

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



Eighteenth meeting of the Conference of the Parties
Geneva (Switzerland), 17 - 28 August 2019

Summary record of the eleventh session for committee II

22 August 2019: 14h20 - 17h10

Chair: C. Hoover (United States of America)

Secretariat: D. Morgan
I. Camarena
S. H. Flensburg
P. Jonsson
J. C. Vasquez

Rapporteurs: F. Davis
J. Gray
R. Mackenzie
J. Vitale

Interpretation and implementation matters (cont.)

Regulation of trade (cont.)

53. Purpose codes on CITES permits and certificates

Canada introduced the Standing Committee's document CoP18 Doc. 53 regarding the progress of the intersessional working group on purpose codes established by Decision 14.54 (CoP17) and noted that the group had not yet completed its mandate. The document contained draft amendments to Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates*, in its Annex 2, among other things to assist with validation of permits by customs authorities. The Secretariat, in its comments in the document, proposed a set of draft decisions rather than the amendment to Decision 14.54 (Rev. CoP17).

The European Union (EU) supported the proposal to amend Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates* as set out in Annex 2 to document CoP18 Doc. 53. Regarding the continuation of work during the next intersessional period, the EU supported the approach suggested by the Secretariat in draft decisions 18.AA to 18.CC.

The United States of America supported the draft amendments to Decision 14.54 (Rev. CoP17) contained in Annex 1, but opposed the Secretariat's draft decision 18.BB, reasoning that a Notification to the Parties had already been issued to solicit information from Parties regarding purpose codes, during the last intersessional period. It therefore believed it would be more effective for Parties to provide such information through the establishment of a working group and greater participation by its members. The United States, echoed by Australia, supported the amendments to Resolution Conf. 12.3 (Rev. COP17) suggested by the Standing Committee in newly proposed paragraph 3 h) i) and ii), with the following edits:

- i) The transaction between the sender/exporter and receiver/importer directly involved in the ~~movement between 2 Parties~~ trade from one Party to another Party is used to assess the purpose of transaction code for the export permit or re-export certificate. This indicates the reason there is ~~an exchange or movement~~ trade of the specimen(s) from the sender/exporter ~~and to the~~

receiver/importer. The sender/exporter and receiver/importer can be the same entity (e.g. personal ~~move~~ movement).

- ii) The intended use of the specimens by the importer is used to determine the purpose of transaction code for the import permit. This indicates the reason the importer ~~has requested~~ requests to import or is receiving is importing the specimen(s).

TRAFFIC observed that the newly proposed paragraph h) sub-paragraph i) should be reworded to refer to a State rather than a “Party”, to reflect the fact that trade might sometimes be between a Party and a non-Party.

The Association of Zoos and Aquariums (AZA), speaking also on behalf of European Association of Zoos and Aquaria, the World Association of Zoos and Aquariums, San Diego Zoo Global and Wildlife Conservation Society, suggested revising the proposed draft amendment to Decision 14.54 (Rev. CoP17) in Annex 1 to the document to add a new subparagraph c) as follows:

- c) the working group shall also clarify the overlap between purpose-of-transaction codes that describe physical locations and purpose-of-transaction codes that describe activities, one or more of which may pertain to any given permit

The draft amendments to Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates* contained in Annex 2 to document CoP18 Doc. 53, as amended by the United States and TRAFFIC, were accepted. The draft amendment to Decision 14.54 (Rev. CoP17), as amended by the Association of Zoos and Aquariums, was accepted.

Exemptions and special trade provisions

56. Simplified procedures for permits and certificates

Australia, in its capacity as Chair of the Standing Committee’s working group on simplified procedures, introduced document CoP18 Doc. 56 and outlined the implications of changes recommended in the document which were, *inter alia*, to facilitate exchange of specimens for forensic purposes and to abolish the requirement for prior registration of entities that might benefit from this. Specifically, these recommendations were to revise Resolutions Conf. 11.15 (Rev. CoP12) on *Non-commercial loan, donation or exchange of museum, herbarium specimens* and Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates* and to adopt a draft decision directed to the Secretariat.

The United States of America suggested several amendments to the changes proposed in the document. Australia, Canada, the European Union, New Zealand and Niger expressed support for many of the amendments as proposed by the Standing Committee, all also proposing their own amendments. New Zealand, supported by Niger, proposed to change to annual reporting, instead of quarterly reporting. Australia proposed changed to new subparagraph 3 e) iv) of Resolution Conf. 11.15 (Rev. CoP12). The European Union proposed amendments to para 3 b) and d), and Annex 1 to the Resolution Conf. 11.15 (Rev. Cop12) and to paragraph 20 b) i) of Resolution Conf. 12.3 (Rev. CoP17). They also supported the inclusion of draft decision 18. AA in Annex 3 to the document into Resolution Conf. 11.15 (Rev. CoP12). Regarding the draft decision proposed by the Secretariat in paragraph I of its comments, the United States of America supported the decision and proposed further amendments for work during the next intersessional period, including consideration of the use of simplified procedures for the movement of musical instruments for non-commercial purposes. The United States opposed the attachment of the Annex to Resolution Conf. 11.15 (Rev. CoP12).

The International Union for Conservation of Nature (IUCN), on behalf of the Species Survival Commission Wildlife Health Specialist Group, supported revision of Resolution Conf. 11.15 (Rev. CoP17) as a means to reduce health risks to endangered species, humans and livestock. The League of American Orchestras, speaking also on behalf of the International Association of Violin and Bow Makers; Confédération Des Industries Musicales Européennes; Fender Musical Instruments Corp.; International Wood Products Association; ForestBased Solutions, Llc; Chambre Syndicale de la Façure Instrumentale; C.F. Martin & Co. Inc.; Paul Reed Smith Guitars, Limited Partnership; and Taylor Guitars made a plea for harmonization of, and some exemption from, permitting requirements applying to musical instruments subject to CITES conditions and referred Parties to information document CoP18 Inf. 23 on *CITES Musical Instrument Certificates*.

The Chair observed that there appeared to be general support for revisions to Resolutions Conf. 11.15 (Rev. CoP12) and Conf. 12.3 (Rev. CoP17) but that there had been many alterations proposed to the revisions put forward in document CoP18 Doc. 56. He therefore requested that an in-session document be produced incorporating proposed amendments to Resolutions Conf. 11.15 (Rev. CoP12) and Conf. 12.3 (Rev. CoP17) and showing the further changes proposed by Australia, Canada, the European Union, New Zealand and the United States of America, together with the changes proposed in paragraphs D and E of the Secretariat's comments. This in session document should also contain the Secretariat's proposed draft decision in paragraph I of its comments, incorporating amendments to it suggested by the United States of America. This in session document should be considered by the Committee at a later session.

Species specific matters (cont.)

91. Conservation of vicuña (*Vicugna vicugna*) and trade in its fibre and products

Argentina introduced document CoP18 Doc. 91 which invited Parties to adopt the draft resolution on *Conservation of vicuña (*Vicugna vicugna*) and trade in its fibre and products* contained in its Annex 1, with suggested amendments by the Secretariat in Annex 2.

Ecuador, the European Union, the United States of America, IWMC-World Conservation Trust and Wildlife Conservation Society supported the amended draft resolution in Annex 2 to the document. The United States opposed paragraph 1 f) as drafted but noted that it could support it if it were amended, and proposed the following:

- f) all Parties trading in vicuña fibre ~~to identify and record existing volumes of vicuña fibre in order to ensure appropriate traceability and control of the fibre, and prevent illegal specimens to enter legal markets; to take appropriate enforcement measures against illegal trade in the fibre, and to dispose of illegally traded and confiscated specimens in accordance with Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*;~~
- g) all Parties to ~~guarantee~~ enforce the use of mandatory labelling required by annotation 1 ~~on~~ for trade in products derived from vicuña fibre sheared from live animals;
- h) all Parties to ~~adopt~~ take measures as appropriate to help range States reduce poaching and their illegal trade in vicuña fibre, and to cooperate, where appropriate, with relevant enforcement authorities;

Argentina agreed with the amendments suggested by the United States to paragraphs g) and h) but did not support the changes to paragraph f).

The draft resolution in Annex 2 to document CoP18 Doc. 91 was accepted along with amendments by the United States of America to paragraphs 1 g) and h).

Maintenance of the Appendices

100. Inclusion of species in Appendix III

The Secretariat introduced document CoP18 Doc. 100, detailing the progress made by the Standing Committee, and the Animals and Plants Committees, in the implementation of Decisions 17.303 to 17.305. It thanked the European Union and New Zealand for its feedback on previous drafts of the document and invited the Parties to adopt the draft decisions in Annex 1 and to adopt the draft revisions to Resolution Conf. 9.25 (Rev. CoP17) on *Inclusion of species in Appendix III* in Annex 3. It also recommended the deletion of Decisions 17.303 to 17.305, as they have been implemented.

Canada supported the adoption of the draft decisions in Annex 1, but observed that Resolution Conf. 12.11 (Rev. CoP17) on *Standard nomenclature*, paragraph 2 sub-paragraph g) already provided guidance on nomenclature changes relating to taxa included in Appendix III. They therefore suggested amending the draft decisions as follows:

Regarding the nomenclature Decisions:

- 18.AA The Animals and Plants Committees shall, taking into consideration the current guidance in Resolution Conf. 12.11 (Rev. CoP17) on *Standard nomenclature*, paragraph 2 g), evaluate

how nomenclature changes affect Appendix-III listings and propose further guidance and recommendations as necessary, for consideration by the Standing Committee that address how such nomenclature changes are to be handled.

- 18.BB The Standing Committee, in consultation with the Secretariat, shall take into account the guidance and recommendations from the Animals and Plants Committees and make recommendations to address nomenclature changes that affect an Appendix-III listing, including possible amendments to Resolution Conf. 12.11 (Rev. CoP17) or Resolution Conf. 9.25 (Rev. CoP17), for consideration at the 19th meeting of the Conference of the Parties.

Regarding Resolution Conf. 9.25 (Rev. CoP17), Canada expressed support for the proposed amendments, but noted that guidance on the rationale for Appendix-III listings, that had been agreed by the intersessional working group on Appendix III, had not been incorporated into proposed revised resolution and suggested the following additional text be inserted after preambular paragraph 6:

NOTING also that Appendix III can be considered for species for which biological or trade information are uncertain, in cases of lack of support for an Appendix I or II proposal, or variable concern for the species among range States;

NOTING further that inclusion in Appendix III could serve a role of allowing a range State improved monitoring and control of trade for species that do not qualify for listing on Appendix I or II, for which there may be some concern regarding the conservation of the species or trade levels;

The United States of America expressed support for the recommendations in paragraph 10 of document CoP18 Doc. 100 with some additional amendments. They opposed the recommendation by the Secretariat to remove reference to the 73rd meeting of the Standing Committee in draft decision 18.AA and 18.BB in Annex 1.

Concerning the proposed amendments to Resolution Conf. 9.25 (Rev. CoP17) in Annex 3, they suggested that the fourth and fifth preambular paragraphs be revised to read as follows:

NOTING that Article VIII requires Parties to take appropriate measures to enforce the provisions of the Convention and to prohibit trade in specimens in violation thereof;

RECALLING that ~~an export permit for a specimen of an Appendix III species shall only be granted when the Management Authority of the country of export has ensured that the conditions stipulated in Article V are fulfilled;~~ trade in Appendix III specimens requires CITES documents as described in Article V;

The United States also proposed an amendment to operative paragraph 5, that the words by a Party be added after “upon request” and proposed that the words “State that included” and “State that has included” be replaced with State which has included throughout the amended Resolution Conf. 9.25 (Rev. CoP17) to ensure consistency with the Convention text.

The European Union expressed support for the proposed amendments to Resolution Conf. 9.25 (Rev. CoP17). They encouraged range States to make use of Appendix III to help conserve species.

Canada and the United States expressed support for the deletion of Decisions 17.303 to 17.305.

In response to request for clarification by Guyana, the Secretariat explained that the intention of paragraph 3 of proposed revised Resolution Conf. 9.25 (Rev. CoP17) in Annex 2 was for changes to Appendix I, II and III to come into effect at the same time (90 days after the CoP at which amendments to Appendix I and II were adopted). It emphasized that any Party may at any time submit to the Secretariat a list of species for inclusion in Appendix III.

The draft decisions in Annex 1 were accepted as amended by Canada and the United States. The draft revisions to Resolution Conf. 9.25 (Rev. CoP17) on *Inclusion of species in Appendix III* in Annex 3 to document CoP18 Doc. 100, as amended by Canada and the United States, were accepted and it was agreed to delete Decisions 17.303 to 17.305.

101. Annotations

Canada, as the Chair of the Standing Committee's working group on annotations, introduced document CoP18 Doc. 101. The Standing Committee invited the Conference of the Parties to adopt: the proposed amendment to Resolution Conf. 11.21 (Rev. CoP17) on *Use of annotations in Appendices I and II*) contained in Annex 1; the proposed revision to paragraph 7 of the Interpretation Section of the CITES Appendices contained in Annex 2; the proposed amendments to Decision 16.162 (Rev. CoP17) contained in Annex 3; and the proposed draft decisions contained in Annex 4. Noting that the Secretariat had proposed a set of draft decisions to replace Decision 16.162 (Rev. CoP17), he suggested that it would be preferable to revise Decision 16.162 (Rev. CoP17), but that some elements of the Secretariat's proposals provided helpful consolidations and clarifications. On that basis, he proposed additional revisions to the draft decisions in Annexes 3 and 4 to the document to reflect some of the Secretariat's recommendations.

The United States expressed support for the proposed amendments to Resolution Conf. 11.21 (Rev. CoP17) in the document, the amendments to paragraph 7 of the Interpretation Section of the CITES Appendices, and the two draft decisions in Annex 4. They also supported the draft decisions and revisions to Decision 16.162 (Rev. CoP17) as read to the Committee by Canada, suggesting an additional modification.

The European Union supported the proposed amendments to Resolution Conf. 11.21 (Rev. CoP17) and the proposed revision to paragraph 7 of the Interpretation Section of the CITES Appendices. They indicated that they had further suggestions in relation to the revision of Decision 16.162 (Rev. CoP17).

Switzerland supported the proposed revision to paragraph 7 of the Interpretation Section of the CITES Appendices in Annex 2 to document CoP18 Doc. 101.

The Republic of Korea supported the outcomes of the working group on annotations

The proposed amendments to Resolution Conf. 11.21 (Rev. CoP17) on *Use of annotations in Appendix I and II*, contained in Annex 1 as well as the proposed revision to paragraph 7 of the Interpretation Section of the CITES Appendices, contained in Annex 2, were accepted. The two draft decisions proposed by the Standing Committee in Annex 4 to the document were accepted. Concerning the proposed amendments to Decision 16.162 (Rev. CoP17) contained in Annex 3 of document CoP18 Doc. 101, the Chair stated that an in-session document would be produced for consideration later in the meeting incorporating suggestions made by Canada, the European Union, the Republic of Korea and the United States of America.

102. Annotations for Appendix-II orchids

The Chair of the Plants Committee introduced document CoP18 Doc. 102 on behalf of the Standing Committee. She proposed the adoption of the draft definition of "cosmetics" in paragraph 7 of the document for inclusion in the *Guidelines for the preparation and submission of the CITES annual trade report* and the *Guidelines for the preparation and submission of the CITES annual illegal trade report*, and the set of draft decisions proposed by the Secretariat in Annex 2 to the document.

The Republic of Korea supported the draft decisions as amended by the Secretariat.

The draft decisions proposed in Annex 2 to document CoP18 Doc. 102 were accepted. The draft definition of the term 'cosmetics', as proposed in paragraph 7 of the document, was accepted for inclusion in the *Guidelines for the preparation and submission of the CITES annual trade report* and the *Guidelines for the preparation and submission of the CITES annual illegal trade report*.

Species specific matters (cont.)

60. Illegal trade in cheetahs (*Acinonyx jubatus*)

The Secretariat introduced document CoP18 Doc. 60 which proposed the adoption of the draft decision in paragraph 16, and the deletion of Decisions 17.124 to 17.130. They noted that at its 71st meeting, the Standing Committee had asked the Secretariat, in the finalization of the CITES cheetah trade resource kit, to take into consideration, as appropriate, the comments and proposals in Annexes 1 and 2 to document SC71 Doc. 18 (Rev. 1), and make the CITES cheetah trade resource kit available in English on the webpage on cheetahs on the CITES website, in a printable format. It had also encouraged all countries involved in the illegal trade in cheetahs to translate the CITES cheetah trade resource kit into their own language. The Secretariat noted that given the comprehensive nature of the comments and proposals in Annexes 1 and 2 to document SC71 Doc. 18 (Rev.1), further external funding might be required for this work. However, the Secretariat considered that draft decision 18.AA proposed for adoption in paragraph 16 of document CoP18

Doc. 60 made sufficient provision for the work to be completed. The Secretariat noted that document CoP18 Doc. 76.1 on *African lions* included a draft decision to establish a CITES Big Cats Task Force focusing on big cat species from Africa, Asia and Latin America. This proposal had been accepted in document CoP18 Com. I. 1. The Secretariat considered that matters related to illegal trade in cheetahs could be addressed in such a Task Force, if established.

Kuwait and the United Arab Emirates referred to measures taken to address illegal trade in cheetahs. Supported by Bahrain, Oman, Saudi Arabia, and the United Arab Emirates, Kuwait agreed that the issue should be addressed in the CITES Big Cats Task Force discussed under agenda item 76.1, and expressed support for the draft decision in document CoP18 Doc. 60, and the deletion of Decisions 17.124-130. Angola, Egypt, Mali, South Africa, Zimbabwe, also supported the draft decision and the deletion of Decisions 17.124 to 17.130, as well as the inclusion of discussions on illegal trade in cheetahs in the Big Cat Task Force.

Somalia highlighted challenges still faced by range States in addressing the illegal hunting and trafficking of cheetahs, and emphasized its commitment to cheetah conservation. The United Republic of Tanzania, supported by Burkina Faso, supported the draft decision, and drew attention to information document CoP18 Inf. 73, which contained suggested text for some draft decisions. Israel also supported the proposals in information document CoP18 Inf. 73, and if the document could not be considered, wished to see the retention of Decisions 17.127, 17.128 and 17.130. The United States of America expressed support for some of the draft decisions in information document Cop18 Inf. 73 and offered to read them into the record of the session so they could be considered by the Committee. Egypt, Kuwait, Saudi Arabia, and South Africa opposed consideration of any additional draft decisions by the Committee.

Draft decision 18.AA in paragraph 16 of document CoP18 Doc. 60 was accepted, and it was agreed to delete Decisions 17.124 to 17.130.

The meeting was adjourned at 17h08.