

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



Seventieth meeting of the Standing Committee
Rosa Khutor, Sochi (Russian Federation), 1-5 October 2018

Interpretation and implementation matters

Trade control and traceability

INTRODUCTION FROM THE SEA:
REPORT OF THE SECRETARIAT

1. This document has been prepared by the Secretariat.

Background

2. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted Decision 17.181 and renewed Decisions 16.48 to 16.51 on *Introduction from the sea* as follows:

Directed to the Secretariat

16.48 (Rev. CoP 17)

The Secretariat shall report at the 69th or 70th meetings of the Standing Committee on the implementation of the Convention by the Parties concerned in relation to the provision on chartering arrangements provided for in Resolution Conf. 14.6 (Rev. CoP16) on Introduction from the sea.

To compile the aforementioned report, the Secretariat shall, where appropriate, approach relevant Parties bilaterally regarding their experience with the implementation of the above mentioned provisions.

The report should focus in particular on the conditions under which non-detriment findings are made and permits and certificates are issued, as well as on the relationship between chartering States and States in which the vessel is registered, in performing those tasks. It should especially assess the capacity of chartering States and the States in which the vessels are registered to control compliance with the provisions of the CITES Convention.

In that regard, the report should pay special attention to the implementation of the provisions of the Resolution pertaining to the legality of the acquisition and landing of the specimens concerned.

The report shall also include any cases where Parties have been unable to take advantage of this provision, including in situations where at least one of the States involved is not party to a relevant Regional Fisheries Management Organization or Arrangement (RFMO/A).

Between now and the 18th meeting of the Conference of the Parties, the Secretariat shall further communicate with the Secretariat of the relevant RFMO/A and other relevant international organizations, in particular regarding the implementation of the relevant

obligations resulting from these RFMO/As or other international organizations, and share information provided with Parties on a timely basis.

Directed to Parties

16.49 (Rev. CoP17)

Parties taking advantage of the provision on chartering arrangements provided for in Resolution Conf. 14.6 (Rev. CoP16) should provide in a timely manner all information that might be requested from them by the Secretariat in view of the establishment of its report on this issue at the 69th and 70th meetings of the Standing Committee.

Directed to the Standing Committee

16.50 (Rev. CoP17)

The Standing Committee shall assess the findings of the report of the Secretariat on the implementation of the Convention by the Parties concerned in relation to the provision on chartering arrangements provided for in Resolution Conf. 14.6 (Rev. CoP16). On the basis of this report and any other information available, the Standing Committee shall provide an assessment on the implementation of this provision and, where relevant, propose amendments to this provision at the 18th meeting of the Conference of the Parties.

Directed to Parties

16.51 (Rev. CoP17)

On the basis of the assessment of the Standing Committee and any other relevant information, the Parties should review at the 18th meeting of the Conference of the Parties the provisions on chartering provided for in Resolution Conf. 14.6 (Rev. CoP16).

Directed to the Secretariat

17.181 *The Secretariat shall report to the Standing Committee, as appropriate, on the results of the negotiations on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ).*

3. Based on the Secretariat's report to the Standing Committee at its 69th meeting (SC69; Geneva, November 2017) in document [SC69 Doc. 36](#) and subsequent discussions, the Standing Committee invited the Secretariat to issue a Notification asking Parties to submit information on challenges in implementing Resolution Conf.14.6 (Rev. CoP16) on *Introduction from the sea* beyond the issue of chartering.
4. Pursuant to these instructions, the Secretariat issued Notification No. 2018/67 of 9 July 2018. With a view to minimize reporting, the Secretariat annexed a short questionnaire to the Notification that Parties could follow in providing a response. For ease of reference, the questionnaire is also contained in Annex 1 to this document.
5. At the time of writing of this document (August 2018), 11 responses had been received from Parties (Australia, Canada, China, Côte d'Ivoire, Guatemala, Indonesia, Norway, New Zealand, Uruguay, and the United States of America), which are included in Annex 3 to this document.
6. In addition to these responses by Parties, this report is further informed by other pertinent activities that have taken place since SC69, including:
 - a) the Secretariat's mission and resulting report on the introduction from the sea of specimens of sei whale (*Balaenoptera borealis*) by Japan (see document SC70 Doc. 27.3.4);
 - b) the work of the Standing Committee's intersessional working group on Simplified procedures for permits and certificates (see document SC70 Doc. 36);

- c) the international workshop on verifying legal acquisition organised pursuant to Decision 17.67, and the resulting guidance document (see document SC70 Doc. 27.1); and
- d) bilateral exchanges with Parties pursuant to Decision 16.48 (Rev.CoP17).

Analysis of information

7. Introductions from the sea are currently reflected in one of two ways in the CITES trade database:
 - a) The exporter is specified as “ZZ – Introduction from the Sea”, reflecting a one-state transaction (paragraph 2 a) of Resolution Conf.14.6 (Rev. CoP16).
 - b) The source code “X – Specimens taken in the marine environment not under the jurisdiction of any State” is used. This would be a way to distinguish Introductions from the Sea that fall under paragraph 2 b) of Resolution Conf.14.6 (Rev. CoP16) from “normal” import-export transactions.
8. At the time of writing of this document, there were 133 trade transactions with exporter “ZZ – Introduction from the Sea” and 41 trade transactions with source code “X – Specimens taken in the marine environment not under the jurisdiction of any State” recorded in the database since 2013 by nine Parties (France, Germany, Indonesia, Japan, Monaco, New Zealand, Spain, Switzerland and the United States).
9. The trade transactions with source code “X – Specimens taken in the marine environment not under the jurisdiction of any State” largely overlap with those reported with Exporter “ZZ – Introduction from the Sea”, with only 12 having a different exporter reported.
10. Of the 145 overall unique trade transactions, only six are reported for commercial purposes (purpose code “T”) while 137 are reported for scientific purposes (purpose code “S”).
11. Of the 11 Parties that responded to the questionnaire, eight have national legislation or regulations in place to issue Introduction from the sea certificates, either under their general CITES legislation or in a separate legal instrument. Three Parties responded that there is no such legislation or regulations in place.
12. Six Parties responded that their national legislation or regulations takes into account both the import/export and one-State transaction scenarios set out in Resolution Conf.14.6 (Rev.CoP16).
13. New Zealand and the United States of America are the only Parties that responded to have issued introduction from the sea certificates¹. While their legislation or regulation also allows for introduction from the sea for commercial purposes, the certificates issued were for scientific purposes. From bilateral exchanges with Parties as well as the trade data, this seems to apply more generally. As potential reasons for the scarcity of introductions from the sea for commercial purposes, Australia and Indonesia explained that, in their respective cases, applications would have been declined due to lack of data on which to base a non-detriment finding as required by Article IV of the Convention.
14. Five Parties that responded to the Notification have established detailed procedures, both for the import/export and one-State transaction scenarios, with the majority relying on pre-issued, partially filled certificates, analogous to the provisions for simplified procedures outlined in Resolution Conf. 12.3 (Rev. Cop17) on *Permits and certificates*. One Party that responded also transmits the certificate/permit electronically to the vessel in question, and/or deliver the original to the landing site. One Party has detailed procedures in place for the one-state transaction scenario, but not the import/export scenario.
15. The Secretariat notes that Resolution Conf. 12.3 (Rev. Cop17) on *Permits and certificates* currently does not contain specific guidance for the issuing of introduction from the sea certificates and that including such guidance may be helpful to Parties when establishing detailed procedures for either of the scenarios outlined in Resolution Conf. 14.6 (Rev. CoP16) (see also document SC70 Doc. 27.3.4).
16. Seven Parties report to have some procedures in place to control CITES-listed species at landing. Controls sometimes differ between domestic and foreign vessels, and both Indonesia and the United States make specific reference to the 2009 *Port State Measures Agreement to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing* of the Food and Agriculture Organization. Tools employed by Parties

¹ According to the CITES trade database, Indonesia has also issued permits for CITES-listed coral specimens obtained from the high seas, but indicate in their response to the Notification that, in their response, they focused on CITES-listed sharks.

in this regard include logbook requirements, inspections, vessel monitoring systems. One Party reported the use of a risk-based approach.

17. It was noted both in responses to the Notification and at the Verification of Legal Acquisition workshop that the CITES Authorities and the authorities responsible for the control of landings are sometimes in different ministries, making close coordination and communication vital for the implementation of the relevant provisions of the Convention.
18. None of the Parties that responded to the Notification have experience with applying the chartering provisions in Resolution Conf. 14.6 (Rev. CoP16), which means that the oral update given by Japan at the 66th session of the Standing Committee (SC66, Geneva, January 2016), as reported by the Secretariat in document SC69 Doc. 36, remains the only feedback to date on the matter.
19. Based on the responses to the Notification and other information available for this report, the Secretariat notes that not many Parties have legislation or regulations in place for the different scenarios outlined under Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea*, and that the practical experience in implementing these provisions is still very limited, in particular in view of the small number of commercial trade transactions reported.
20. To assist future efforts to address this experience gap, the Secretariat will update its training material on introduction from the sea and continue to work with relevant partner organizations, including the Food and Agriculture Organisation of the United Nations, to improve awareness of CITES provisions on introduction from the sea among relevant government officials, including, but not limited to, fisheries and port inspectors.
21. With regard to the low number of reported commercial trade transactions for specimens taken in the marine environment not under the jurisdiction of any State, the Secretariat notes that the Animals Committee at its 30th meeting had voiced concern that the trade volumes in CITES-listed shark species recorded in the CITES database appear to be generally lower than what would be expected against the knowledge available on catches of listed species (see AC30 Com.8 Rev. by. Sec.).

Implementation of Decision 17.181

22. Pursuant to Decision 17.181, the Secretariat has continued to monitor the negotiations on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ).
23. In December 2017, the United Nations General Assembly, in Resolution A/RES/72/249, agreed to convene an intergovernmental conference, under the auspices of the United Nations, to develop the instrument on BBNJ as soon as possible. It further agreed on four initial sessions until the first half of 2020, with the first session taking place on 4-17 September 2018 at the United Nations Headquarters in New York. The Secretariat will provide an oral update on the outcomes of this session at the current meeting.

Recommendations

24. The Standing Committee is invited to:
 - a) take note of this document and the information contained therein;
 - b) consider whether adding specific guidance regarding introduction from the sea certificates to Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates* would be appropriate and helpful, and if so, request the Secretariat to prepare a relevant proposal for consideration at the 18th meeting of the Conference of the Parties; and
 - c) taking into account that the practical experience in implementing the provisions of Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea* is still very limited, consider the draft decisions contained in Annex 2 to this document.

Questionnaire on Introduction from the sea

1. Does your national legislation or regulation provide for the issuance of introduction from the sea certificates in accordance with Articles III and IV of the Convention?
 - ☐ Yes. If yes, please provide a reference, if possible: _____

 - ☐ No.
2. Does your national legislation or regulation take into account both the import/export and one-State-transaction scenarios set out in Resolution Conf.14.6 (Rev.CoP16)?
 - ☐ Yes. If yes, please provide a short summary, if possible: _____

 - ☐ Partially. If partially, please explain and provide references, if possible: _____

 - ☐ No.
3. Has your country issued introduction from the sea certificates or any permits for CITES-listed specimens obtained in the marine environment not under the jurisdiction of any State (the high seas) by a vessel flagged by your State?
 - ☐ Yes. If yes, please provide a short summary, if possible: _____

 - ☐ No.
4. Are there established detailed procedures in your country for the issuance of an introduction from the Sea certificate if a vessel flagged by your country obtains specimens of CITES-listed species in the high seas and transports them into your country, i.e. the one-State transaction scenario?
 - ☐ Yes. If yes, is the introduction from the sea certificate:
 - a) pre-issued partially filled, analogous to the provisions for simplified procedures outlined in Resolution Conf. 12.3 (Rev. Cop17) on *Permits and certificates*?
 - b) transmitted to the vessel electronically?
 - c) delivered at the landing site/port?
 - d) transmitted in another manner? (please explain): _____

 - ☐ No.

5. Are there established processes in your country for the issuance of an export permit if a vessel flagged by your State obtains CITES listed specimens in the high seas and transports them into another country, i.e. the import/export transaction scenario?
- ☐ Yes: If yes, is the Export permit:
- a) pre-issued partially filled, analogous to the provisions for simplified procedures outlined in Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates*?
 - b) transmitted to the vessel electronically?
 - c) delivered at the landing site/port?
 - d) transmitted in another manner? (please explain): _____

- ☐ No.
6. If a vessel flagged by your State engages in fishing in the high seas and then returns to port in your country, are there any processes in place to verify if any CITES-listed specimens were landed?
- ☐ Yes. If yes, please provide a short summary, including which national institutions are involved and if a risk-based approach is applied: _____

- ☐ No.
7. If a vessel flagged by another State engages in fishing in the high seas and then lands at a port in your country, are there any procedures in place to verify if any CITES-listed specimens were landed?
- ☐ Yes. If yes, please provide a short summary, including which national institutions are involved and if a risk-based approach is applied: _____

- ☐ No.
8. Does your country have experience with applying the special provisions on chartering arrangements in Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea*?
- ☐ Yes. If yes, please provide a short summary and who the Secretariat could contact for any follow-up questions: _____

- ☐ No.

Draft decisions on introduction from the sea

Directed to the Secretariat

- 18.AA The Secretariat shall continue to monitor the implementation of Resolution 14.6 (Rev. CoP16), on *Introduction from the sea*, including the provisions on chartering, and report as appropriate to the Standing Committee.
- 17.181 The Secretariat shall report to the Standing Committee, as appropriate, on the results of the negotiations on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ).

Directed to the Standing Committee

- 18.BB The Standing Committee shall, as appropriate, review the information provided by the Secretariat as requested in Decisions 18.AA and 17.181 (Rev. CoP18) and, if necessary, propose measures for consideration at the 19th meeting of the Conference of the Parties, which may include amendments to Resolution Conf. 14.6 (Rev. CoP16).

AUSTRALIA

Questionnaire on Introduction from the sea

1. Does your national legislation or regulation provide for the issuance of introduction from the sea certificates in accordance with Articles III and IV of the Convention?

☐ **Yes.**

Australia's legislation (the Environment Protection and Biodiversity Conservation Act 1999, Part 13A) accommodates the potential issuance of introduction from the sea certificates in accordance with Article IV. In relation to Appendix I specimens, Australia can potentially issue introduction from the sea certificates for scientific, exhibition and other non commercial purposes with the exception of personal items. Australia's stricter domestic measure pertaining to Appendix I species would mean that no introduction from the sea certificate could be issued for personal reasons as this would be restricted to pre-convention specimens only

2. Does your national legislation or regulation take into account both the import/export and one-State-transaction scenarios set out in Resolution Conf.14.6 (Rev.CoP16)?

☐ **Partially.**

Australia's national legislation has capacity to take into account both the import/export and one-State transactions which are exercised in conjunction with the requirements of the Fisheries Management Act 1991. To date Australia is not able to issue the Introduction from the Sea certificates to one-state or Australian registered vessels landing CITES catch in a foreign port due to the lack of information to determine a positive NDF to allow for CITES species to be taken on the high seas..

With regards to foreign registered vessels landing in Australia there is capacity if the overseas country to which the vessel is registered issues certification under Article III (excluding commercial and personal items) and Article VI (Appendix II specimens) based on their NDF. Subject to this occurring Australia could theoretically issue import documentation however this has not happened to date.

For Australian registered vessels landing at foreign ports Australia could not issue an export permit under Articles III or IV because there is no NDF in place for any CITES species to be taken on the high seas by an Australian registered vessel.

Australia does not have any charter vessel arrangements in place so cannot implement the resolution as it refers to chartering operations.

3. Has your country issued introduction from the sea certificates or any permits for CITES-listed specimens obtained in the marine environment not under the jurisdiction of any State (the high seas) by a vessel flagged by your State?

☐ **No.**

4. Are there established detailed procedures in your country for the issuance of an introduction from the Sea certificate if a vessel flagged by your country obtains specimens of CITES-listed species in the high seas and transports them into your country, i.e. the one-State transaction scenario?

☐ **Yes.** If yes, is the introduction from the sea certificate:

- a) pre-issued partially filled, analogous to the provisions for simplified procedures outlined in Resolution Conf. 12.3 (Rev. Cop17) on *Permits and certificates*?

Theoretically, Australia would issue a CITES introduction from the sea multiple consignment authority, which would include pre-issued partially filled Import Notification Forms (INFs) that the permit holder would use to inform the management authority the exact details of each import. We have ensured our future system will cater for these certificates. However, to date Australia has not issued introduction from the sea certificates, as a result the exact procedure has not been written. Further technical work around may be required to issue these certificates out of our current system.

- b) transmitted to the vessel electronically?
- c) delivered at the landing site/port?
- d) transmitted in another manner? (please explain):

5. Are there established processes in your country for the issuance of an export permit if a vessel flagged by your State obtains CITES listed specimens in the high seas and transports them into another country, i.e. the import/export transaction scenario?

☐ **Yes:** If yes, is the Export permit:

- a) pre-issued partially filled, analogous to the provisions for simplified procedures outlined in Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates*?

Theoretically, Australia would issue a CITES (re)export multiple consignment authority, which would include pre-issued partially filled Specimen Export Records (SERs) that the permit holder would use to inform the management authority the exact details of each (re)export. However, to date Australia has not issued introduction from the sea certificates, as a result the exact procedure has not been written.

- b) transmitted to the vessel electronically?
- c) delivered at the landing site/port?
- d) transmitted in another manner? (please explain):

6. If a vessel flagged by your State engages in fishing in the high seas and then returns to port in your country, are there any processes in place to verify if any CITES-listed specimens were landed?

☐ **Yes.** If yes, please provide a short summary, including which national institutions are involved and if a risk-based approach is applied:

Australia has state flagged vessels engaging in fishing in the high seas, however, to date the wildlife trade approvals under the Environment Protection Biodiversity Conversation Act 1999 for these vessels do not allow for the landing of CITES-listed specimens. Theoretically, if the approvals did allow for the landing of CITES-listed specimens, a positive non-detriment finding (NDF) would need to be in place, logbook records maintained of catch as well as the issuance of an introduction from the sea certificate.

7. If a vessel flagged by another State engages in fishing in the high seas and then lands at a port in your country, are there any procedures in place to verify if any CITES-listed specimens were landed?

☐ **Yes.** If yes, please provide a short summary, including which national institutions are involved and if a risk-based approach is applied:

Foreign fishing vessels cannot land catch obtained from the high seas unless authorised to do so. Ministerial approval is required under the Fisheries Management Act 1991. The Australian Government Department of Agriculture and Water Resources coordinates the authorisation of the landing of catch in an Australian port and consults with other relevant agencies as appropriate.

8. Does your country have experience with applying the special provisions on chartering arrangements in Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea*?

- ☐ **No.** *There are no chartered vessel arrangements in Australia.*

CANADA

Questionnaire on Introduction from the sea

1. Does your national legislation or regulation provide for the issuance of introduction from the sea certificates in accordance with Articles III and IV of the Convention?

☒ Yes. If yes, please provide a reference, if possible: Our legislation (WAPPRIITA – Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act) encompasses the obligations under CITES. There is no explicit portion in the Act for introduction from the sea, as this is included under our importation requirements. Inclusion of explicit regulatory language for our regulations (WAPTR – Wild Animal and Plant Trade Regulation) is in progress now to provide clarity to Canadians on the requirements of introduction from the sea.

☐ No.

2. Does your national legislation or regulation take into account both the import/export and one-State-transaction scenarios set out in Resolution Conf.14.6 (Rev.CoP16)?

☒ Yes. If yes, please provide a short summary, if possible: no explicit language is required for these scenarios, the current text in WAPPRIITA is sufficient.

☐ Partially. If partially, please explain and provide references, if possible: _____

☐ No.

3. Has your country issued introduction from the sea certificates or any permits for CITES-listed specimens obtained in the marine environment not under the jurisdiction of any State (the high seas) by a vessel flagged by your State?

☐ Yes. If yes, please provide a short summary, if possible: _____

☒ No.

4. Are there established detailed procedures in your country for the issuance of an introduction from the Sea certificate if a vessel flagged by your country obtains specimens of CITES-listed species in the high seas and transports them into your country, i.e. the one-State transaction scenario?

☐ Yes. If yes, is the introduction from the sea certificate:

a) pre-issued partially filled, analogous to the provisions for simplified procedures outlined in Resolution Conf. 12.3 (Rev. Cop17) on *Permits and certificates*?

b) transmitted to the vessel electronically?

c) delivered at the landing site/port?

d) transmitted in another manner? (please explain): _____

☒ No. – at this point, no cases of introduction from the sea have arisen in Canada, therefore no procedures have been established. If a situation did occur, some of the concepts mentioned in the YES answer would be considered.

5. Are there established processes in your country for the issuance of an export permit if a vessel flagged by your State obtains CITES listed specimens in the high seas and transports them into another country, i.e. the import/export transaction scenario?

☐ Yes: If yes, is the Export permit:

- a) pre-issued partially filled, analogous to the provisions for simplified procedures outlined in Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates*?
- b) transmitted to the vessel electronically?
- c) delivered at the landing site/port?
- d) transmitted in another manner? (please explain): _____

X No. – similar response as for question 4.

6. If a vessel flagged by your State engages in fishing in the high seas and then returns to port in your country, are there any processes in place to verify if any CITES-listed specimens were landed?

☐ Yes. If yes, please provide a short summary, including which national institutions are involved and if a risk-based approach is applied: _____

X No. – no cases have arisen where this has been required. Theoretical discussions have taken place for processes to verify landed specimens, but no practical implementation has been setup to date.

7. If a vessel flagged by another State engages in fishing in the high seas and then lands at a port in your country, are there any procedures in place to verify if any CITES-listed specimens were landed?

☐ Yes. If yes, please provide a short summary, including which national institutions are involved and if a risk-based approach is applied: _____

X No. – this situation has not arisen yet, and no procedures have been defined. See question 7.

8. Does your country have experience with applying the special provisions on chartering arrangements in Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea*?

☐ Yes. If yes, please provide a short summary and who the Secretariat could contact for any follow-up questions: _____

X No.

CHILECuestionario sobre la introducción procedente del mar

1. ¿Se prevé en su legislación o reglamentación nacional la expedición de certificados de introducción procedente del mar de conformidad con los Artículos III y IV de la Convención?
 - ☐ Sí. En caso afirmativo, proporcione una referencia, si posible: De acuerdo a lo señalado en la Ley CITES Nacional N° 20962, se indica quienes ejercerán como Autoridades Administrativas (Art. 3) y también las facultades conferidas a cada uno de ellos (Art. 4), sin embargo, a pesar de existir legislación vigente, se prevé poder estar en condiciones para la expedición de estos certificados en un mediano o largo plazo, dado que como señala en el punto 1.1 de la Conf. 14.6, debe ser la Autoridad Científica (Aun no se encuentra formalizada ni designada en Chile) del estado de introducción quien formule un dictamen de extracción no perjudicial (DEMP). Paralelamente la Autoridad Pesquera de Chile está buscando los medios de financiamiento de estos dictámenes.
2. ¿Se contemplan en su legislación o reglamentación nacional los escenarios de transacción importación/exportación y en un Estado previstos en la Resolución Conf.14.6 (Rev. CoP16)?
 - ☐ Sí. En caso afirmativo, proporcione un breve resumen, si posible: _____

 - ☐ Parcialmente. En ese caso, sírvase explicarse y proporcionar referencias, si posible: _____

 - ☐ No.
3. ¿Ha expedido su país certificados de introducción procedente del mar o cualquier permiso para especímenes de especies incluidas en los Apéndices capturados en el medio marino fuera de la jurisdicción de cualquier Estado (alta mar) por un buque con pabellón de su Estado?
 - ☐ Sí. En caso afirmativo, proporcione un breve resumen, si posible: _____

 - ☐ No.
4. ¿Ha establecido su país procedimientos detallados para expedir un certificado de introducción procedente del mar si un buque con pabellón de su país captura especímenes de especies incluidas en los Apéndice de la CITES en alta mar y los transporta a su país, es decir, el escenario de transacción en un Estado?
 - ☐ Sí. En caso afirmativo, el certificado de introducción procedente del mar:
 - a) está expedido de antemano parcialmente rellenado, análogo a las disposiciones del procedimiento simplificado enunciado en la Resolución Conf. 12.3 (Rev. Cop17), sobre *Permisos y certificados*?
 - b) se transmite al buque electrónicamente?
 - c) se entrega en el lugar/puerto de desembarco?
 - d) se transmite de otra forma? (explíquelo): _____

 - ☐ No.

5. ¿Se han establecido procesos en su país para expedir un permiso de exportación si un buque que lleva el pabellón de su país captura especímenes de especies incluidas en los Apéndices de la CITES en alta mar y los transporta a otro país, es decir, el escenario de transacción importación/exportación?

☐ Sí. En caso afirmativo, el permiso de exportación:

a) está expedido de antemano parcialmente rellenado, análogo a las disposiciones del procedimiento simplificado enunciado en la Resolución Conf. 12.3 (Rev. Cop17) sobre *Permisos y certificados*?

b) se transmite al buque electrónicamente?

c) se entrega en el lugar/puerto de desembarco?

d) se transmite de otra forma? (explíquelo): _____

☐ No.

6. Si un buque con pabellón de su Estado pesca en alta mar y luego regresa a un puerto en su país, ¿existen procedimientos para verificar si se han desembarcado especímenes de especies incluidas en los Apéndices de la CITES?

☐ Sí. En caso afirmativo, proporcione un breve resumen, incluyendo las instituciones nacionales que participan y si se aplica un enfoque basado en el riesgo: _____

☐ No.

7. Si un buque con pabellón de otro Estado pesca en alta mar y luego desembarca en un puerto en su país, ¿existen procedimientos para verificar si se han desembarcado especímenes de especies incluidas en los Apéndices de la CITES?

☐ Sí. En caso afirmativo, proporcione un breve resumen, incluyendo las instituciones nacionales que participan y si se aplica un enfoque basado en el riesgo: _____

☐ No.

8. ¿Tiene su país experiencia en aplicar las disposiciones especiales sobre los acuerdos de fletamento en la Resolución Conf. 14.6 (Rev. CoP16), sobre *Introducción procedente del mar*?

☐ Sí. En caso afirmativo, proporcione un breve resumen y un contacto al que pueda dirigirse la Secretaría para cualquier pregunta de seguimiento: _____

☐ No.

CHINA

Questionnaire on Introduction from the sea

1. Does your national legislation or regulation provide for the issuance of introduction from the sea certificates in accordance with Articles III and IV of the Convention?
 - ☐ Yes. If yes, please provide a reference, if possible: _____

 - ☐ No. ✓
2. Does your national legislation or regulation take into account both the import/export and one-State-transaction scenarios set out in Resolution Conf.14.6 (Rev.CoP16)?
 - ☐ Yes. If yes, please provide a short summary, if possible: _____

 - ☐ Partially. If partially, please explain and provide references, if possible: _____

 - ☐ No. ✓
3. Has your country issued introduction from the sea certificates or any permits for CITES-listed specimens obtained in the marine environment not under the jurisdiction of any State (the high seas) by a vessel flagged by your State?
 - ☐ Yes. If yes, please provide a short summary, if possible: _____

 - ☐ No. ✓
4. Are there established detailed procedures in your country for the issuance of an introduction from the Sea certificate if a vessel flagged by your country obtains specimens of CITES-listed species in the high seas and transports them into your country, i.e. the one-State transaction scenario?
 - ☐ Yes. If yes, is the introduction from the sea certificate:
 - a) pre-issued partially filled, analogous to the provisions for simplified procedures outlined in Resolution Conf. 12.3 (Rev. Cop17) on *Permits and certificates*?
 - b) transmitted to the vessel electronically?
 - c) delivered at the landing site/port?
 - d) transmitted in another manner? (please explain): _____

 - ☐ No. ✓

5. Are there established processes in your country for the issuance of an export permit if a vessel flagged by your State obtains CITES listed specimens in the high seas and transports them into another country, i.e. the import/export transaction scenario?
- ☐ Yes: If yes, is the Export permit:
- a) pre-issued partially filled, analogous to the provisions for simplified procedures outlined in Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates*?
 - b) transmitted to the vessel electronically?
 - c) delivered at the landing site/port?
 - d) transmitted in another manner? (please explain): _____
- _____
- ☐ No. ✓
6. If a vessel flagged by your State engages in fishing in the high seas and then returns to port in your country, are there any processes in place to verify if any CITES-listed specimens were landed?
- ☐ Yes. If yes, please provide a short summary, including which national institutions are involved and if a risk-based approach is applied:
- In China, the Domestic Fishery Authority and Chinese CITES Management Authority will issue corresponding permits in accordance with domestic legislation and regulations and the CITES to verify CITES-listed specimens landed.
- ☐ No.
7. If a vessel flagged by another State engages in fishing in the high seas and then lands at a port in your country, are there any procedures in place to verify if any CITES-listed specimens were landed?
- ☐ Yes. If yes, please provide a short summary, including which national institutions are involved and if a risk-based approach is applied:
- In China, the Domestic Fishery Authority and Chinese CITES Management Authority will issue corresponding permits in accordance with domestic legislation and regulations and the CITES to verify CITES-listed specimens landed.
- ☐ No.
8. Does your country have experience with applying the special provisions on chartering arrangements in Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea*?
- ☐ Yes. If yes, please provide a short summary and who the Secretariat could contact for any follow-up questions: _____
- _____
- ☐ No. ✓

COTE D'IVOIRE

Questionnaire sur l'introduction en provenance de la mer

1. Votre législation ou réglementation nationale prévoit-elle la délivrance d'un certificat d'introduction en provenance de la mer conformément aux Articles III et IV de la Convention ?

☐ Oui. Si oui, veuillez fournir une référence, si possible: _____

☐ **Non.**

2. Votre législation ou réglementation nationale prend-elle en compte à la fois le scénario d'importation/exportation et celui de transaction avec un seul État, énoncés dans la résolution Conf.14.6 (Rev.CoP16)), Introduction *en provenance de la mer* ?

☐ Oui. Si oui, veuillez fournir un bref résumé, si possible: _____

☐ Partiellement. Si partiellement, veuillez expliquer et fournir des références, si possible: _____

☐ **Non.**

3. Votre pays a-t-il délivré des certificats d'introduction en provenance de la mer ou des permis pour des spécimens d'espèces inscrites aux annexes de la CITES pris dans l'environnement marin ne relevant de la juridiction d'aucun État (haute mer) par un navire battant pavillon de votre État ?

☐ Oui. Si oui, veuillez fournir un bref résumé, si possible: _____

☐ **Non.**

4. Existe-t-il dans votre pays des procédures détaillées pour la délivrance d'un certificat d'introduction en provenance de la mer si un navire battant pavillon de votre pays prend des spécimens d'espèces inscrites aux annexes de la CITES en haute mer et les transporte dans votre pays, c'est-à-dire le scénario de transaction avec un seul État

☐ Oui. Si oui, le certificat d'introduction en provenance de la mer est-il:

a) pré-émis partiellement rempli, conformément aux dispositions relatives aux procédures simplifiées décrites dans la résolution Conf. 12.3 (Rev. Cop17), *Permis et certificats* ?

b) transmis au navire par voie électronique ?

c) délivré sur le site/port de débarquement ?

e) transmis d'une autre manière ? (veuillez préciser): _____

☐ **Non.**

5. Existe-t-il dans votre pays des procédures établies pour la délivrance d'un permis d'exportation si un navire battant pavillon de votre État prend des spécimens d'espèces inscrites aux annexes de la CITES en haute mer et les transporte dans un autre pays, c'est-à-dire le scénario d'importation/exportation ?
- ☐ Oui. Si oui, le permis d'exportation est-il:
- a) pré-émis partiellement rempli, conformément aux dispositions relatives aux procédures simplifiées décrites dans la résolution Conf. 12.3 (Rev. Cop17), *Permis et certificats* ?
 - b) transmis au navire par voie électronique ?
 - c) délivré sur le site/port de débarquement ?
 - e) transmis d'une autre manière ? (veuillez préciser): _____
- _____
- ☐ **Non.**
6. Si un navire battant pavillon de votre État pratique la pêche en haute mer et débarque ensuite dans un port de votre pays, des procédures sont-elles en place pour vérifier si des spécimens d'espèces inscrites aux annexes de la CITES sont débarqués ?
- ☐ Oui. Si oui, veuillez fournir un bref résumé, indiquant notamment les institutions nationales concernées et si une approche basée sur les risques est appliquée: _____
- _____
- _____
- ☐ **Non.**
7. Si un navire battant pavillon d'un autre État pratique la pêche en haute mer et débarque ensuite dans un port de votre pays, des procédures sont-elles en place pour vérifier si des spécimens d'espèces inscrites aux annexes de la CITES sont débarqués ?
- ☐ Oui. Si oui, veuillez fournir un bref résumé, indiquant notamment les institutions nationales concernées et si une approche basée sur les risques est appliquée: _____
- _____
- _____
- ☐ **Non.**
8. Votre pays a-t-il l'expérience de l'application des dispositions spéciales relatives aux opérations d'affrètement mentionnées dans la résolution Conf. 14.6 (Rev. CoP16), *Introduction en provenance de la mer* ?
- ☐ Oui. Si oui, veuillez fournir un bref résumé et indiquer qui le Secrétariat pourrait contacter pour toute question de suivi: _____
- _____
- ☐ **Non.**

GUATEMALACuestionario sobre la introducción procedente del mar

1. ¿Se prevé en su legislación o reglamentación nacional la expedición de certificados de introducción procedente del mar de conformidad con los Artículos III y IV de la Convención?

- ☐ Sí. En caso afirmativo, proporcione una referencia, si posible:
- ☐ No.

Respuesta,

Se considera importante aclarar que bajo las regulaciones que establece el CONAP en cuanto a la expedición de permisos o certificados de introducción de recursos provenientes del mar, las mismas no hacen distinción o trato diferente en cuanto a los mismos, en el entendido que las regulaciones aplican de forma muy general en cuanto a permisos o certificados de importación y exportación.

Por lo anterior, el fundamento legal con base a la legislación ordinaria se contempla por medio de la Ley de Áreas Protegidas, Decreto Número 4-89 del Congreso de la República de Guatemala (Artículos 25, 26, 49, 50 y 51), Reglamento de la Ley de Áreas Protegidas, Acuerdo Gubernativo Número 759-90 del Presidente de la República de Guatemala (Arts. 68, 69, 70, 71, 73, 74), así como el Manual de Procedimientos de Vida Silvestre, aprobado por el Honorable Consejo Nacional de Áreas Protegidas.

2. ¿Se contemplan en su legislación o reglamentación nacional los escenarios de transacción importación/exportación y en un Estado previstos en la Resolución Conf.14.6 (Rev. CoP16)?

- ☐ Sí. En caso afirmativo, proporcione un breve resumen, si posible: _____
- _____
- ☐ Parcialmente. En ese caso, sírvase explicarse y proporcionar referencias, si posible: _____
- _____

☒ No.

Respuesta

Atendiendo al marco legal descrito dentro de la interrogante número uno (1), y según Resolución Conf.14.6 (Rev. CoP16), en la actualidad el CONAP no cuenta con procedimientos específicos que permitan reglamentar a nivel nacional los escenarios de transacción importación/exportación sobre la introducción de recursos provenientes del mar.

3. ¿Ha expedido su país certificados de introducción procedente del mar o cualquier permiso para especímenes de especies incluidas en los Apéndices capturados en el medio marino fuera de la jurisdicción de cualquier Estado (alta mar) por un buque con pabellón de su Estado?

- ☐ Sí. En caso afirmativo, proporcione un breve resumen, si posible: _____
- _____

☒ No.

4. ¿Ha establecido su país procedimientos detallados para expedir un certificado de introducción procedente del mar si un buque con pabellón de su país captura especímenes de especies incluidas en los Apéndice de la CITES en alta mar y los transporta a su país, es decir, el escenario de transacción en un Estado?

- ☐ Sí. En caso afirmativo, el certificado de introducción procedente del mar:
- a) está expedido de antemano parcialmente rellenado, análogo a las disposiciones del procedimiento simplificado enunciado en la Resolución Conf. 12.3 (Rev. Cop17), sobre *Permisos y certificados*?
 - b) se transmite al buque electrónicamente?
 - c) se entrega en el lugar/puerto de desembarco?
 - d) se transmite de otra forma? (explíquelo): _____

☒ No.

5. ¿Se han establecido procesos en su país para expedir un permiso de exportación si un buque que lleva el pabellón de su país captura especímenes de especies incluidas en los Apéndices de la CITES en alta mar y los transporta a otro país, es decir, el escenario de transacción importación/exportación?

- ☐ Sí. En caso afirmativo, el permiso de exportación:
- a) está expedido de antemano parcialmente rellenado, análogo a las disposiciones del procedimiento simplificado enunciado en la Resolución Conf. 12.3 (Rev. Cop17) sobre *Permisos y certificados*?
 - b) se transmite al buque electrónicamente?
 - c) se entrega en el lugar/puerto de desembarco?
 - d) se transmite de otra forma? (explíquelo): _____

☒ No.

6. Si un buque con pabellón de su Estado pesca en alta mar y luego regresa a un puerto en su país, ¿existen procedimientos para verificar si se han desembarcado especímenes de especies incluidas en los Apéndices de la CITES?

- ☐ Sí. En caso afirmativo, proporcione un breve resumen, incluyendo las instituciones nacionales que participan y si se aplica un enfoque basado en el riesgo: _____

☒ No. Debido a que la autoridad de pesquera se encuentra en otro Ministerio, solo se solicitan informes para la Autoridad CITES del país

7. Si un buque con pabellón de otro Estado pesca en alta mar y luego desembarca en un puerto en su país, ¿existen procedimientos para verificar si se han desembarcado especímenes de especies incluidas en los Apéndices de la CITES?

- ☐ Sí. En caso afirmativo, proporcione un breve resumen, incluyendo las instituciones nacionales que participan y si se aplica un enfoque basado en el riesgo: _____

- ☐ No. Debido a que la autoridad de pesquera se encuentra en otro Ministerio, solo se solicitan informes para la Autoridad CITES del país

8. ¿Tiene su país experiencia en aplicar las disposiciones especiales sobre los acuerdos de fletamento en la Resolución Conf. 14.6 (Rev. CoP16), sobre *Introducción procedente del mar*?

- ☐ Sí. En caso afirmativo, proporcione un breve resumen y un contacto al que pueda dirigirse la Secretaría para cualquier pregunta de seguimiento: _____

- ☒ No.

INDONESIA

Questionnaire on Introduction from the sea

1. Does your national legislation or regulation provide for the issuance of introduction from the sea certificates in accordance with Articles III and IV of the Convention?

☒ Yes. If yes, please provide a reference, if possible:

References:

- Decree of Minister of Forestry No. 447/Kpts-II/2003 on Administration Directive of Harvest or Capture and Distribution of the Specimens of Wild Plant and Animal Species, Article 74 which regulates the issuance SATS-LN for the certificate for introduction from the sea.
- Regulation of Minister of Marine Affairs and Fisheries No. 4/2010 on Procedures of the Utilization of Fish Species and Genetics, Article 22 which regulates the trade of CITES-listed plants and animals.

☐ No.

2. Does your national legislation or regulation take into account both the import/export and one-State-transaction scenarios set out in Resolution Conf.14.6 (Rev.CoP16)?

☒ Yes. If yes, please provide a short summary, if possible:

National regulations on import/export and one-State-transaction scenarios:

- Decree of Minister of Forestry No. 447/Kpts-II/2003 on Administration Directive of Harvest or Capture and Distribution of the Specimens of Wild Plant and Animal Species, Part III on the utilization of specimen from wild plants and animals.
- Regulation of Minister of Marine Affairs and Fisheries No. 4/2010 on Procedures of the Utilization of Fish Species and Genetics which regulates that each export requires permit from MA and CITES, and also quota of catch (Part V).
- Regulation of Minister of Marine Affairs and Fisheries No.PER.12/MEN/2012 on Fishing on the High Seas, Part IX on Compliance of Fishing Vessels and Fish Carrier Vessels.
- Regulation of Minister of Trade No. 50/2013 on Provisions on Export of Wild Plants and Animals Unregulated by the Law and Included in CITES Appendices (Article 4).
- Animals listed in CITES and utilized in high seas which will be highly affected by trade are sharks and rays. Therefore, MMAF focuses more on them.

☐ Partially. If partially, please explain and provide references, if possible: _____

☐ No.

3. Has your country issued introduction from the sea certificates or any permits for CITES-listed specimens obtained in the marine environment not under the jurisdiction of any State (the high seas) by a vessel flagged by your State?

☐ Yes. If yes, please provide a short summary, if possible: _____

☒ No.

- Ministry of Marine Affairs and Fisheries has not issued any certificate for introduction from the sea.
- Indonesia has applied export ban on oceanic Whitetip Sharks (*Carcharhinus longimanus*) and Hammerhead Sharks (*Sphyrna* spp.) in particular time period. This ban is managed by Regulation of Minister of Marine Affairs and Fisheries No. 5/2018 on Prohibition of the Export of Oceanic Whitetip Shark (*Carcharhinus longimanus*) and Hammerhead Sharks (*Sphyrna* Spp.) from the Territory of the Republic of Indonesia out of the Territory of the Republic of Indonesia.

4. Are there established detailed procedures in your country for the issuance of an introduction from the Sea certificate if a vessel flagged by your country obtains specimens of CITES-listed species in the high seas and transports them into your country, i.e. the one-State transaction scenario?

☒ Yes. If yes, is the introduction from the sea certificate:

- a) pre-issued partially filled, analogous to the provisions for simplified procedures outlined in Resolution Conf. 12.3 (Rev. Cop17) on *Permits and certificates*?
- b) transmitted to the vessel electronically?
- c) delivered at the landing site/port?
- d) transmitted in another manner? (please explain): _____

Indonesia has not issued any certificate for introduction from the sea, however the procedures of landing and reporting of catch as well as the utilization of protected species are listed in:

- Decree of Minister of Forestry No. 447/Kpts-II/2003 on Administration Directive of Harvest or Capture and Distribution of the Specimens of Wild Plant and Animal Species, Article 77
- Regulation of Minister of Marine Affairs and Fisheries No. 4/2010 on Procedures of the Utilization of Fish Species and Genetics, Article 13 on the types of permits for the utilization of fish species and genetics

☐ No.

5. Are there established processes in your country for the issuance of an export permit if a vessel flagged by your State obtains CITES listed specimens in the high seas and transports them into another country, i.e. the import/export transaction scenario?

☐ Yes: If yes, is the Export permit:

- a) pre-issued partially filled, analogous to the provisions for simplified procedures outlined in Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates*?
- b) transmitted to the vessel electronically?
- c) delivered at the landing site/port?
- d) transmitted in another manner? (please explain): _____

☒ No.

6. If a vessel flagged by your State engages in fishing in the high seas and then returns to port in your country, are there any processes in place to verify if any CITES-listed specimens were landed?

☒ Yes. If yes, please provide a short summary, including which national institutions are involved and if a risk-based approach is applied:

Regulation of the Minister of Marine Affairs and Fisheries No. 48/PERMEN-KP/2014 on Fish Catch Logbook which requires vessel greater than 5 GT to record catch in a logbook, verified by port officials. Information required in the logbook includes captured fish species, area of capture, fishing gear, and volume of catch. In addition, there is also Regulation of Minister of Marine Affairs and Fisheries No. 4/2010 on Procedures of the Utilization of Fish Species and Genetics, Article 22 on export, import, and re-export requirements for CITES-listed fish species; and Part VII on Monitoring and Controlling.

Institutions involved: Directorate General of Capture Fisheries MMAF (Port Officer/Harbormaster at Fishing Port, Directorate of Fishing Port, Directorate of Fish Resources Management).

☐ No.

7. If a vessel flagged by another State engages in fishing in the high seas and then lands at a port in your country, are there any procedures in place to verify if any CITES-listed specimens were landed?

☒ Yes. If yes, please provide a short summary, including which national institutions are involved and if a risk-based approach is applied:

The procedures follow the rules of Port State Measure Agreement which was ratified through Presidential Regulation No. 43/2016 on The Ratification of Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing.
Institution involved: MMAF.

☐ No.

8. Does your country have experience with applying the special provisions on chartering arrangements in Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea*?

☐ Yes. If yes, please provide a short summary and who the Secretariat could contact for any follow-up questions: _____

☒ No.

Indonesia has strict regulation on observing capital investment (Presidential Regulation No. 44/2016), where capture fisheries in Fisheries Management Zone requires 100% domestic capital and specific permit from MMAF regarding the allocation of fishery resources and coordinate point of capture area. This regulation is derived to Regulation of Minister of Marine Affairs and Fisheries No. 12/2012 on Fishing on the High Seas.

NEW ZEALAND
Questionnaire on Introduction from the sea

New Zealand response (submitted by New Zealand CITES Management Authority)

Contact details: New Zealand CITES Management Authority
 Department of Conservation, 18-32 Manners Street, Wellington 6011, New Zealand
 Email: cites@doc.govt.nz

1. Does your national legislation or regulation provide for the issuance of introduction from the sea certificates in accordance with Articles III and IV of the Convention?

☐ **Yes.** If yes, please provide a reference, if possible:

For Article III: New Zealand's Trade in Endangered Species Act 1989 section 16 Certificate to introduce from the sea endangered species

http://www.legislation.govt.nz/act/public/1989/0018/latest/DLM146547.html?search=ts_act%40bill%40regulation%40deemedreg_trade+in+endangered_resel_25_a&p=1

For Article IV: New Zealand's Trade in Endangered Species Act 1989 section 20 Certificate to introduce from the sea threatened species

http://www.legislation.govt.nz/act/public/1989/0018/latest/DLM146553.html?search=ts_act%40bill%40regulation%40deemedreg_trade+in+endangered_resel_25_a&p=1

2. Does your national legislation or regulation take into account both the import/export and one-State-transaction scenarios set out in Resolution Conf.14.6 (Rev.CoP16)?

☐ **Yes.** Please see procedural guidelines below which are referred to by New Zealand's CITES officers when assessing IFS applications

Introduction from the Sea is one of the four modes of trade a specimen can enter a country (along with import, export and re-export). It is defined under Article I of the Convention as: "Transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State" i.e. the **high** seas only.

IFS does not apply to specimens collected from marine areas within the Exclusive Economic Zone.

[Resolution Conf. 14.6 \(Rev.CoP16\)](#) provides further guidance, clarification and definitions.

Marine environments not under the jurisdiction of any State is defined as: "those marine areas beyond the areas subject to the sovereignty or sovereign rights of a State consistent with international law, as reflected in the United Nations Convention on the Law of the Sea".

An IFS certificate is normally required when specimens are acquired in the high seas but there are some important exemptions. The scenarios below provide guidance on when IFS applies.

Scenario 1: Vessel and port are same state (i.e. one-state transaction) = IFS certificate issued by State of introduction

Scenario 2: Vessel and port are different states (i.e. two-state transaction) = export/import permits
 Chartering provisions may apply if the vessel collecting the specimens has been chartered and there is a written agreement consistent with relevant Regional Fisheries Management Organisation which the CITES Secretariat has been informed about.

Scenario 3a: Vessel State different from the chartering and port State- and charter agreement says the charter State issues documentation = IFS certificate issued by State of Introduction

Scenario 3a: Vessel State different from the chartering and port State and Charter agreement says the vessel state issues documentation= export/import permits issued by state of export (the vessel State)

Scenario 3b: Vessel and chartering and port State are different=export/import permits- the vessel State is normally the State of export (charter State if agreed in written agreement).

Before issuing an IFS certificate the following conditions must be met:

For Appendix I species: Non-detriment finding, Importer is suitably equipped to house and care (applies to living specimens) and its not for primary commercial purposes

For Appendix II species: Non-detriment finding, Importer is suitably equipped to house and care (applies to living specimens)

For Appendix III species: IFS does not apply to Appendix III species.

A legal acquisition finding is not required under IFS provisions - but is required if there is a subsequent export.

If issuing an IFS certificate, use source code 'X'. The exporter country is 'ZZ'.

3. Has your country issued introduction from the sea certificates or any permits for CITES-listed specimens obtained in the marine environment not under the jurisdiction of any State (the high seas) by a vessel flagged by your State?

☐ **Yes.** If yes, please provide a short summary, if possible:

Government research institute, National Institute of Water and Atmospheric Research (NIWA) and New Zealand Government's Ministry for Primary Industries and University of Auckland, New Zealand have applied for and have been issued Introduction from the Sea Certificates in the preceding five years. Specimens include coral (*Scleractinia* spp, *Antipatharia* spp and *Corallium* spp) and skin and blubber biopsies taken from *Megaptera novaeangliae*, *Orcinus orca* and *Balaenoptera bonaerensis*.

4. Are there established detailed procedures in your country for the issuance of an introduction from the Sea certificate if a vessel flagged by your country obtains specimens of CITES-listed species in the high seas and transports them into your country, i.e. the one-State transaction scenario?

☐ **Yes.** If yes, is the introduction from the sea certificate:

a) pre-issued partially filled, analogous to the provisions for simplified procedures outlined in Resolution Conf. 12.3 (Rev. Cop17) on *Permits and certificates*?

b) **transmitted to the vessel electronically? (scanned copy of issued Certificate emailed to vessel prior to landing and before re-entry into Exclusive Economic Zone)**

c) **delivered at the landing site/port? (original of the Certificate is made available to border officials prior to arrival of the vessel to enable inspection of the specimens against the Certificate on arrival into port)**

d) transmitted in another manner? (please explain): _____

☐ No.

5. Are there established processes in your country for the issuance of an export permit if a vessel flagged by your State obtains CITES listed specimens in the high seas and transports them into another country, i.e. the import/export transaction scenario?

☐ **Yes:** If yes, is the Export permit:

- a) pre-issued partially filled, analogous to the provisions for simplified procedures outlined in Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates*?
- b) transmitted to the vessel electronically?
- c) delivered at the landing site/port?
- d) **transmitted in another manner? (please explain): Would work in liaison with importing country's CITES Management Authority as to their requirements**

☐ No.

6. If a vessel flagged by your State engages in fishing in the high seas and then returns to port in your country, are there any processes in place to verify if any CITES-listed specimens were landed?

☐ **Yes.** If yes, please provide a short summary, including which national institutions are involved and if a risk-based approach is applied:

For entry of CITES specimens where an IFS Certificate has been issued: photographs of all specimens are included with Certificate application form and subsequently provided to border officials together with the issued IFS Certificate. Ministry for Primary Industries (Biosecurity New Zealand) undertake inspections portside on arrival of the vessel where the CITES specimens are checked against the Certificate and cleared for entry.

Undeclared CITES specimens without CITES documentation: Ministry for Primary Industries (Biosecurity New Zealand) border officers undertake mandatory inspections of vessels. MPI officers act as Endangered Species Officers under New Zealand's Trade in Endangered Species Act 1989 and have the power to inspect and seize CITES species without CITES documentation. Biosecurity New Zealand actively inspect for animal and plant material which may pose a biosecurity risk to New Zealand's fauna and flora. The majority of illegal importations of CITES specimens are located and seized as a result of this rigorous border inspection practice.

7. If a vessel flagged by another State engages in fishing in the high seas and then lands at a port in your country, are there any procedures in place to verify if any CITES-listed specimens were landed?

☐ **Yes.** If yes, please provide a short summary, including which national institutions are involved and if a risk-based approach is applied: **See Question/Answer #6**

☐ No.

8. Does your country have experience with applying the special provisions on chartering arrangements in Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea*?

☐ Yes. If yes, please provide a short summary and who the Secretariat could contact for any follow-up questions: _____

☐ No

NORWAYQuestionnaire on Introduction from the sea

1. Does your national legislation or regulation provide for the issuance of introduction from the sea certificates in accordance with Articles III and IV of the Convention?

X Yes. If yes, please provide a reference, if possible: The new Norwegian CITES-regulation entered into force July 1st 2018. The regulation regulates introduction from the sea in article 6 and article 21, para 1 letter c. The regulation is available (in Norwegian) at: <https://lovdata.no/dokument/SF/forskrift/2018-06-15-889?q=CITES>.

For the import of CITES-listed species from the high sea to Norway, the Norwegian Management Authority (Norwegian Environment Agency) shall, after having consulted the Norwegian Scientific Authority (The Norwegian Scientific Committee for Food and Environment), before the first placing on the market in Norway, issue a Norwegian certificate for the introduction from the sea (IFS certificate). There is currently no regular fishing of Appendix I or II listed species on the open sea. Landing of such catches is linked to by-catches (accidental catch). Norwegian fisheries jurisdiction requires that all by-catches must be landed to a port. The part of the by-catch that has an economic value will be primarily traded in Norway or possibly placed for sale abroad. Thus, the Norwegian IFS certificate is first issued in connection with initial sale.

For the export of CITES listed species introduced from the high sea, a CITES export permit in accordance with the national CITES regulation article 5 will be needed. In these cases, no Norwegian certificate for the introduction from the sea is needed.

The article on introduction from the sea opens for the issuance of multi-use permits for CITES listed II-species. The licenses are issued to the fish sales agencies upon application. Permits can be given for a given volume and / or number for a period of up to one year. The Norwegian Environment Agency will assess how much trade can be done per year before it is deemed potentially detrimental to the conservation status of the different species and issuance of multi-use permits will also be based on this assessment. This will involve a quota system, and the quotas will also regulate options to sale of the by-catch, but not the ability to harvest or land it.

☐ No.

2. Does your national legislation or regulation take into account both the import/export and one-State-transaction scenarios set out in Resolution Conf.14.6 (Rev.CoP16)?

X Yes. If yes, please provide a short summary, if possible: See question one. The regulation also covers the scenario where a Norwegian vessel fish CITES-listed species on the high seas and these are being imported directly to another country; and when a foreign vessel imports CITES listed species from the high sea and directly imported to Norway. _____

☐ Partially. If partially, please explain and provide references, if possible: _____

☐ No.

3. Has your country issued introduction from the sea certificates or any permits for CITES-listed specimens obtained in the marine environment not under the jurisdiction of any State (the high seas) by a vessel flagged by your State?

☐ Yes. If yes, please provide a short summary, if possible: _____

X No. It is also deemed to be a low probability for IFS transactions for the moment. However, the legal framework is in place to handle such situations whenever it is required.

4. Are there established detailed procedures in your country for the issuance of an introduction from the Sea certificate if a vessel flagged by your country obtains specimens of CITES-listed species in the high seas and transports them into your country, i.e. the one-State transaction scenario?

X Yes. If yes, is the introduction from the sea certificate:

- a) pre-issued partially filled, analogous to the provisions for simplified procedures outlined in Resolution Conf. 12.3 (Rev. Cop17) on *Permits and certificates*?
- b) transmitted to the vessel electronically?
- c) delivered at the landing site/port?
- d) transmitted in another manner? (please explain): See question 1.

The requirement for a certificate applies to all scenarios (landings in another State or landing in Norway). For Appendix II specimens a multiple use permit may be issued for landings in Norway and reporting should be done at expiry of permit or the end of the fishing activity (whatever comes first). Multiple use certificates can issued beforehand in line with the procedures of Res. Conf. 12.3 (Rev. CoP17)._____

☐ No.

5. Are there established processes in your country for the issuance of an export permit if a vessel flagged by your State obtains CITES listed specimens in the high seas and transports them into another country, i.e. the import/export transaction scenario?

☐ Yes: If yes, is the Export permit:

- a) pre-issued partially filled, analogous to the provisions for simplified procedures outlined in Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates*?
- b) transmitted to the vessel electronically?
- c) delivered at the landing site/port?
- d) transmitted in another manner? (please explain): _____

See paragraph 4 above and second paragraph of Article 6 of the national CITES Regulation which requires a Norwegian export permit for such exports/landings in another State. _____

☐ No.

6. If a vessel flagged by your State engages in fishing in the high seas and then returns to port in your country, are there any processes in place to verify if any CITES-listed specimens were landed?

X Yes. If yes, please provide a short summary, including which national institutions are involved and if a risk-based approach is applied: Landing of, and trafficking in, such catches are at the moment linked to by-catches (accidental catch). Within Norwegian fisheries jurisdiction all by-catches must be carried in port. The part of the by-catch that has an economic value will be traded in Norway or for sale abroad. The Norwegian Directorate of Fisheries is responsible for the landing of fish in Norway. The verification of CITES-listed species is done in connection with first-time placement on the Norwegian market. _____

☐ No.

7. If a vessel flagged by another State engages in fishing in the high seas and then lands at a port in your country, are there any procedures in place to verify if any CITES-listed specimens were landed?

X Yes. If yes, please provide a short summary, including which national institutions are involved and if a risk-based approach is applied: In these cases, both an export permit from the flag states Management Authority as well as an import permit from the Norwegian Environment Authority is needed. In Norwegian import permit is given after advice from the Norwegian CITES scientific authority (Norwegian Scientific Committee for Food and Environment). The procedure are the same for both CITES Appendix I and II-listed species. _____

☐ No.

8. Does your country have experience with applying the special provisions on chartering arrangements in Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea*?

☐ Yes. If yes, please provide a short summary and who the Secretariat could contact for any follow-up questions: _____

X No.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

International Affairs
5275 Leesburg Pike, MS-IA
Falls Church, VA 22041-3803



CITES Secretariat
International Environment House
11 Chemin des Anémones
CH-1219 Châtelaine, Geneva
Switzerland

JUL 23 2018

VIA EMAIL: radisavljevicd@un.org

Dear CITES Secretariat:

The United States is pleased to submit its response to CITES Notification 2018/067 Annex 1. on implementation of Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea*. Please do not hesitate to contact Ms. Laura Noguchi (laura_noguchi@fws.gov), Chief, Wildlife Trade and Conservation Branch, if you have any questions.

Sincerely,

Pamela Scruggs, Acting Chief
Division of Management Authority

UNITED STATES OF AMERICA

U.S. Response to Questionnaire on Introduction from the sea

1. Does your national legislation or regulation provide for the issuance of introduction from the sea certificates in accordance with Articles III and IV of the Convention?

X(Yes). If yes, please provide a reference, if possible: **Yes: See: Code of Federal Regulations, Title 50, Part 23, Subpart A**

Weblink: https://ecfr.io/Title-50/pt50.9.23#se50.9.23_139

☐ No.

2. Does your national legislation or regulation take into account both the import/export and one-State-transaction scenarios set out in Resolution Conf.14.6 (Rev.CoP16)?

X **Yes.** If yes, please provide a short summary, if possible: **Please refer to 2-page Fact Sheet located at : <https://www.fws.gov/international/cites/cop16/cop16-introduction-from-the-sea-factsheet.pdf>**

Sample Permit Form: <https://www.fws.gov/international/pdf/permit-application-form-3-200-31-introduction-from-the-sea.pdf>

☐ Partially. If partially, please explain and provide references, if possible: _____

☐ No.

3. Has your country issued introduction from the sea certificates or any permits for CITES-listed specimens obtained in the marine environment not under the jurisdiction of any State (the high seas) by a vessel flagged by your State?

X **Yes.** If yes, please provide a short summary, if possible:

We typically issue introduction from the sea certificates for cetacean samples for research or diagnostic purposes.

☐ No.

4. Are there established detailed procedures in your country for the issuance of an introduction from the Sea certificate if a vessel flagged by your country obtains specimens of CITES-listed species in the high seas and transports them into your country, i.e. the one-State transaction scenario?

X **Yes.** If yes, is the introduction from the sea certificate:

a) pre-issued partially filled, analogous to the provisions for simplified procedures outlined in Resolution Conf. 12.3 (Rev. Cop17) on *Permits and certificates*? **Most of the time it is.**

b) transmitted to the vessel electronically? **No**

c) delivered at the landing site/port? **No, although we would be able to mail it to the port if the permittee requested.**

d) transmitted in another manner? (please explain): **The permit is transmitted, usually as a partially completed document, to the permittee prior to departure for the sampling cruise.**

☐ No.

5. Are there established processes in your country for the issuance of an export permit if a vessel flagged by your State obtains CITES listed specimens in the high seas and transports them into another country, i.e. the import/export transaction scenario?

☒ **Yes:** If yes, is the Export permit:

- a) pre-issued partially filled, analogous to the provisions for simplified procedures outlined in Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates*? **Most of the time it is.**
- b) transmitted to the vessel electronically? **No.**
- c) delivered at the landing site/port? **No, although we would be able to mail it to the port if the permittee requested.**
- d) transmitted in another manner? (please explain): **The permit is transmitted, usually as a partially completed document, to the permittee prior to departure for the sampling cruise.**

☐ **No.**

6. If a vessel flagged by your State engages in fishing in the high seas and then returns to port in your country, are there any processes in place to verify if any CITES-listed specimens were landed?

☒ **Yes.** If yes, please provide a short summary, including which national institutions are involved and if a risk-based approach is applied:

U.S. Customs and Border Protection (CBP) regulations (19 C.F.R. § 10.78) in general exempt fish or other marine products taken on the high seas by U.S. flagged vessels from entry requirements when the fish or product is brought into port by the fishing vessel or a vessel in the same fleet. CBP conducts random inspections of vessels (not based upon risk criteria for CITES) and notifies U.S. Fish and Wildlife Service inspectors of any wildlife detected.

However, U.S. flagged commercial fishing vessels that fish on the high seas are required to hold a permit issued by the U.S. National Marine Fisheries Service (NMFS) under authority of the High Seas Fishing Compliance Act. The owner or operator of a vessel must have installed on board the vessel a NMFS-approved type of enhanced mobile transceiver unit (EMTU). The operator or owner of the vessel must ensure that the EMTU is operational and properly reporting positions to NMFS as required.

Permit holders must accurately maintain a complete record of fishing activities, including catch, effort, and other data and report high seas catch and effort information to NMFS consistent with the reporting requirements of the authorized fishery noted on the high seas permit. In addition, certain vessels are required to carry a fishery observer that independently collects information about harvested catch and discarded species. NMFS uses a risk-based approach to determine the need for inspection and verification of vessels upon entry into port.

7. If a vessel flagged by another State engages in fishing in the high seas and then lands at a port in your country, are there any procedures in place to verify if any CITES-listed specimens were landed?

☒ **Yes.** If yes, please provide a short summary, including which national institutions are involved and if a risk-based approach is applied:

CBP regulations (19C.F.R. § 4.94 specific to fishing vessels and 19 C.F.R. 4.2 for vessels in general) lay out a general framework for arrival of foreign vessels. As with U.S. flagged vessels, CBP conducts random inspections of vessels (not based upon risk criteria for CITES) and notifies U.S. Fish and Wildlife Service inspectors of any wildlife detected.

Under U.S. law, all foreign-flagged vessels must provide an advance notice of arrival to the U.S. Coast Guard (USCG) prior to entering a U.S. port. The U.S. National Oceanic and Atmospheric Administration's Office of Law Enforcement (NOAA-OLE) works closely with the

USCG to enhance existing communications and information-sharing mechanisms that allow NOAA-OLE to screen foreign-flagged fishing or fishing-related vessels for port entry or denial in accordance with the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. This screening process allows NOAA-OLE to review, in advance of arrival, basic vessel information such as flag State, catch on board, fishing authorizations/permits, recent fishing activity, and other pertinent information.

A risk-based approach is applied. Using the information outlined above, NOAA-OLE uses this process simultaneously to prioritize inspections, which includes examination of catch records, documents and harvested species on-board the vessel.

☐ No.

8. Does your country have experience with applying the special provisions on chartering arrangements in Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea*?

☐ Yes. If yes, please provide a short summary and who the Secretariat could contact for any follow-up questions: _____

☒ No.

URUGUAY

Cuestionario sobre la introducción procedente del mar

1. ¿Se prevé en su legislación o reglamentación nacional la expedición de certificados de introducción procedente del mar de conformidad con los Artículos III y IV de la Convención?

☐ Sí. En caso afirmativo, proporcione una referencia, si posible: _____

X No.

2. ¿Se contemplan en su legislación o reglamentación nacional los escenarios de transacción importación/exportación y en un Estado previstos en la Resolución Conf.14.6 (Rev. CoP16)?

☐ Sí. En caso afirmativo, proporcione un breve resumen, si posible: **Se establece en la norma reglamentaria de CITES para contralor de los especímenes: Artículos 6º y 7º del Decreto 550/008 de 11/11/2008.**

☐ Parcialmente. En ese caso, sírvase explicarse y proporcionar referencias, si posible: _____

☐ No.

3. ¿Ha expedido su país certificados de introducción procedente del mar o cualquier permiso para especímenes de especies incluidas en los Apéndices capturados en el medio marino fuera de la jurisdicción de cualquier Estado (alta mar) por un buque con pabellón de su Estado?

☐ Sí. En caso afirmativo, proporcione un breve resumen, si posible: _____

X No.

4. ¿Ha establecido su país procedimientos detallados para expedir un certificado de introducción procedente del mar si un buque con pabellón de su país captura especímenes de especies incluidas en los Apéndice de la CITES en alta mar y los transporta a su país, es decir, el escenario de transacción en un Estado?

☐ Sí. En caso afirmativo, el certificado de introducción procedente del mar:

a) está expedido de antemano parcialmente rellenado, análogo a las disposiciones del procedimiento simplificado enunciado en la Resolución Conf. 12.3 (Rev. Cop17), sobre *Permisos y certificados*?

b) se transmite al buque electrónicamente?

c) se entrega en el lugar/puerto de desembarco?

d) se transmite de otra forma? (explíquelo): _____

X No.

5. ¿Se han establecido procesos en su país para expedir un permiso de exportación si un buque que lleva el pabellón de su país captura especímenes de especies incluidas en los Apéndices de la CITES en alta mar y los transporta a otro país, es decir, el escenario de transacción importación/exportación?

☐ Sí. En caso afirmativo, el permiso de exportación:

a) está expedido de antemano parcialmente rellenado, análogo a las disposiciones del procedimiento simplificado enunciado en la Resolución Conf. 12.3 (Rev. Cop17) sobre *Permisos y certificados*?

- b) se transmite al buque electrónicamente?
- c) se entrega en el lugar/puerto de desembarco?
- d) se transmite de otra forma? (explíquelo): _____

X No.

6. Si un buque con pabellón de su Estado pesca en alta mar y luego regresa a un puerto en su país, ¿existen procedimientos para verificar si se han desembarcado especímenes de especies incluidas en los Apéndices de la CITES?

- ☐ Sí. En caso afirmativo, proporcione un breve resumen, incluyendo las instituciones nacionales que participan y si se aplica un enfoque basado en el riesgo:

- Fiscalización se efectúa por parte de técnicos del Departamento de Industria Pesquera, de la Dirección Nacional de Recursos Acuáticos (DINARA), Ministerio de Ganadería, Agricultura y Pesca (MGAP).

- ☐ No.

7. Si un buque con pabellón de otro Estado pesca en alta mar y luego desembarca en un puerto en su país, ¿existen procedimientos para verificar si se han desembarcado especímenes de especies incluidas en los Apéndices de la CITES?

- ☐ Sí. En caso afirmativo, proporcione un breve resumen, incluyendo las instituciones nacionales que participan y si se aplica un enfoque basado en el riesgo: _____

- ☐ No.

8. ¿Tiene su país experiencia en aplicar las disposiciones especiales sobre los acuerdos de fletamento en la Resolución Conf. 14.6 (Rev. CoP16), sobre *Introducción procedente del mar*?

- ☐ Sí. En caso afirmativo, proporcione un breve resumen y un contacto al que pueda dirigirse la Secretaría para cualquier pregunta de seguimiento: _____

X No.

Dr. MSc. Marcel Calvar
Autoridad Administrativa CITES

