

CONVENCIÓN SOBRE EL COMERCIO INTERNACIONAL DE ESPECIES
AMENAZADAS DE FAUNA Y FLORA SILVESTRES

Quincuagésimo tercera reunión del Comité Permanente
Ginebra (Suiza), 27 de junio-1 de julio de 2005

Interpretación y aplicación de la Convención

Cupos de exportación

GESTIÓN DE LOS CUPOS ANUALES DE EXPORTACIÓN

1. Este documento ha sido preparado por la Secretaría.
2. La Conferencia de las Partes adoptó dos decisiones sobre esta cuestión, a saber:

12.72 *El Comité Permanente examinará la cuestión de mejorar la gestión de los cupos anuales de exportación y presentará un informe en la 14ª reunión de la Conferencia de las Partes.*
(Rev. CoP13)

13.66 *El Comité Permanente encargará a su Grupo de trabajo sobre cupos de exportación que prepare directrices para que las Partes establezcan, apliquen, supervisen y comuniquen cupos nacionales de exportación para taxa incluidos en los Apéndices de la CITES.*

3. Cabe señalar que se adoptaron también cuatro decisiones sobre un programa de fomento de la capacidad a efectos del establecimiento y la aplicación, sobre una base científica, de los cupos nacionales voluntarios de exportación para especies del Apéndice II (Decisiones 12.90 a 12.93), pero no se requiere que el Comité Permanente tome ninguna medida.

Antecedentes

4. En su 12ª reunión (Santiago, 2002), la Conferencia de las Partes adoptó la Decisión 12.17, en la que se encarga al Comité Permanente que "*establezca un Grupo de trabajo sobre cupos de exportación encargado entre periodos de sesiones de preparar directrices para que las Partes establezcan, apliquen, supervisen y comuniquen cupos de exportación nacionales para taxa incluidos en Apéndices de la CITES*". En esta decisión se incluía también un mandato para el grupo de trabajo.
5. El Comité Permanente en su 49ª reunión (Ginebra, abril de 2003) estableció el Grupo de trabajo sobre cupos de exportación, integrado por los siguientes miembros:
 - África: Camerún (Presidencia), Ghana, República Unida de Tanzania y Zimbabwe;
 - Asia: China (Vicepresidencia) y Malasia;
 - América Central, del Sur y el Caribe: Argentina, Jamaica y Nicaragua;
 - Europa: Alemania, Federación de Rusia y Turquía;
 - Oceanía: Australia; y
 - América del Norte: Estados Unidos.

Se decidió que la Presidencia del Grupo de trabajo podía invitar a representantes de las organizaciones intergubernamentales y no gubernamentales a participar en la labor del grupo e invitase a las Presidencias de los Comités de Fauna y de Flora, así como a los representantes de organizaciones intergubernamentales y ONG con experiencia como la UICN, *Safari Club International*, TRAFFIC y el PNUMA-CMCM.

6. En su 50ª reunión (Ginebra, marzo de 2004), el Comité Permanente acordó un procedimiento para continuar abordando esta cuestión como sigue:
- a) *a finales de abril de 2004, debería presentarse un documento que contuviese una síntesis de las cuestiones y preocupaciones planteadas en los documentos SC50 Inf. 1, Anexo 1, y SC50 Inf. 2 (NB: Estados Unidos se ofreció voluntariamente a preparar esta síntesis);*
 - b) *la Secretaría debería remitir esta síntesis a los miembros del grupo de trabajo, que dispondrán de tres semanas para formular comentarios sobre el documento de la Secretaría, la cual, en colaboración con Estados Unidos, preparará una versión revisada tomando en consideración los comentarios recibidos;*
 - c) *de preferencia en junio de 2004 (y a más tardar en julio de 2004), la Secretaría debería enviar el documento revisado a los miembros del grupo de trabajo y distribuirlo mediante una Notificación a las Partes, solicitando a las delegaciones que participen en la CdP13 que se aseguren de que se han celebrado consultas a escala regional y están preparadas para examinar estas cuestiones en una reunión del grupo de trabajo durante la CdP13;*
 - d) *el Comité Permanente debería proponer la adopción de una decisión en la CdP13 en la que se amplíe el mandato del grupo de trabajo hasta la CdP14 y proceda como sigue:*
 - i) *en mayo de 2005 (bien sea en una reunión o mediante comunicación electrónica) el grupo de trabajo debería preparar un documento con los resultados de sus deliberaciones, que podría incluir un proyecto de directrices sobre la administración SC50 Informe resumido – p. 19 de los cupos de exportación, teniendo en cuenta las deliberaciones durante la CdP13, que deberían remitirse a los Comités de Fauna y de Flora para que formulen comentarios en 2005; y*
 - ii) *el grupo de trabajo debería tomar en consideración los comentarios de los Comités de Fauna y de Flora y preparar un documento de trabajo con un proyecto de resolución, que podría incluir las directrices propuestas sobre la administración de los cupos de exportación, para presentarlo al Comité Permanente en 2006 y someterlo a la consideración de la CdP14; y*
 - e) *durante la CdP13 (fuera de las sesiones oficiales), el grupo de trabajo debería reunirse con los observadores de las Partes interesadas, contando con servicios de interpretación simultánea, a fin de examinar pormenorizadamente la cuestión, e identificar los problemas en la administración de los cupos de exportación y las posibles soluciones.*
7. En virtud de este procedimiento, durante la 13ª reunión de la Conferencia de las Partes (CoP13, Bangkok, 2004), el Grupo de trabajo sobre cupos de exportación se reunió con observadores de Partes y organizaciones interesadas. En Anexo se presenta el informe de esa reunión (únicamente en inglés, que fue el idioma de trabajo de la reunión).
8. En la Decisión 13.66, la Conferencia de las Partes presenta una corrección al punto d) ii) del procedimiento acordado en la SC50, para indicar que el desarrollo de directrices por parte del Grupo de trabajo sobre cupos de exportación es un requisito, no una opción.
9. Lo único que se solicita al Comité Permanente en esta reunión es que encargue al Grupo de trabajo sobre cupos de exportación que aplique el mandato enunciado en la Decisión 13.66.

SUMMARY REPORT OF THE FIRST MEETING OF THE EXPORT QUOTA WORKING GROUP

Bangkok (Thailand), 10 October 2004

Chairman: E. Takang Stephen (Cameroon)

Secretariat: J. Barzdo
T. De Meulenaer

Rapporteur: H. Corrigan

It was agreed by consensus that the meeting be conducted in English.

The meeting was attended by representatives of Argentina, Australia, Cameroon, China, Germany on behalf of the 25 Member States of the European Community, Ghana, Indonesia, Jamaica, Malaysia, the Russian Federation, the United Republic of Tanzania and the United States of America, and by observers from IUCN - The World Conservation Union, IWMC - World Conservation Trust, Safari Club International, TRAFFIC and UNEP World Conservation Monitoring Centre. The representative of Argentina noted that she had also been requested to represent the views of Switzerland and of the Chairman of the Animals Committee.

The Secretariat explained the terms of reference for the working group as laid out in Decisions 12.17, 12.19 and 12.72 and as specified in a procedure agreed at the 50th meeting of the Standing Committee. The observer from Safari Club International introduced document EQWG1 Doc.1, noting that they had prepared the synthesis document contained in Annex 1 of the document and that Germany, on behalf of the Member States of the European Community, had produced the document contained in Annex 2.

After some debate the working group agreed to focus their discussion on voluntary quotas for Appendix II species. They agreed that the quotas established for Acipenseriformes, Appendix-I species and other species with quotas agreed to by the Conference of the Parties should be dealt with separately.

The working group agreed to focus discussion on the management of quotas. The Secretariat pointed out that the scientific basis for the establishment and implementation of voluntary national quotas was covered by Decisions 12.90, 12.91, 12.92 and 12.93 and that these Decisions referred to work carried out by IUCN on the general principles for establishing quotas. It also pointed out that CoP13 Committee II had agreed to recommend the deletion of these Decisions under agenda item 17, on Review of Decisions.

The working group concluded, after some debate, that reporting quotas for the calendar year was problematic for some species that were managed in terms of fishing seasons, hunting seasons or breeding cycles. However, they concluded that the CITES website allows for the regular transmission of new and updated quota information. The representative of Argentina noted that Parties could clarify quota information on a bilateral basis. The observer from IWMC - World Conservation Trust questioned the usefulness of the current system of recording quotas and the way they are used on export permits. He commented that for various reasons, the system does not work properly and many participants agreed. The representative of Germany did not. There was no agreement to remove the recommendation in Resolution Conf. 12.3 but it was agreed that this issue should be carefully reconsidered.

In the afternoon session the working group agreed to compile comments on document EQWG1 Doc. 1 Annex 1. These are presented in the compiled comments at the end of this Summary Record.

It was agreed that the Secretariat would re-draft the working document in the light of comments and then circulate this for the working groups consideration and further comments. The Secretariat would then re-send the document to working group members and incorporate any remaining changes by 15 May 2005. The document would then be sent to the Animals and Plants Committees for comment.

Following comments from the Animals and Plants Committees, the document would be sent to the Standing Committee which could discuss it with a view to preparing a final document presented at CoP14.

The session was closed at 15h30.

Compiled comments of the Export Quota Working Group
on document EQWG1 Doc.1 Annex 1

(Numbered paragraphs are from the original document. Compiled comments are in bold text.)

1. Quotas

- 1.1 Parties are encouraged to establish national export quotas for the management of CITES-listed species. [SC50 Inf. 1, Annex 2, paragraph beginning "Encourages"]

After some discussion, it was suggested that the following text be added: whenever relevant to the management of the species concerned and referring to the fact that the quotas were the end result of non-detriment findings.

- 1.2 A voluntary nationally-established quota should be submitted to the Secretariat only after it has been reviewed by the Scientific Authority of the Party establishing the quota, and only after that Scientific Authority has made a finding of no detriment. [SC50 Inf. 1, Annex 2, paragraph a]

The representative of Argentina suggested the addition that Parties are encouraged to submit voluntary nationally established quotas and that the rest of the sentence was superfluous.

- 1.3 A voluntary nationally established quota should be for exports in a specific calendar year. [SC50 Inf. 1, Annex 2, paragraph e]

The working group did agree on a solution but there was discussion of this item in relation to 3.1 and reporting the quota on the permit.

- 1.4 A voluntary nationally established quota should be submitted to the Secretariat by December 31 of the year prior to the calendar year in which the quota is intended to apply. [SC50 Inf. 1, Annex 2, paragraph b]

The working group did not see why there was the need for December 31 deadline because the CITES website allows for the regular updating of quota information.

- 1.4a Should there be a deadline for submission of voluntarily fixed quotas, such as December 31 as proposed in item 1.4, above, or should the quotas be submitted whenever possible? [SC50 Inf. 1, Annex 1, paragraph 4 (a) and (b)]

There were no comments provided on this item.

- 1.4b Should the submission of voluntarily fixed quotas take into account biological reasons which complicate the establishment of quotas by calendar year? [SC50 Inf. 1, Annex 1, paragraph 4(c)]

There were no comments provided on this item.

- 1.5 A quota should use the standard nomenclature adopted by the Conference of the Parties. [SC50 Inf. 1, Annex 2, paragraph b]

It was agreed that this should remain.

- 1.6 A quota should represent the maximum number of specimens that can be exported in the calendar year to which the quota applies. [SC50 Inf. 1, Annex 2, paragraph e]
- The representative of Argentina stated that this was of some use. The representative of Australia and the observer from Safari Club International expressed reservations about the need for it.**
- 1.7 Quotas should be understood to apply to specimens of wild origin, unless the quota states otherwise. [SC50 Inf. 1, Annex 2, paragraph e]
- The representative of Ghana suggested that quotas cover only specimens of wild origin. The representatives of Argentina and Australia and the observer from IWMC - World Conservation Trust thought the statement should remain flexible and let Parties decide what was needed.**
- 1.8 Terms used in a quota to define or clarify the quota should be terms that occur in the text of the Convention or in a resolution adopted by the Conference of the Parties. [SC50 Inf. 1, Annex 2, paragraph e]
- There were no comments provided on this item.**
- 1.9 A term should not be used to define or clarify a quota unless the conditions set out by the Convention or the Parties in relation to that term (example: "ranchered specimens") have been met. [SC50 Inf. 1, Annex 2, paragraph e]
- Members of the working group were not sure what this referred to and asked the Secretariat to provide new wording.**
- 1.10 The Secretariat should review all submitted quotas. [SC50 Inf. 1, Annex 2, paragraph c]
- There was general agreement that the role of the Secretariat is not to review quotas established on a voluntary basis. It has neither the competence nor the capacity to review hundreds of quotas. The review, if any, should be strictly limited to technical aspects. If any problems were evident, the Secretariat may however question quotas direct with the country concerned.**
- 1.11 If the Secretariat finds serious problems with the submitted quota, it should withhold publication of the quota until it is satisfied. [SC50 Inf. 1, Annex 2, paragraph c]
- This was recommended for deletion - see comments to 1.10 above.**
- 1.12 The Secretariat should post submitted quotas to the CITES website by 31 December of the year prior to the year to which the quota applies. [SC50 Inf. 1, Annex 2, paragraph c]
- 1.13 Any adjustments to the quota must be submitted by 31 May of the year to which the quota applies. [SC50 Inf. 1, Annex 2, paragraph d]
- 1.14 The Secretariat should review all submitted adjustments to quotas. [SC50 Inf. 1, Annex 2, paragraph d]
- 1.15 If the Secretariat finds serious problems with the submitted adjustment to a quota, it should withhold publication of the adjustment until it is satisfied. [SC50 Inf. 1, Annex 2, paragraph d]
- 1.16 The Secretariat should publish submitted adjustments of quotas by 30 June of the year to which the quota applies. [SC50 Inf. 1, Annex 2, paragraph d]
- The working group agreed to combine 1.12-1.16 and reconsider the wording in light of changes to 1.4 above.**
- 1.17 In regard to all species except Acipenseriformes spp., if there are separate quotas for specimens of different origins (example: one quota for wild-origin specimens and a different quota for

ranching specimens) then a separate quota should be declared for each. [SC50 Inf. 1, Annex 2, paragraph f]

It was suggested to place 1.7 next to 1.17. It was agreed that rather than referencing *Acipenseriformes* specifically, a general reference should be made to species already covered by Resolutions or where quotas are established by the Conference of the Parties.

- 1.18 Quotas established without specifying the source of the specimens (example: wild-caught, captive-bred) may lead to differing interpretation and application of the quota (example: a Party might allow or refuse the export or import of captive-bred specimens because they assume that the captive-bred specimens are not covered by the quota). [SC50 Inf. 2, Annex, paragraph 2(b)]

There was no consensus on this. The representative of Australia thought that this was in contradiction to 1.7 and the observer from IWMC - World Conservation Trust suggested that 1.18 and 1.19 could be combined with other paragraphs.

- 1.19 Quotas established with unclear terms to describe the specimens (example: non-productive, ranching) may lead to differing interpretation and application of the quota. [SC50 Inf. 2, Annex, paragraph 2(a)]

Grouping issue (see 1.18).

- 1.20 Parties may apply a quota only to certain types of specimens (examples: those used in trade, those used for personal purposes, but not those used for research or educational purposes) rather than applying the quota to all specimens taken from the wild, regardless of the purpose of the use. [SC50 Inf. 1, Annex 1, paragraph 2(b)]

The observer from IWMC - World Conservation Trust suggested that in general, a quota should represent a number of animals or plants. Parts and derivatives should be subject to quotas only in specific circumstances (elephant tusks, caviar, etc).

- 1.21 What is the relationship between catch and export quotas (see *Acipenseriformes* spp.)? [SC50 Inf. 1, Annex 1, paragraph 3]

This was recommended for deletion.

- 1.22 Some Parties have simply issued permits over quota. Lax monitoring, multiple permit issuing authorities, frequent cancellation and re-issuance of permits, unlawful issuance of export permits and other reasons contribute to the Parties issuing permits over their own quotas. [SC50 Inf. 2, Annex, paragraph 3(a)]

The observer from Safari Club International noted that this paragraph was only an observation and did not give any specific advice.

2. Quotas not fully utilized in a particular year

- 2.1 Quotas for a given year should not be set at levels to accommodate specimens obtained for export in previous years but for which no export permit was issued in the year in which the specimen was obtained. [SC50 Inf. 1, Annex 2, paragraph h]

It was suggested that new wording be provided for this paragraph and paragraphs 2.2 to 2.4. The representative of Argentina made a general recommendation not to carry over quotas but noted that the situation for stockpiles was different and information on these should be communicated separately. The observer from Safari Club International noted that some useful rules for Parties were that quotas do not include carry over, that information is provided if stockpiles are involved but that it was good to make the quota information available to the CITES community.

2.2 If a Party wishes to carry over unused portions of an export quota to a following year, it should notify the Secretariat. [SC50 Inf. 1, Annex 2, paragraph h]

This was recommended for deletion.

2.3 If the Secretariat agrees to the carry-over of unused portions of an export quota, it should publish the information through a Notification or on its website. [SC50 Inf. 1, Annex 2, paragraph h]

This was recommended for deletion.

2.4 Specimens obtained for export in preceding years should not be authorized for export in following years unless the Management Authority had informed the Secretariat, prior to export, about the quantities still held in stock and the reason why they had not been exported. [SC50 Inf. 1, Annex 2, paragraph h]

This was recommended for deletion.

2.5 For the period of two years after the end of a quota year, specimens for species for which voluntary nationally-established export quotas were fixed may be exported only after the export quotas for that species have been fixed for the current year and those current year quotas have been provided to the Parties from the Secretariat by Notification or posting on the CITES website. [DRAFTERS' NOTE: the meaning of the language in the original paper was unclear; this is the drafter's best effort to express the apparent intent of the original.] [SC50 Inf. 1, Annex 2, paragraph j]

This was recommended for deletion.

2.6 A voluntarily quota established by a Party in a particular year shall continue in future years to be the quota for that particular year unless the Parties concerned request otherwise establishing the quota. [SC50 Inf. 1, Annex 2, paragraph j]

The working group thought this should remain.

2.7 Is it necessary to use carry-over portions, or should the remaining part be subtracted from the following year's annual quota for that species? [DRAFTERS' NOTE: the meaning of the language in the original paper was unclear; is the word "subtracted" the appropriate word in this context?]

There was no general consensus on this item.

3. Administration of permits pursuant to quotas

A general paragraph providing guidance with permit issuance but then delete current paragraphs 3.1-3.17.

4. Trade reporting

Insert a paragraph about the need to study or analyse a better way to monitor the quota system, and delete paragraphs 4.1-4.10.

5. Other issues

5.1 Is it necessary to have a scheme of carrots and sticks? [SC50 Inf. 1, Annex 1, paragraph 6]

This was recommended for deletion.

- 5.2 The export quota system should be viewed as an economic incentive in which importing countries provide the control, based on transparency and the meeting of certain conditions. Those exporting countries that have a well-implemented quota system will have an advantage. [SC50 Inf. 1, Annex 1, paragraph 6]

Delete first sentence to read: Those exporting countries that have a well-implemented quota system will have an advantage.

- 5.3 Should the aim of the Export Quota Working Group be to provide a draft resolution for CoP13 to consider, taking into account that a resolution of the COP is soft law (not obligatory). [SC50 Inf. 1, Annex 1, paragraph 7(a)]

The reference to CoP13 should be changed to refer to CoP14. It was noted that this issue would be discussed in Committee II at CoP13. The observer from IWMC - World Conservation Trust noted some contradiction with what was asked from the working group.

- 5.3a If a draft resolution is prepared, should it be placed within the existing resolution on permits and certificates? [SC50 Inf. 1, Annex 1, paragraph 7(b)]

- 5.3b If a draft resolution is prepared, should it be a separate resolution on the management of export quotas? [SC50 Inf. 1, Annex 1, paragraph 7(b)]

- 5.4 A small number of Parties have exceeded annual export quotas immediately following the lifting of a temporary moratorium on the issuance of export permits; this problem may be related to pressure applied from exporters, who may have been stockpiling specimens for export during the period of a trade moratorium. [SC50 Inf. 1, Annex 1, paragraph 8(d)] [SC50 Inf. 2, Annex, paragraph 3(c)]

This was recommended for deletion.

6. Other comments

The representative of Argentina noted that Decisions 12.90-12.93 could contain information that should be retained. It was also noted that previous comments in this section provided for by the representatives of Argentina and Australia should be taken into consideration when the Secretariat is redrafting the guidelines.