building tools were produced in the context of the European Union-funded CITES project “Strengthening capacity in developing countries for sustainable wildlife management and enhanced implementation of CITES wildlife trade regulations, with particular focus on commercially exploited aquatic species”. The project allowed the CITES Secretariat and FAO to provide assistance to Parties in the implementation of CITES for trade in several species of shark and manta ray that were included in Appendix II at CoP16.
10. The presentations mentioned above and other information on introduction from the sea are available on the CITES Shark Portal (<https://cites.org/prog/shark>). The materials served as basis for presentations delivered at multiple events, including the following: Latin America and the Caribbean Regional Workshop on Sharks Listed in Appendix II of CITES - Preparing for Implementation (Brazil, 2013); CITES Oceania Regional Workshop on Implementation of CoP16 the Shark and Ray Appendix-II Listings (Australia, 2013); Bay of Bengal Capacity building workshop on CITES Appendix II listings of sharks and manta ray species (India, 2014); Eighth meeting of the Working Group on Fisheries Management, FAO Regional Commission of Fisheries (Egypt, 2014); FAO Expert Consultation on Catch Documentation Schemes (Rome, July 2015); and three regional FAO capacity-development workshops on the implementation of the Port State Measures Agreement (Colombo, June 2015; Praia, July 2015; Tirana, February 2016).
11. As envisaged in the EU-CITES project, the Secretariat has worked closely with FAO, in particular its legal services, to include relevant CITES provisions, including those relating to introduction from the sea, in FAO’s work on fisheries legislation reviews.
12. The implementation of Decision 16.52 was supported by the generous funding of the European Union.

#### Communication with FAO, RFMO/As and other organizations

13. In addition to the activities referred to in paragraphs 10 to 12 above, the Secretariat has generally increased its cooperation with FAO and RFMO/As. For example, in the context of the EU-CITES project, it developed joint activities with the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Indian Ocean Tuna Commission (IOTC) and the Southeast Asian Fisheries Development Center (SEAFDEC), and endeavoured to increase communication on introduction from the sea of CITES-listed species throughout these collaborations.
14. In their joint report to SC66 (see document SC66 Doc. 53), the Animals Committee and the Secretariat observed that Parties had frequently asked the Secretariat for guidance on issues relating to introduction from the sea, including chartering. Some Parties requested that the Secretariat brings to the attention of relevant CITES bodies the need to facilitate or simplify the process for obtaining CITES permits or certificates for international movements of biological samples of CITES-listed sharks and other marine species, in particular where these samples are collected for research purposes in high seas fisheries..

## Recommendations

15. The Conference of the Parties is invited to extend the validity of Decisions 16.48, 16.49, 16.50 and 16.51, as set out in Annex 1 to the present document.

### COMMENTS OF THE SECRETARIAT

- A. The Secretariat supports the recommendations of the Standing Committee in paragraph 15 of the present document.
- B. At SC66, the Secretariat suggested an amendment to Decision 16.48. The amendment would be to request the Secretariat to approach relevant Parties bilaterally regarding their experience with the implementation of the provisions on chartering contained in Resolution [Conf. 14.6 \(Rev. CoP16\)](#), in particular regarding the elements already listed in the Decision. The Secretariat is of the view that such an amendment would facilitate the implementation of Decisions 16.48 to 16.51. It therefore invites the Conference of the Parties to consider the draft amendment contained in Annex 2 to the present document.
- C. The Secretariat notes that, since the adoption of Resolution Conf. 14.6 (Rev. CoP16) in 2010, only six transactions have been recorded in the CITES trade database with source code X (*Specimens taken in "the marine environment not under the jurisdiction of any State"*). These were all reported by one Party (New Zealand). The Conference of the Parties, in Resolution Conf. 12.3 (Rev. CoP16), recommends that Parties use the source code X, as appropriate, for recording introductions from the sea in their annual reports. The Secretariat also notes that, in the CITES trade database, UNEP-WCMC has used the country code ZZ as exporting country in cases of introductions from the sea.
- D. As mentioned in paragraph 14 of the document, the Secretariat has been notified by Parties that the collection and transport of biological samples for research and data collection in the context of the fisheries management of several CITES-listed species of Elasmobranchii has been significantly delayed, or had been suspended, in particular for cases where the movement of samples falls under the provisions for Introduction from the Sea, as contained in Resolution Conf. 14.6 (Rev. CoP16). The Secretariat is of the opinion that it is not entirely clear how the simplified procedures for biological samples, as outlined in Resolution Conf. 12.3 (Rev. CoP16), apply to these cases, and believes that additional guidance by the Parties would be beneficial. As also indicated in document CoP 17 Doc. 56.2, the Secretariat recommends that the issue of introduction from the sea of biological samples in the context of fisheries management urgently be addressed at the present meeting of the CoP or by the Standing Committee as part of the implementation of draft decision 17.GG a) contained in Annex 1 of CoP 17 Doc. 56.2.
- E. The Secretariat would like to draw attention to Resolution [A/RES/69/292](#), adopted by the United Nations General Assembly on 19 June 2015, on *Development of an international legally-binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction*. The Preparatory Committee established by the Resolution held its first meeting from 28 March to 8 April 2016, in New York. While the scope and other elements of the agreement are still under discussion, the Secretariat considers that these discussions are relevant in the context of introduction from the sea under CITES, also taking into account Article XIV, paragraph 6 of the Convention. The Secretariat therefore recommends that the Conference of the Parties adopt draft decision 17.AA, as shown in Annex 2 of this document.
- F. Paragraphs 10 to 13 of the present document relate to the Secretariat's activities in response to Decision 16.52. Based on these, the Secretariat believes that Decisions 16.52 has been implemented, and recommends that it be deleted. The Secretariat will continue to incorporate capacity building on the provisions of the Convention relating to introduction from the sea in its future capacity-building activities, in cooperation with FAO and RFMO/As where relevant, and will respond to specific capacity-building needs identified by Parties.
- G. The Secretariat considers that the budgetary and workload implications for the Secretariat and permanent committees arising from the implementation of the draft decisions proposed in this document can be absorbed within existing resources.

DRAFT AMENDMENTS TO DECISIONS 16.48 to 16.51  
FOR CONSIDERATION BY THE CONFERENCE OF THE PARTIES

Proposed by the Standing Committee

Proposed new text is underlined. Proposed deletions are shown in ~~strike through~~.

**Introduction from the sea**

***Directed to the Secretariat***

16.48 (Rev. CoP17) The Secretariat shall report at the 69th or 70th ~~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. CoP16).

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 especially assess the capacity of chartering States and the States in which the vessels are registered to control compliance with the provisions of the CITES Convention.

In that regard, the report should pay special attention to the implementation of 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 Regional Fishery Management Organization/Arrangement (RFMO/A).

Between now and the 18th ~~47th~~ meeting of the Conference of the Parties (CoP18 ~~CoP17~~), the Secretariat shall further communicate with the Secretariat of the relevant RFMO/A and other relevant international organizations, in particular regarding the implementation of the relevant obligations resulting from these RFMO/As or other international organizations, and share information provided with Parties on a timely basis.

***Directed to Parties***

16.49 (Rev. CoP17) 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 69th or 70th ~~65th and 66th~~ meetings of the Standing Committee.

***Directed to the Standing Committee***

16.50 (Rev. CoP17) The Standing Committee shall 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 shall provide an assessment on the implementation of this provision and, where relevant, propose amendments to this provision at CoP18 ~~CoP17~~.

***Directed to Parties***

16.51 (Rev. CoP17) On the basis of the assessment of the Standing Committee and any other relevant information, the Parties should review at CoP18 ~~CoP17~~ the provisions on chartering provided for in Resolution Conf. 14.6 (Rev. CoP16).

DRAFT AMENDMENT TO DECISION 16.48  
AND DRAFT NEW DECISION ON INTRODUCTION FROM THE SEA  
FOR CONSIDERATION BY THE CONFERENCE OF THE PARTIES

Proposed by the Secretariat

**Introduction from the sea**

***Directed to the Secretariat***

16.48 (Rev. CoP17) The Secretariat shall report at the 69th or 70th ~~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. CoP16).

To compile the aforementioned report, the Secretariat shall, where appropriate, approach relevant Parties bilaterally regarding their experience with the implementation of the above mentioned provisions.

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 especially assess the capacity of chartering States and the States in which the vessels are registered to control compliance with the provisions of the CITES Convention.

In that regard, the report should pay special attention to the implementation of 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 Regional Fishery Management Organization/Arrangement (RFMO/A).

Between now and the 18th ~~17th~~ meeting of the Conference of the Parties (CoP18 ~~CoP17~~), the Secretariat shall further communicate with the Secretariat of the relevant RFMO/A and other relevant international organizations, in particular regarding the implementation of the relevant obligations resulting from these RFMO/As or other international organizations, and share information provided with Parties on a timely basis.

**Draft new decision on Introduction from the sea**

***Directed to the Secretariat***

17.AA The Secretariat shall monitor the negotiations on the development of an international legally-binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ), and report on the process to the Standing Committee as appropriate.