

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



Nineteenth meeting of the Conference of the Parties
Panama City (Panama), 14 - 26 November 2022

Summary record of the thirteenth session for Committee II

22 November 2022: 09h05 – 11h55

Chair: R. Ollerenshaw (Australia)

Secretariat: I. Higuero
T. Carroll
S. Flensburg
H. Gandois
R. Gaughan
J.C. Vasquez

Rapporteurs: A. Caromel
J. Mark
R. Mackenzie
C. Stafford

Strategic matters

12. World Wildlife Trade Report

The United States of America introduced document CoP19 Com. II. 1 on behalf of the working group on the World Wildlife Trade Report addressing document CoP19 Doc. 12. The draft decisions in document CoP19 Com. II. 1 were accepted.

10. CITES Strategic Vision

The United States of America introduced document CoP19 Com. II. 2 on behalf of the working group, noting that the document outlined new potential indicators for the period 2021-2030. The *Strategic Vision* indicators contained in document CoP19 Com. II. 2, and the deletion of Decisions 18.23 to 18.26, were accepted.

Interpretation and implementation matters

Regulation of trade

42. Purpose codes on CITES permits and certificates

The United Kingdom of Great Britain and Northern Ireland supported the proposed recommendations in paragraph 18, but proposed the deletion of “and ‘T’” from the last sentence of draft decision 19.AA b). The European Union and its Member States did not support this proposal and considered that work on purpose codes ‘P’ and ‘T’ should continue.

Canada proposed amending paragraph b) of draft decision 19.AA to read: “the working group shall, communicating through electronic media, focus on clearly defining purpose-of transaction codes, other than those adopted as of CoP19, to encourage...”.

The United States of America supported Canada and agreed that defining purpose code 'P' should take priority over defining purpose code 'T'. It furthermore proposed the following amendment to paragraph 2 c) of Resolution Conf. 17.8 in Annex 3 to paragraph 2 c):

- c) Parties ensure that, where disposal involves the export or re-export of a confiscated specimen, permits and certificates ~~granted in accordance with Article III or Article IV~~ include the purpose-of-transaction code that best describes the purpose of transaction, in accordance with Resolution Conf. 12.3 (Rev CoP18)."

The Committee agreed the draft amendments to Resolution Conf. 12.3 (Rev. CoP18) in Annex 1 to the document, as well as the draft amendments to Resolution Conf. 5.10 (Rev. CoP15) on *Definition of primarily commercial purposes*, Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*, and Resolution Conf. 18.7 on *Legal acquisition findings* outlined in Annex 2, 3 and 4 with the amendment by the United States to paragraph 2 c) in Resolution Conf. 17.8. Draft decision 19.AA in Annex 5 to document CoP19 Doc. 42 as amended by Canada and the deletion of Decision 14.54 (Rev. CoP18) were agreed.

General compliance and enforcement

39. Domestic markets for frequently illegally traded specimens

The Chair of the Standing Committee introduced document CoP19 Doc. 39 which recommended amendments to Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and Enforcement* in Annex 1, the adoption of the draft decision contained in Annex 2, and the deletion of Decisions 17.87 (Rev. CoP18) and 17.88 (Rev. CoP18). The Secretariat indicated that the study referred to in the document was available in information document CoP19 Inf. 42.

Japan reiterated that the mandate of CITES concerned international, not domestic, trade, and drew attention to Article VIII of the Convention. It also suggested that the results of the study referred to in document CoP19 Doc. 39 should be treated with caution. It supported the proposals in the document with the exception of the inclusion of paragraph 15 t) in the proposed amendments to Resolution Conf. 11.3 (Rev. CoP18) in Annex 1 (the deletion of paragraph 15 f) was also supported by China, the United Kingdom of Great Britain and Northern Ireland and Zimbabwe), and paragraph c) of draft decision 19.AA in Annex 2. The United Kingdom proposed replacing "to strengthen" with "relating to" in paragraph c) of draft decision 19.AA.

The United Kingdom, supported by the United States of America, indicated that paragraph 15 e) of the draft revised Resolution Conf. 11.3 (Rev. CoP18) in Annex 1 contained previously agreed text in the Resolution that the Standing Committee simply proposed moving and suggested retaining paragraph 15 e) as proposed by the Standing Committee rather than making the changes suggested by the Secretariat.

India proposed that references to "specimens of species included in Appendix II subject to a zero export quota" be deleted from the draft decision in Annex 2 to the document. The United States opposed this and proposed an amendment to add "contained in the Appendices" after the words "zero export quota" in each paragraph of the draft decision. China proposed that the word "possession" be replaced with "regulation" in each paragraph of the draft decision in Annex 2.

On the proposed revisions to Resolution Conf. 11.3 (Rev. CoP18) in Annex 1 to document CoP19 Doc. 39, the Committee agreed that text in paragraph 15 e) would be retained in its original wording as proposed by the Standing Committee; the Secretariat's proposed amendment to paragraph 15 s) to replace the words "online trade" by "trade linked to the internet" was accepted. The proposed new paragraph 15 t) was not accepted and with these changes, the draft revised Resolution in Annex 1 was agreed.

The draft decision in Annex 2 to document CoP19 Doc. 39 as amended by the United Kingdom of Great Britain and Northern Ireland and the United States of America was accepted, as was the deletion of Decisions 17.87 (Rev. CoP18) and 17.88 (Rev. CoP18).

Regulation of trade

40. Guidance for making legal acquisition findings

The Chair of the Standing Committee introduced document CoP19 Doc. 40, to which there was also an addendum prepared by the Secretariat (CoP19 Doc. 40 Add.) The Standing Committee proposed the adoption of the draft decisions in Annex 1 to document CoP19 Doc. 40. The Secretariat also proposed the adoption of the revised *Rapid guide for the making of legal acquisition findings* in addendum CoP19 Doc. 40 Add, with necessary changes to Resolution Conf. 18.7 on *Legal acquisition findings* including its Annexes that such adoption might require. The deletion of Decisions 18.122 and 18.123 was also proposed as these had been implemented.

Argentina, Benin, India, Namibia, Peru, Senegal, the United Republic of Tanzania, and the United Kingdom of Great Britain and Northern Ireland supported the proposed draft decisions in document CoP19 Doc. 40 and welcomed the additional guidance provided in the *Rapid Guide*.

The United States of America indicated general support for the draft decisions in document CoP19 Doc. 40, supporting draft decisions 19.AA to 19.CC, and proposing a new decision 19.XX directed to Parties as follows:

Directed to the Parties

- 19.XX Parties are requested to provide observations and feedback to the Secretariat following their tested use of the *Rapid Guide* for the making of legal acquisition findings.

They also proposed an amendment to draft decision 19.BB paragraph a) to add after the words “legal acquisition findings” the words “inviting Parties to provide input on the development of these digital solutions.” The United States proposed a series of amendments to the *Rapid guide for making of legal acquisition findings* contained in the Annex to document CoP19 Doc. 40 Add as follows:

- In Section 1, after reference to Article 7, paragraph 2 of the Convention, we recommend inserting “, Resolution Conf. 13.6 (Rev. CoP18) on Implementation of Article VII, paragraph 2, concerning ‘pre-Convention’ specimens” in order to reference the relevant Resolution;
- In Table 1, in the section on Sourcing, the Row that begins “bred-in-captivity” includes 4 different source types that should be disaggregated to include:
 - a separate row for bred-in-captivity, with the text “in accordance with Resolution Conf. 10.16” under the column “Type of Legal Finding”, and the text “Records that identify the breeder or propagator of the specimens that have been identified by birth or hatch date, sex, size, band number, or other marks” under “Examples of possibly relevant documentation”
 - a separate row for artificially propagated, with the text “in accordance with Resolution Conf. 11.11 (Rev. CoP18) under the column “Type of Legal Finding”, and the text “Records that identify the nursery or propagator of the specimens that have been identified by propagation date” under “Examples of possibly relevant documentation.”
 - And separate rows should be provided for source codes F and Y with the text “LAF” under “Type of Legal Finding”. For source code F, add the text “Records that identify the breeder or propagator of the specimens that have been identified by birth or hatch date, sex, size, band number, or other marks” under “Examples of possibly relevant documentation” and for source code Y, add the text “Records that identify the propagator of the specimens that have been identified by propagation date” under “Examples of possibly relevant documentation”
- In Table 3 on page 9 of CoP19 Doc. 40 Add. concerning LAFs for marine species.
 - In row 3, insert “when available” after “logbooks” and after “forms”
 - In row 6, insert “when available” after “Observer data relating to transshipment” and delete the parenthetical “(e.g. through pauses in navigation)”
 - In row 7 insert “domestic measures or” before “RFMO”

- Also in row 7, insert “records showing compliance with” before each of the last three examples
- In row 8 insert “domestic measures or” before “RFMO”

The European Union and its Member States proposed deleting “develop digital solutions to automate relevant parts of the *Rapid Guide for making legal acquisition findings* and” from paragraph a) of draft decision 19.BB. It also suggested that the updated version of ‘Table 2: Evidence of legality along the chain of custody for timber’ of the *Rapid guide* in document CoP19 Doc. 40 Add be replaced by the original version of that table. It sought clarity on the potential administrative burden on Parties of developing a central Legal Acquisition Findings database, as well as how such a database would be linked to CITES e-permitting systems, and voiced concern about the potentially high costs of such a database. With its proposed amendments to draft decision 19.BB a) and Table 2, the European Union and its Member States supported adoption of the revised *Rapid Guide*.

Draft decisions 19.AA, 19.CC, and the new draft decision directed to the Parties proposed by the United States of America were accepted. The Chair proposed the following amendment to paragraph a) of draft decision 19.BB to address earlier proposals from the European Union and its Member States and the United States:

- a) subject to external funding, and taking into consideration the information gathered under Decisions 19.AA and 19.XX on experiences with using the *Rapid Guide*, develop digital solutions to automate relevant parts of the ‘Rapid guide for making legal acquisition findings’, inviting Parties to provide input on the development of these digital solutions, and maintain a dedicated webpage regarding the verification of legal acquisition for different taxa and specimens on the CITES website and update it regularly;

Draft decision 19.BB as amended by the Chair was accepted. The *Rapid guide for the making of legal acquisition findings* in the Annex to document CoP19 Doc. 40 Add with the amendments proposed by the European Union and its Member States and the United States of America was also accepted. As a consequence, the deletion of section 5 of Annex 1 to Resolution Conf. 18.7 was accepted as it would be replaced by the *Rapid guide* as a new Annex 3 to that Resolution. The deletion of Decisions 18.122 to 18.124 was accepted.

52. Transport of live specimens: improving implementation of the transport regulations

The United States of America, on behalf of the co-proponents, introduced document CoP19 Doc. 52, which aimed to improve the transport of live animals and plants in international trade by: proposing to make existing transport guidelines, the *IATA Live Animals Regulations* and *IATA Perishable Cargo Regulations*, freely accessible to Parties; by calling for a workshop to share best practices relating to live animal and plant transport; and by amending Resolution Conf. 10.21 (Rev. CoP16) on *Transport of live specimens* to encourage, but not require, Parties to uphold the standards provided in the existing IATA transport regulations in the domestic portion of an international shipment. It noted that a secure web portal was being built to share the existing IATA Regulations.

Côte d’Ivoire, Kenya and Senegal, as co-authors, as well as the Plurinational State of Bolivia, Israel and Mauritania, supported the proposals in document CoP19 Doc. 52. Zimbabwe supported the proposals with the Secretariat’s amendments and proposed workshops and online training.

Burundi, China and the United Kingdom of Great Britain and Northern Ireland supported the draft decisions contained in Annex 1 to document CoP19 Doc. 52. The European Union and its Members States supported by the Plurinational State of Bolivia, Georgia, Israel, Kenya and Zimbabwe supported the draft decisions as amended by the Secretariat. The European Union and its Member States, supported by the Plurinational State of Bolivia, Georgia, Israel and the European Association of Zoos and Aquaria, proposed the expansion of draft decision 19.BB in Annex 1 by inserting “depending on the needs of the Party, and consider making them accessible to other relevant exporters, transporters and importers, between “depending on the needs of the Party” and “free of charge”.

The European Union and its Members States also supported the proposed amendments to Resolution Conf. 10.21 (Rev. CoP16); while China considered the amendments proposed unacceptable and expressed its view that these provisions go beyond the mandate of the Convention. The United Kingdom, supported by Kenya proposed changing the word “transit” to “transport” in the new sixth operative

paragraph. Zimbabwe and the European Association of Zoos and Aquaria (speaking also on behalf of four other observer organizations) and Eurogroup for Animals, speaking also on behalf of twenty other observer organizations supported the decisions in Annex 1 to document CoP19 Doc. 52, with the amendment to 19.BB as proposed by the European Union and its Member States.

The draft decisions in Annex 1 to document CoP19 Doc. 52 with the amendment proposed by the European Union and its Member States to draft decision 19.BB were accepted. The amendments to Resolution Conf. 10.21 (Rev. CoP16), with the amendment proposed by the United Kingdom of Great Britain and Northern Ireland in the new sixth operative paragraph, were accepted.

55. Registration of operations that breed Appendix I animal species in captivity for commercial purposes

The United States of America introduced document CoP19 Doc. 55, containing a series of proposed amendments to Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*. It expressed general support for the Secretariat's revisions to the proposed amendments as outlined in Annex 1 of the document, proposing minor editorial amendments.

Israel, Mauritania, Senegal and Born Free Foundation (speaking also on behalf of Species Survival Network and a number of other observer organizations) supported the document. Canada, supported by Botswana, the European Union and its Member States, Mexico, Senegal, South Africa, the United Kingdom of Great Britain and Northern Ireland and Zimbabwe, appreciated the issues raised in the document, but raised concerns about the burdensome nature of the proposed changes and proposed an intersessional process that will allow for further discussion.

Israel and the United States expressed a preference for the proposed amendments to Resolution Conf. 12.10 (Rev. CoP15) to be adopted at the present meeting; the United States, supported by Chile, proposed an alternative draft decision to reflect this. However, the narrower scope of the decision first suggested by Canada was supported by the European Union and its Member States, Kuwait, Malaysia, Mexico, South Africa, and Zimbabwe.

The Chair, supported by Canada, Israel and Sri Lanka, proposed the following draft decision, based on Canada's original proposal:

Directed to the Standing Committee

The Standing Committee shall, taking into consideration document CoP19 Doc. 55, review the application of Resolution Conf 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*, for situations where there is a change in the nature of the operation, or in the types of products being produced for export, and other matters raised in document CoP19 Doc. 55 as appropriate, and provide its recommendations to the 20th meeting of the Conference of the Parties.

The draft decision proposed by Canada as amended by the Chair was agreed.

General compliance and enforcement

33. Enforcement matters

The Secretariat introduced document CoP19 Doc. 33, containing the Secretariat's report on enforcement matters, as required by Resolutions Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement* and Conf. 17.6 on *Prohibiting, preventing, detecting and countering corruption, which facilitate activities conducted in violation of the Convention*, and on its implementation of Decisions 18.77 and 18.78.

The European Union and its Member States, supported by Eswatini, Kenya, South Africa, Türkiye, the United Republic of Tanzania, Zambia and Zimbabwe expressed support for the document's recommendations. Eswatini, Kenya, Niger, Singapore, Türkiye, the United Republic of Tanzania, Zambia, and Zimbabwe provided updates on measures recently taken to tackle wildlife crime.

The draft decisions contained in Annex 1 to document CoP19 Doc. 33 and the proposed amendments to Resolution Conf. 17.6 on *Prohibiting, preventing, detecting and countering corruption, which facilitates*

activities conducted in violation of the Convention in Annex 2 were accepted. It was agreed to delete Decisions 18.77 and 18.78.

The meeting was adjourned at 11h55.