

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



Sixteenth meeting of the Animals Committee
Shepherdstown (United States of America), 11-15 December 2000

Implementation of Resolution Conf. 11.13

UNIVERSAL LABELLING SYSTEM FOR THE IDENTIFICATION OF CAVIAR

This document was prepared by TRAFFIC upon request of the Chairman

Introduction

1. This document has been prepared by TRAFFIC to highlight aspects of Resolution Conf. 11.13 that may be misinterpreted and prevent efficient implementation of this Resolution.
2. It is important to note that the universal labelling system for the export of caviar described in Resolution Conf. 11.13 only applies to **"caviar entering international trade from the country of origin"**, as stated in paragraph a) under RECOMMENDS. The universal labelling system for identification of caviar required by the Resolution does not, therefore, apply to re-exports of caviar, including caviar that may have been re-packaged prior to re-export.
3. There are several areas in the text of Resolution Conf. 11.13 (in paragraphs b), c), d) and e) under RECOMMENDS) where TRAFFIC believes there is sufficient ambiguity to cause confusion in the future. These are addressed below. If the Animals Committee believes there is validity to these concerns, a Notification to the Parties may be the appropriate means of clarification.

Scope of the universal labelling system for the identification of caviar

4. It may be useful to interpret the scope of Resolution Conf. 11.13 as covering a universal marking system for the export of caviar from producing countries to the initial country of import, **with the exception of caviar exports that would fall under the personal effects exemption under Article VII, paragraph 3, and which are limited to no more than 250 grams per person.** Thereby, the labelling requirements as described in the Resolution would only apply to exports from producer countries to initial countries of import of shipments of caviar for which export permits are necessary.

Definition of "secondary container"

5. The Resolution does not contain a definition for "secondary container". It is proposed that this be interpreted as a container or wrapping in which one or more "primary containers" are packed. This means that a "secondary container" can hold one or more "primary containers" of less than 249 grams

each, one or more "primary containers" of more than 250 g each, or a mixture of such "primary containers".

Information required on the non-reusable label

6. Based on paragraphs a), b) and c) under RECOMMENDS, non-reusable labels are required for all primary containers, defined as "tin, jar, or box into which caviar is directly packed" in the Resolution. When the export from the country of origin concerns primary containers of more than 249 grams, the non-reusable labels should be affixed on each individual primary container. When it concerns primary containers of less than 250 g of caviar each, the non-reusable labels should be affixed to the secondary container in which these primary containers are packed.
7. Paragraph c) under RECOMMENDS describes what information should be included on the non-reusable label. Paragraph c) contains three areas of potential misunderstanding. The first relates to "unique serial number for the shipment", the second pertains to the "unique number for the primary container that corresponds to the processing plant", and the third to the phrase "lot identification number for the caviar".
8. In paragraph c) under RECOMMENDS, the wording "unique serial number for the shipment" should be interpreted as being "unique" because of the combination of **all** of the information included on the label (meaning a sequence of data, separated by a "/", indicating respectively: the grade of caviar, a standardized species code, an ISO country of origin code, a year of harvest, the caviar processing plant code, and the "lot identification number"). The Resolution gives the following example:

Beluga/HUS/RU/2000/xxxx/yyyy

9. The wording "unique number for the primary container that corresponds to the processing plant" should refer to the registration number of the processing plant. The wording should be interpreted to mean "unique number that corresponds to the processing plant where the primary container is produced".
10. The wording "lot identification number for the caviar" could be interpreted in different ways because there is no definition of what a "lot" is. It is suggested that it should refer to the number of the female caught and the number of the tin/jar produced from her roe. For example, the 78th female beluga (*Huso huso*) caught during the year, and the 20th 250-gram tin of caviar prepared with her roe, would be given the number "78:20" (adding ":" between the female and the tin/jar number to indicate the difference between fish and container).
11. For example if the caviar is beluga, the catch was made in the Russian Federation in the year 2000, the registration number allocated to the processing plant by the Russian government is "01B", from female no. 78 and it was the 20th tin to be produced, the non-reusable label should indicate:

Beluga/HUS/RU/2000/01B/78:20

Information required on secondary containers

12. It is unclear what information should be marked on secondary containers when they contain one or more primary containers that are larger than 249 grams each. As per paragraph d) under RECOMMENDS, the minimum information that is required to be included on the non-reusable labels "must be clearly marked on all secondary containers containing one or more primary containers of caviar". It is unclear whether this information should be a list of every single primary container in the shipment, or whether it is possible to present the information in an abbreviated manner. The information could be marked in writing or in print on the secondary container, or a copy of a list could be affixed or attached to it. What is clear is that **each primary container larger than 249 grams must have a non-reusable label affixed to it.**
13. In the event that Management Authorities interpret paragraph d) of this Resolution as meaning that they can affix an abbreviated list of the contents on the secondary container, it is suggested that this list contain summary information for each set of primary containers (i.e. the primary containers that are of

the same grade, species, country, year, processing plant and female). Furthermore, it is suggested that such a list would be affixed in such a way that the secondary container would be sealed. For example, a secondary container with 20 kg of caviar packaged in 250 gram tins (80 tins in total) of various grades: 40 tins of sevruga (*Acipenser stellatus*), 30 tins of ossetra (*A. gueldenstaedtii*) and 10 tins of beluga, should be clearly marked in the sense of paragraph d) as follows: a list affixed to the secondary container (possibly sealed by this list) containing the following information:

Sevruga/STE/RU/2000/01B/639:34-73 (comprising the lot identification numbers of primary containers from 639:34 to 639:73)

Ossetra/GUE/RU/2000/01B/321:20-49

Beluga/HUS/RU/2000/01B/78:12-15

Beluga/HUS/RU/2000/01B/55:40-45

14. It is unclear what information should be included on the non-reusable label affixed on secondary containers when they contain one or more primary containers that are smaller than 250 grams each. As per paragraph b) under RECOMMENDS, primary containers containing less than 250 grams of caviar do not have to have the non-reusable labels affixed to the actual tins when they are exported from the country of origin. **The labels corresponding to each of these primary containers must be affixed to the secondary container instead.** For example, in case of a secondary container with 20 kg of caviar packed in primary containers weighing 200 grams each (100 tins in total), the non-reusable labels that should be affixed to the secondary container would look as follows:

Beluga/HUS/RU/2000/01B/78:12

Beluga/HUS/RU/2000/01B/78:13

Beluga/HUS/RU/2000/01B/78:14

Beluga/HUS/RU/2000/01B/78:15

Beluga/HUS/RU/2000/01B/55:40 (40th primary container produced from Beluga female No. 55) etc.

Ossetra/GUE/RU/2000/01B/321:20

Ossetra/GUE/RU/2000/01B/321:21

Ossetra/GUE/RU/2000/01B/321:22 etc.

15. None of the 100 tins contained within the secondary container are affixed with non-reusable labels, because these are on the secondary container.
16. It is unclear what information should be mentioned in the "description of the content" to be included on the secondary container as stated in paragraph b) under RECOMMENDS. This paragraph seems to suggest that, in addition to the individual non-reusable labels that are affixed to the secondary container, a list as described in paragraph 14 would be required - possibly marked on and sealing the secondary container.
17. It is not clear what information should be included in the labels and/or mark affixed to a secondary container that contains a mixture of primary containers over 249 grams and under 250 grams. One possible option would be to apply what is required for primary containers smaller than 250 grams and include all primary containers larger than 249 grams in the list to be marked or affixed to the secondary container, as described in points 4 and 5 above.

Information included in the export permit

18. It is unclear what and how the information should be included in the export permit. Paragraph e) under RECOMMENDS states that "the same information that is on the label affixed to the secondary container be given on the export permit". As pointed out above, the only "labels" that have to be affixed to the secondary container are those referred to under paragraph b).
19. Furthermore, it needs to be clarified whether the block with "special conditions" in the export permit form should be used for this purpose. Given the fact that this block is limited in size, it may not always be possible to list full details for all non-reusable labels that would be affixed to a secondary container, in the export permit.
20. It is also not clear what (if any) additional information should be provided in export permits issued for secondary containers with primary containers of over 249 grams, for secondary containers with a mixture of primary containers of more than 249 grams and of less than 250 grams each, or for primary containers larger than 249 grams.
21. One possible solution is to mention under "special conditions" in the export permit: "See attached list" and include all the information included in labels and marks affixed on primary and secondary containers in the list attached to the export permit. Each page of the list should be stamped and signed by the CITES Management Authority of the country of origin.

Comments from the Secretariat

22. The Secretariat believes that it was the intention of the Conference of the Parties to establish a labelling system for caviar that would assist in the control of trade and would help deter illicit trade. It also believes, however, that it was the intention that such a system be manageable, relate to international trade and, thus, that such a system would require to be supplemented by appropriate national controls.
23. Whilst it agrees that the wording of Resolution Conf. 11.13 could, in places, be clearer, the Secretariat is of the opinion that the interpretations and suggestions proposed by TRAFFIC are too far-reaching and may place an unreasonable and unnecessary burden on producing States. The Secretariat has noticed that a part of the problem raised by TRAFFIC is probably the consequence of an amendment made to the draft Resolution during CoP11 which the Secretariat believes to be an error. Paragraph a) of Resolution Conf. 11.13 (see Annex) under RECOMMENDS refers to the amount of "more than 249 grams" as the limit beyond which the uniform marking system should be applied to primary containers of caviar. The amount mentioned in this paragraph should have been "more than 250 grams" (based on the recommendation in Resolution Conf. 10.12 (Rev.) that amounts of caviar of "no more than 250 g per person" be exempted as personal effects). With this change the reference in paragraph b) of Resolution Conf. 11.13 to primary containers of "less than 250 grams" that do not require labels, etc., is less confusing.
24. Paragraph 5 provides a logical way to define the term secondary container if a further definition is needed.
25. Regarding Paragraph 8, no further interpretation of the phrase 'unique serial number for the shipment' is required, particularly since it is followed immediately thereafter by the words, 'consisting of'.
26. The Secretariat agrees with paragraph 9 but feels that the suggestions contained in paragraphs 10 and 11 are excessive. The Secretariat is of the opinion that the term 'lot' is relatively commonly used in production industries and would relate to a series/batch of materials or a separate production-run of goods. This might, for example, be equivalent to all the goods of an identical type processed in one working shift, an entire working day, week, or other period of manufacture. It sees no reason why such an interpretation could not also apply in the processing and production of caviar. The Secretariat believes that the proposal by TRAFFIC goes too far and would be difficult to administer. If the information on labels was to relate to individual fish, it would make the production of labels difficult. For

example, fish number 78 might contain sufficient roe to fill 30 tins, and thus require 30 separate labels, whilst fish number 79 might contain sufficient roe for only 15.

27. The Secretariat wonders how labels are expected to be produced. If they were to be produced in a printed format, then the proposal by TRAFFIC would be complex and might become unworkable. It believes, however, that the interpretation of the term 'lot' that it offers would enable pre-printing of labels in a manageable fashion.
28. Regarding paragraphs 12 to 17, the Secretariat believes that the recommendations in paragraphs b) and d) of the Resolution can be complied with by affixing on the secondary containers a label identical to that used to the primary container. Depending on the nature and diversity of the content, this would require one or more labels to be affixed. This would have the added benefit of sealing the secondary container. It would only remain then to indicate the number of primary containers within (regardless of their size). If primary containers containing less than 250 grams of caviar are in a secondary container, it should nonetheless be possible to attribute them to a production lot and, consequently, affix an appropriate label or labels to the secondary container.
29. The Secretariat is of the opinion that the approach it has suggested fulfils the objectives of the Resolution and the wishes of the Conference of the Parties. The Resolution makes plain that it wishes 'shipments' to be identified and providing details of the lot would enable this to be done. It would also, importantly, provide sufficient information for Management Authorities to determine the origin of shipments and their period of production. Thereafter, should it be necessary, enquiries at national level, linked to national recording of catches, processors and producers, could then be made if greater detail were required.
30. The use of information to lot level is common in the food industry to track producers and a period of production when, for example, problems are discovered once a product reaches the consumer. The Secretariat suggests that it ought to be sufficient to allow adequate and manageable tracking of products in the caviar trade.
31. Export permits, or an attached list, should then provide details of all labels used on the containers, whether primary or secondary. If the Secretariat's proposal were to be followed, such a list would be less detailed than that envisaged by TRAFFIC.
32. The Secretariat would also recommend that Management Authorities should be closely involved in the control, production and distribution of labels. Consultation with producers should allow for estimates to be made with regard to lot sizes and, thus, the numbers and varieties of labels to be printed. It believes that the distribution of labels to producers, by Management Authorities, should allow for greater control and assist in reducing fraud and/or counterfeiting. Alternatively, label printers should undertake to fill orders only if authorized by a Management Authority. The Secretariat believes that the experience of the crocodile tagging systems may offer useful examples as to how a caviar labelling system should be administered.
34. The Secretariat notes that paragraph c) of the Resolution refers to "grade of caviar (beluga, sevruga or ossetra)" but does not define those terms. The Secretariat believes the Animals Committee may wish to address this issue and suggest how those terms should be interpreted. It is the understanding of the Secretariat that the caviar trade does not always employ such terms in a common manner. It notes that TRAFFIC, in paragraph 13 of its paper has attempted to define two of the terms but not the third. However, the Secretariat is firmly of the opinion that the inclusion of the grade of caviar is totally unnecessary, since species codes are to be quoted, and risks causing confusion and unnecessary delays at times of import inspection. In any case, producers usually mark the grade of caviar on their primary containers. The grade of caviar is of little or no relevance to the Convention.

Resolution Conf. 11.13

Universal labelling system for the identification of caviar

AWARE that all living species of sturgeon and paddlefish (Acipenseriformes) are listed in Appendix I or II of CITES, but concerned that certain parts and derivatives of some sturgeon species may be subject to some illegal trade;

RECOGNIZING that illegal trade has in the past threatened the survival of certain populations of sturgeons and has undermined the efforts of producer countries to manage their sturgeon resources on a sustainable basis;

RECOGNIZING that Resolution Conf. 10.12 (Rev.), adopted by the Conference of the Parties at its 10th meeting (Harare, 1997) and amended at its 11th meeting (Gigiri, 2000), directs the Secretariat in consultation with the Animals Committee to explore the development of a uniform marking system for sturgeon parts and derivatives to assist in subsequent identification of the species;

RECALLING that Article VI, paragraph 7, of the Convention provides that specimens of species listed in the Appendices may be marked to assist in identifying them;

NOTING that, in order to assist the Parties in identifying legal caviar in trade, marking should be standardized and that particular specifications for the design of labels are fundamental and should be generally applied;

CONSIDERING that the labelling of all caviar in international trade would be a fundamental step towards the effective regulation of international trade in sturgeons and sturgeon products;

RECOGNIZING, however, that the Animals Committee, at its 15th meeting (Antananarivo, 1999), decided to recommend only, at this stage, the adoption of a universal marking system for the export of caviar from producing countries to the initial country of import;

NOTING that strategies for the uniform marking of caviar should take into account marking systems currently in place and should not prevent producer countries and legitimate processing and trading industries from marking the caviar in trade in a further developed way;

**THE CONFERENCE OF THE PARTIES TO THE
CONVENTION**

RECOMMENDS:

- a) the introduction of a uniform marking system for any primary container (tin, jar, or box into which caviar is directly packed) of more than 249 grams of caviar entering international trade from the countries of origin, based on the application of non-reusable labels on each primary container;
- b) that for export of primary containers containing less than 250 grams of caviar, the non-reusable labels referred to in paragraph a) above be affixed only to the secondary containers, which should also include a description of the content;
- c) that the non-reusable label include, as a minimum: grade of the caviar (beluga, sevruga, or ossetra); a standard species code as provided in the Annex; and a unique serial number for the shipment, consisting of the ISO two-letter code for the country of origin, the year of harvest, and a unique number for the primary container that corresponds to the processing plant and lot identification number for the caviar:

Beluga/HUS/RU/2000/xxxx/yyyy

- d) that the information, referred to in paragraph c) above be clearly marked on all secondary containers containing one or more primary containers of caviar;
- e) that, in order to facilitate tracking and monitoring of caviar exports, the same information that is on the label affixed to the secondary container be given on the export permit;
- f) that, in the event of mismatches of information between a label and a permit, the Management Authority of the importing Party immediately contact its counterpart in the exporting Party to establish whether this was a genuine error arising from the volume of information required by this Resolution, and that, if this is the case, every effort be made to avoid penalizing those involved in such transactions;

- g) that the Management Authority of the exporting, re-exporting, and importing Parties provide to the Secretariat, when directed by the Standing Committee or agreed to between the range State and the CITES Secretariat, a copy of each export permit for caviar immediately after issuance or upon receipt, as appropriate;
- h) that Parties accept shipments of caviar imported directly from countries of origin only if they are accompanied by appropriate documents containing the information referred to in paragraph c), d) or e) and if the related

processed products are labelled as directed in this Resolution; and

- i) that Parties establish, where legally possible, a system of registration or licensing or both for importers and exporters of caviar;

RECOMMENDS that the preceding set of procedures take effect as soon as possible for export quotas for the year 2001; and

URGES all Parties that trade (export, import or re-export) in caviar to report promptly to the Secretariat the volumes involved each year.

Annex

Codes for identification of Acipenseriformes species

Species	Code
<i>Acipenser baerii</i>	BAE
<i>Acipenser baerii baicalensis</i>	BAI
<i>Acipenser brevirostrum</i>	BVI
<i>Acipenser dabryanus</i>	DAB
<i>Acipenser fulvescens</i>	FUL
<i>Acipenser gueldenstaedtii</i>	GUE
<i>Acipenser medirostris</i>	MED
<i>Acipenser mikadoi</i>	MIK
<i>Acipenser naccarii</i>	NAC
<i>Acipenser nudiiventris</i>	NUD
<i>Acipenser oxyrhynchus</i>	OXY
<i>Acipenser oxyrhynchus desotoi</i>	DES
<i>Acipenser persicus</i>	PER
<i>Acipenser ruthenus</i>	RUT
<i>Acipenser schrencki</i>	SCH

Species	Code
<i>Acipenser sinensis</i>	SIN
<i>Acipenser stellatus</i>	STE
<i>Acipenser sturio</i>	STU
<i>Acipenser transmontanus</i>	TRA
<i>Huso dauricus</i>	DAU
<i>Huso huso</i>	HUS
<i>Polyodon spathula</i>	SPA
<i>Psephurus gladius</i>	GLA
<i>Pseudoscaphirhynchus fedtschenkoi</i>	FED
<i>Pseudoscaphirhynchus hermanni</i>	HER
<i>Pseudoscaphirhynchus kaufmanni</i>	KAU
<i>Scaphirhynchus platyrhynchus</i>	PLA
<i>Scaphirhynchus albus</i>	ALB
<i>Scaphirhynchus suttkusi</i>	SUS