

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



Twenty-sixth meeting of the Animals Committee
Geneva (Switzerland), 15-20 March 2012 and Dublin (Ireland), 22-24 March 2012

CRITERIA FOR THE INCLUSION OF SPECIES IN APPENDICES I AND II (DECISION 15.29)
(Agenda item 14)

Membership (as decided by the Committee)

- Co-Chairs: representatives of Africa (Mr Kasiki) and North America (Ms Caceres);
- Parties: Australia, Brazil, Canada, China, Czech Republic, Germany, India, Indonesia, Japan, Mexico, Republic of Korea, Spain, Thailand and United States of America; and
- IGOs and NGOs: European Union, IUCN, Born Free USA, Humane Society International, Humane Society of the United States, ProWildlife, SEAFDEC – Southeast Asian Fisheries Development Center and Species Management Specialists.

Mandate

The working group shall:

1. Review the responses from the members of the working group to the questions outlined in paragraph 10 of document AC26 Doc. 14;
2. Develop guidance on the application of criterion B and the introductory text of Annex 2 a to Resolution Conf. 9.24 (Rev. CoP15) to commercially exploited aquatic species proposed for inclusion in Appendix II;
3. Recommend the best way to incorporate this guidance for use when applying the Resolution without affecting its application to other taxa; and
4. Draft a document for review and adoption by the Animals Committee, and subsequent submission at the 62nd meeting of the Standing Committee.

Recommendations

1. During the 26th meeting of the Animals Committee, the Criteria Working Group held three cordial and productive meetings to continue its intersessional discussions which involved extensive contributions from Working Group members, using the online CITES Forum.
2. The conclusions and recommendations of the Working Group are provided below. The Animals Committee is invited to adopt the following report for submission to the 62nd meeting of the Standing Committee in fulfilment of Decision 15.29.

Report of the Animals Committee to the 62nd meeting of the Standing Committee

3. At CoP15 (Doha, 2010) Parties agreed to Decision 15.29, which is directed to the Animals Committee as follows:

The Animals Committee shall:

- a) *on receipt of any or all of the reports referred to in Decision 15.28, and having sought the participation of representative(s) of the Plants Committee, IUCN, TRAFFIC, the Food and Agriculture Organization of the United Nations and other appropriate experts, develop guidance on the application of criterion B and the introductory text of Annex 2 a of Resolution Conf. 9.24 (Rev. CoP15) to commercially exploited aquatic species proposed for inclusion on Appendix II;*
 - b) *recommend the best way to incorporate the guidance for use when applying Resolution Conf. 9.24 (Rev. CoP15) to commercially exploited aquatic species, without affecting the application of Resolution Conf. 9.24 (Rev. CoP15) to other taxa; and*
 - c) *submit its conclusions and recommendations at the 62nd meeting of the Standing Committee.*
4. Regarding the application of Annex 2a criterion B and the introductory text to commercially exploited aquatic species, the Animals Committee noted that:
- a) While there are diverse approaches to the application of Annex 2a criterion B, there is commonality in that all Parties and those reviewing listing proposals should take a taxon-specific approach that is sensitive to species vulnerabilities and they are mindful of the precautionary approach as outlined in Annex 4 of Resolution Conf. 9.24.
 - b) Vulnerability is defined in Annex 5 of Resolution Conf. 9.24 (Rev. CoP15) as the susceptibility to intrinsic or external effects which increase the risk of extinction, and examples of intrinsic and extrinsic factors are provided. Further, the footnote to decline in Annex 5 reiterates that “account needs to be taken of taxon- and case- specific biological and other factors that are likely to affect extinction risk.”
 - c) When considering whether a species qualifies for listing on CITES Appendix II, Parties and those reviewing listing proposals should be aware that, where numerical guidelines or thresholds are provided, they are presented only as examples, since it is impossible to give numerical values that are applicable to all taxa because of differences in their biology.
 - d) When considering whether a species qualifies for listing on CITES Appendix II, the analysis done by Parties and those reviewing listing proposals are influenced by their level of risk tolerance, which itself is informed by the quality and quantity of available information, their objectives, and their experiences. The variability in Parties’ and those reviewing proposals’ risk tolerance may be more pronounced when considering commercially exploited aquatic species.
 - e) The foregoing points are useful to consider and be mindful of when preparing or evaluating proposals to list commercially exploited aquatic species on Appendix II.
5. The Animals Committee finds that there are diverse approaches to the application of Annex 2a criterion B in Resolution Conf. 9.24 (Rev. CoP15). The Animals Committee finds that it is not possible to provide guidance preferring or favouring one approach over another. The Animals Committee recommends that Parties, when applying Annex 2a criterion B when drafting or submitting proposals to amend the CITES Appendices, explain their approach to that criterion, and how the taxon qualifies for inclusion in Appendix II.
6. When drafting and submitting proposals to amend the CITES Appendices with respect to commercially-exploited aquatic species, the Animals Committee encourages Parties to elucidate the vulnerabilities, as defined in Annex 5 of Resolution Conf. 9.24 (Rev. CoP 15), and mitigating factors including, but not limited to, large absolute numbers, refugia and fisheries management measures that they have considered.
7. The Animals Committee notes the lack of a definition of commercially-exploited aquatic species in the existing body of CITES documentation, and further notes that FAO documentation includes a definition that

states commercially-exploited aquatic species are fish and invertebrate species found in marine environments or in large freshwater bodies and subject to commercial exploitation (FAO 2001).

8. The Animals Committee noted the issue of how to determine whether a commercially exploited aquatic species qualifies for listing on CITES Appendix II when that species is found in multiple stocks or subpopulations with varying statuses. The issue was raised in the papers provided by the CITES Secretariat, FAO and IUCN/TRAFFIC (AC25 Doc. 10), further discussed by Germany (AC25 Inf. 10) and referenced in discussions of the Animals Committee working group on criteria. There was recognition of the complexity of the issue and differing views on how to approach this matter. The Animals Committee invites the Standing Committee to consider the merit of continuing a discussion on this matter within CITES.

* *Second technical consultation on the suitability of the CITES criteria for listing commercially-exploited aquatic species, www.fao.org/docrep/meeting/003/Y1455E.htm.*