

# NOTIFICATION TO THE PARTIES

No. 2023/037

Geneva, 27 March 2023

CONCERNING:

Compliance action plan of Mexico on Totoaba (*Totoaba macdonaldi*)

1. At its 75th meeting (SC75, Panama City, 2022), the Standing Committee, *inter alia*, agreed Recommendations a) iii) and iv) and b) on Totoaba (*Totoaba macdonaldi*), in which the Committee:

a) requested Mexico to:

...

iii) *in accordance with paragraph 29.h) of Resolution Conf. 14.3 (Rev. CoP18) on CITES compliance procedures, and in consultation with the Secretariat, prepare a compliance action plan focusing on the implementation of the provisions of any decisions directed to Mexico to be agreed at CoP19, and recommendation a i) and ii) agreed at SC75. The compliance action plan should:*

A) *clearly outline the actions to be implemented and the steps that will be taken by Mexico to urgently progress implementation, in particular addressing the measures and activities that will be put in place to effectively prevent illegal fishers and unauthorized vessels from entering the vaquita refuge and zero-tolerance areas and maintain them as gillnet net-free zones;*

B) *outline the timeframe for implementation of each step and when it should be fully achieved; and*

C) *include milestones to enable assessment of satisfactory implementation;*

iv) *finalize its compliance action plan described in recommendation a) iii), taking into consideration any inputs provided by the Secretariat, submit its finalized compliance action plan to the Secretariat no later than 28 February 2023, and immediately commence implementation of the plan upon confirmation of adequacy by the Secretariat; and*

...

b) requested the Secretariat to:

- i) assess the adequacy of Mexico's compliance action plan submitted in accordance with recommendation a) iv). If a finalized compliance action plan considered adequate by the Secretariat is not submitted by the 28 February 2023 deadline, the Secretariat shall publish a Notification to the Parties recommending a suspension of trade with Mexico, which will remain in effect until a compliance action plan assessed as adequate by the Secretariat is received; and*
  - ii) monitor implementation of the compliance action plan by Mexico, and make the report submitted by Mexico to SC77 in accordance with recommendation a) v) available to the Committee together with any recommendations the Secretariat may have.*
2. Mexico developed a draft compliance action plan which it shared it with the Secretariat on 9 February 2023. The Secretariat provided detailed inputs to Mexico on the draft on 16 February 2023, indicating the areas that needed to be addressed for the plan to be adequate as per Recommendation a) iii), paragraphs A) to C). Mexico subsequently submitted its finalized compliance action plan to the Secretariat on 27 February 2023 within the agreed deadline of the Recommendation.
3. As requested by SC75, the Secretariat has assessed the adequacy of the final compliance action plan submitted by Mexico. The Secretariat notes the efforts made by Mexico but after careful consideration, the Secretariat concludes that the action plan is not adequate. It does not sufficiently take into consideration the criteria set by the Standing Committee in SC75 Recommendation a) iii), paragraphs A) to C), and the requirements in paragraph 29.h) of the Annex to Resolution Conf 14.3 (Rev. CoP19). The absence of key elements, such as clear timeframes for implementation and achievement of the different steps in the plan, with corresponding milestones, will impede the monitoring of implementation by the Secretariat.
4. As Mexico did not submit a compliance action plan considered adequate to the Secretariat by 28 February 2023, the Secretariat, in accordance with SC75 Recommendation b) i) agreed by the Standing Committee, communicates to Parties the recommendation to suspend all commercial trade in specimens of CITES-listed species with Mexico.
5. The Secretariat has communicated the results of its assessment to Mexico, highlighting the areas in the plan that need to be further strengthened. The Secretariat reaffirmed its continued readiness to work with Mexico on the revision and further development of the compliance action plan to ensure that an adequate plan could be put in place as swiftly as possible.
6. This recommendation will remain in effect until the Secretariat has assessed a revised compliance action plan as adequate and issued a Notification in this regard.
7. Parties are reminded that the complete list of Parties subject to a recommendation to suspend trade is available on the CITES website under [Documents/Trade suspensions](#).