

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



Fourteenth meeting of the Conference of the Parties
The Hague (Netherlands), 3-15 June 2007

Interpretation and implementation of the Convention

Trade control and marking issues

MANAGEMENT OF ANNUAL EXPORT QUOTAS

1. This document has been prepared by the Export Quota Working Group (EQWG) of the Standing Committee, with the assistance of the Secretariat, and is submitted by Cameroon as Chairman. The members of the working group are listed in document SC54 Doc. 21 (Rev. 1).

2. There are two Decisions of the Conference of the Parties regarding this issue, as follows:

12.72 (Rev. CoP13) The Standing Committee shall consider the issue of improving the management of annual export quotas, and report at the 14th meeting of the Conference of the Parties.

13.66 The Standing Committee shall instruct its Export Quota Working Group to develop guidelines for Parties to establish, implement, monitor and report national export quotas for CITES-listed taxa.

3. At its 53rd meeting (Geneva, June – July 2005), the Standing Committee instructed the EQWG to take note of its terms of reference specified in Decision 13.66. The EQWG conducted its work by email and presented a working document at the 54th meeting of the Standing Committee (SC54, Geneva, October 2007), drawing attention to two issues on which agreement had not been reached.

4. At SC54, following a discussion of the working document [document SC54 Doc. 21 (Rev. 1)], the Standing Committee requested those who had intervened in the discussion to submit their comments in writing to the Chairman of the EQWG and the Secretariat. It also requested the Working Group to continue its work and to complete a revised document for consideration at CoP14, taking into account the comments submitted, and to attempt to find a solution to the two items on which agreement had not yet been reached.

5. The EQWG has considered all of the comments it received and revised its document for consideration at the present meeting. The results of its deliberations are presented in three Annexes:

- Annex 1 contains a draft resolution, to which is annexed the draft guidelines for the management of nationally established export quotas;
- Annex 2 contains a proposed amendment to Resolution Conf. 11.17 (Rev. CoP13) on National reports; and
- Annex 3 contains proposed amendments to Resolution Conf. 12.3 (Rev. CoP13) on Permits and certificates.

6. Regrettably, however, the EQWG was unable to reach agreement on the two problematic issues that were previously identified. The first of these is indicated with a footnote in paragraph 3 d) of the draft guidelines in Annex 1. The second issue on which there was no agreement is indicated with a footnote in Annex 3.

Recommendations

7. The Export Quota Working Group of the Standing Committee recommends that the Conference of Parties:
 - a) consider the two issues on which the EQWG did not reach agreement, referred to in paragraph 6 above and, when they are resolved, adopt the draft resolution presented in Annex 1, including the draft guidelines for the management of nationally established export quotas;
 - b) adopt the proposed amendment to Resolution Conf. 11.17 (Rev. CoP13) on National reports presented in Annex 2; and
 - c) adopt the proposed amendments to Resolution Conf. 12.3 (Rev. CoP13) on Permits and certificates, presented in Annex 3.

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat participated in the discussions of the EQWG and is broadly in agreement with the results of the deliberations. The two issues on which the Working Group did not agree are the ones with regard to which the Secretariat wishes to comment.
- B.
 1. When the Secretariat receives notice of an export quota from a Party, it should publish this as soon as possible on its website. Sometimes, however, there are aspects of the quota that need to be clarified. The Secretariat believes that it should seek the clarification before publishing the quota in order to avoid publishing incorrect or confusing information. In rare cases, the Secretariat has other concerns. For example the quota announced might not be in accordance with information produced during the review of significant trade. The EQWG agreed that the Secretariat should discuss these with the Party concerned before publishing the quota, but it could not agree on what action should be taken if the Secretariat and the Party were unable to resolve the problem. There were two opposing views.
 - a) One view is that each Party is responsible for determining the level of exports that may be permitted and that therefore the Secretariat, having obtained any necessary clarification, should simply publish the quota and, if it has concerns, take up the issue through one of the existing CITES procedures for dealing with such problems (e.g. through referral to one of the permanent committees, or through an Article XIII procedure).
 - b) The alternative view is that the Secretariat has a responsibility to ensure that, if there are reasons to be concerned about the level of a quota, the quota should not be published until the concern has been satisfactorily dealt with. This could be achieved through discussions with the Party concerned, or referral of the matter to one of the scientific committees, or by some other approach before the publication of the quota.
 2. On the basis of past experience, it should be noted that the number of such cases is extremely small. The Secretariat suggests that the appropriate approach would be a compromise between the two suggested above. It believes that it should always try to resolve a problem first with the Party concerned. If it is unable to do, it should then publish the quota with an annotation to indicate its concerns and should then take up the issue through one of the existing CITES procedures.

- C. 1. Resolution Conf. 12.3 (Rev. CoP13) indicates that, for species subject to export quotas, any export permit issued should indicate the total number or quantity of specimens already exported in the current year and the total level of the quota.
- a) Some members of the EQWG consider that this system works well as a basis for making checks on the legality of shipments.
 - b) A number of others however consider that, although this information should certainly be maintained in the records of the Management Authority of the exporting country, it serves no useful purpose to put these details on export permits, that having to do so is an unnecessary burden, and that Management Authorities should have the option to certify in some other way that a quota is being respected.
2. The text in Annex 3, paragraph A b), is already a compromise between these two approaches. The Secretariat has sympathy with the second view above. However, it understands that some importing countries do check the information on the permit for discrepancies and therefore prefer to keep it on the permit. The Secretariat also believes that, in the Resolution that provides guidance on permits and certificates, the Conference should recommend a single approach to be taken so that permits are harmonized to the greatest extent possible. The Secretariat therefore recommends that, in the proposed amendment in Annex 3, the Conference should agree to the words in the second set of square brackets in paragraph A b), i.e. "Parties should". This text should reflect the preference of the Conference of the Parties even if it is recognized that some Parties might not be in a position to follow the guidelines in this respect. There remains the possibility, of course, that the words following "Parties should" might be amended to recommend an alternative preferred means of certification of compliance with the quota.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Management of nationally established export quotas

CONVINCED that nationally established export quotas for Appendix-II species are important tools to assist in regulating and monitoring wildlife trade to ensure that the use of natural resources remains sustainable;

NOTING that for many Parties, export quotas are used as an essential management tool in the conservation of species of wild fauna and flora;

RECOGNIZING however that the use and implementation of export quotas are not described in detail either in the text of the Convention or in any text adopted by the Conference of the Parties, but that it is desirable that all Parties have a common understanding of the way in which such quotas should be managed at the national and international levels;

CONSIDERING that exporting and importing countries share a responsibility to ensure that export quotas are respected;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that Parties follow the *Guidelines for management of nationally established export quotas* that are annexed to this Resolution.

Annex

Draft guidelines for management of nationally established export quotas

1. Introduction

- a) This document specifies a number of general principles regarding the establishment and management of annual export quotas at the national level in the context of CITES. It is understood that there may be exceptions and reasons for departing from these general principles in certain cases. In particular, it should be noted that certain exceptions may be found in Resolutions of the Conference of the Parties, which take precedence over these guidelines.
- b) In the context of CITES, an annual export quota is a limit on the number or quantity of specimens of a particular species that may be exported from the country concerned within a 12-month period. An annual export quota is not a target and there is no need for a quota to be fully used. It is recognized that there are some cases in which it is likely that the export of specimens removed from the wild will occur after the year in which the removal took place, as happens with hunting trophies.
- c) An export quota system is a management tool, used to ensure that exports of specimens of a certain species are maintained at a level that has no detrimental effect on the population of the species. The setting of an export quota advised by a Scientific Authority effectively meets the requirement of CITES to make a non-detriment finding for species included in Appendix I or II and, for species in Appendix II, to ensure that the species is maintained throughout its range at a level consistent with its role in the ecosystems in which it occurs.
- d) A well-implemented export quota system can be an advantage for any Party to CITES that authorizes exports. It eliminates the need for a non-detriment finding for each individual shipment of CITES specimens, provides a basis for monitoring the trade and may facilitate the issuance of export permits. In the case of species whose populations span international borders, the establishment of export quotas can be coordinated at a regional level, which is of particular relevance in the case of migratory species.

- e) It must be recognized, however, that there are also other management tools that may be better suited to the biological, administrative or other management context. In some cases, the use of quotas could have an undesirable effect, particularly if they are not adjusted as necessary to take into account changing biological, legal or administrative needs. For example, where a quota has been set for a particular year but the species is impacted by climatic factors, such as a drought, there could still be pressure to fill the quota.
- f) The fundamental principle to follow is that decision-making regarding the level of sustainable exports must be scientifically based, and harvests managed in the most appropriate manner. This requires that implementation, including administrative, legislative and enforcement measures, take account of the regulatory and biological context.
- g) In contexts where the establishment of an export quota would be the most effective management tool, it is important that the use of that tool is not made less attractive to exporting countries by the imposition of unnecessary administrative layers. For this reason, the guidelines in this document have been prepared with the thought in mind that they need to be practical and uncomplicated, and not to add to the existing administrative burdens.

2. Establishment of national export quotas

- a) Where export quotas have not already been agreed at the international level (e.g. by the Conference of the Parties), Parties are encouraged to establish national export quotas for CITES-listed species whenever this is relevant to the management and conservation of the species concerned.
- b) As far as possible the period covered by an export quota should be the calendar year (i.e. 1 January to 31 December).
- c) When export quotas are established, they should be set as a result of a non-detriment finding by a Scientific Authority, in accordance with Article III, paragraph 2 (a), or Article IV, paragraph 2 (a), of the Convention, and should ensure that the species is maintained throughout its range at a level consistent with its role in the ecosystems in which it occurs, in accordance with Article IV, paragraph 3. Export quotas for wild-taken specimens should be set at a level that takes account of the number or quantity of specimens that are taken from the wild legally or illegally. A non-detriment finding should be made whenever an export quota is established for the first time or revised.
- d) Export quotas are usually established for specimens of wild source. However, separate quotas may be established for specimens of different sources (e.g. wild-taken, ranched, captive-bred, artificially propagated). An export quota applies to wild-taken specimens unless indicated otherwise. A non-detriment finding that supports the export of specimens of any specific source (e.g. ranching) should not be relied upon to authorize the export of specimens of other sources.
- e) Export quotas are usually established for a specific number or quantity of animals or plants. However, they may be established for certain types of parts or derivatives (e.g. elephant tusks, caviar, skins, bark, sawn wood, bulbs).
- f) To indicate the species for which quotas have been set, Parties should use the names indicated in the standard nomenclature adopted by the Conference of the Parties¹. The approved names can be found in the most recent edition of the *Checklist of CITES Species*, which is updated after each meeting of the Conference of the Parties².
- g) Terms used to define or clarify a quota (such as those indicating the type or source, when appropriate, of specimens to which the quota applies) should be used in accordance with agreed definitions contained in Resolutions of the Conference of the Parties or follow the guidance

¹ The most recent list of adopted nomenclatural references is contained in Resolution Conf. 12.11 (Rev. CoP13).

² The most recent is the 2005 edition.

provided in the most recent edition of the *Guidelines for the preparation and submission of CITES annual reports*³.

3. Communication of nationally established export quotas

- a) In accordance with Resolution Conf. 12.3 (Rev. CoP14), Parties should inform the CITES Secretariat of their nationally established export quotas and of revisions of such quotas. Such information can be provided at any time but, as far as possible, should be communicated at least 30 days before the start of the period to which the export quota relates.
- b) If a Party establishes an annual export quota for a period other than a calendar year, it should indicate the period to which the quota applies when communicating it to the Secretariat.
- c) When the Secretariat is informed about export quotas or revisions, it should publish them on the CITES website as soon as possible after they are received, with an indication of the date of publication. The publication should normally take place within 30 days of receipt.
- d) When the Secretariat receives information about a quota for publication and it appears that there are technical problems, or it has questions about technical or administrative aspects of the quota needing clarification (for example, the standard nomenclature is not followed, there is an incoherence between the quota and available information on the species, past quotas have been regularly exceeded, etc.), it should discuss these with the Party concerned before placing the quota on the CITES website. In such cases the Secretariat and the Parties concerned should try to resolve the issue as quickly as possible. Once it is resolved, the Secretariat should promptly publish the quota on its website.⁴
- e) Unless otherwise indicated by the Conference of the Parties, once the Secretariat has received and published details of an annual export quota from a Party, it should publish the same quota for following years until it receives a revised quota from that Party. If any Party is concerned that a published quota may be too high, it should consult the appropriate Management Authority of the Party that established the quota regarding its concerns, in accordance with Resolution Conf. 11.18 on Trade in Appendix-II and -III species.

4. Quotas not fully utilized in a particular year

- a) The level of an export quota reflects the number or quantity of specimens of a species that may be exported in any particular year (the specimens having been removed from the wild, bred in captivity, artificially propagated, etc., in that year). It sometimes happens, however, that, although specimens are obtained for export, it is not possible to ship them in the year in which they were obtained.
- b) A Party may decide exceptionally to authorize export in one year of specimens that were obtained in a previous year, and under the quota for that previous year. In such cases, the quota for the current year should not be increased in order to include the specimens obtained in the previous year. Rather the number or quantity of such specimens that will be exported should be deducted from the quota of the previous year.

5. Monitoring and trade reporting

- a) Every Party that has established an export quota is responsible for monitoring its use and must ensure that it is not exceeded. For that purpose, it should maintain data on the number or quantity of specimens actually exported, to be used as a reference when reviewing applications to authorize further exports.

³ The most recent edition was circulated with Notification to the Parties No. 2006/030 of 2 May 2006.

⁴ The Export Quota Working Group did not reach consensus on the need for this paragraph nor, if it is kept, on the need to specify the appropriate action in case the Secretariat and the Party concerned are not able to resolve a problem, nor what such action should be.

- b) The data from national annual reports of Parties are stored in the CITES trade database that is maintained by the UNEP World Conservation Monitoring Centre under contract to the CITES Secretariat. This database provides the basis for monitoring the trade and the implementation of the export quotas at the international level.

PROPOSED AMENDMENT TO RESOLUTION CONF. 11.17 (REV. CoP13)
ON NATIONAL REPORTS

Proposed paragraph to be inserted after the first paragraph beginning RECOMMENDS

RECOMMENDS that, when compiling their annual reports in accordance with Article VIII, paragraph 7, of the Convention and this Resolution, Parties should pay particular attention to the reporting of trade in specimens of species subject to annual export quotas. For these species, the report should indicate the level of the quota and the amount actually exported. In cases where trade is authorized in the reporting year in specimens obtained under a quota for the previous year, this should be reflected in the annual report.

PROPOSED AMENDMENTS TO RESOLUTION CONF. 12.3 (REV. CoP13)
ON PERMITS AND CERTIFICATES

A. Proposed amendment to Section VIII *Regarding permits and certificates for species subject to quotas*

Proposed paragraphs to replace paragraphs a) and b)

- a) when a Party has voluntarily fixed national export quotas for specimens of species included in Appendix I, for non-commercial purposes, and/or in Appendices II and III, it inform the Secretariat of the quotas before issuing export permits and of any changes thereto as soon as they are made;
- b) each export permit issued for specimens of a species subject to an annual export quota, whether established nationally or by the Conference of the Parties, indicate the total quota that has been established for the year and include a certification that the quota is being complied with. For this purpose [Parties may] [Parties should]⁵ specify the total number or quantity of specimens already exported in the current year (including those covered by the permit in question) and the export quota for the species and specimens that are subject to the quota;

B. Proposed new paragraphs to be inserted in the appropriate place in the Resolution and re-lettered⁶

- a) Exporters should be encouraged to apply for permits shortly before the time of intended export.
- b) Management Authorities should require accurate information about the number or quantity of specimens to be exported under each permit and, as far as possible, avoid the issuance of permits where the numbers or quantities do not accurately reflect what will actually be exported.
- c) In cases where a replacement is requested for a permit that has not been used, the replacement should be issued only if the original has been returned to the issuing authority, unless the original is reported as lost. In the latter case, the issuing Management Authority should notify the Management Authority of the country of destination that the original permit has been cancelled and replaced.
- d) If an exporter claims to have used a permit to export a smaller number or quantity of specimens than the amount authorized on the export permit, and requests another permit to export the remainder, the Management Authority should obtain proof of the number or quantity already exported before issuing any new permit (such as a copy of the validated export permit or confirmation from the Management Authority of the country of destination of the number or quantity of specimens that were imported using the original permit).
- e) As far as possible, inspections of documents and shipments should be conducted at the time of export. This should be regarded as essential for shipments of live animals.

⁵ *The Export Quota Working Group did not reach agreement on which of the alternatives in square brackets should be included.*

⁶ *These proposed new paragraphs arose from the Working Group's discussions of export quotas. The Working Group noted however that they would be applicable to the issuance of all export permits, not only those for specimens of species subject to export quotas. Although in this way the Working Group went to some extent beyond its mandate, these paragraphs are nevertheless submitted for consideration by the Conference of the Parties.*