

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

Species trade and conservation issues

Sturgeons and paddlefish

Amendment of Resolution Conf. 12.7 (Rev. CoP13)

PROPOSAL OF THE STANDING COMMITTEE'S WORKING GROUP ON STURGEONS

This document has been submitted by the Islamic Republic of Iran.

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat supports most of the recommendations of the Standing Committee working group on sturgeons as forwarded by the Islamic Republic of Iran, subject to some clarifications and editorial changes, and the inclusion of some suggestions from document CoP14 Doc. 60.2.2. The Secretariat would be pleased to contribute to any working group which the Conference of the Parties might establish on this subject.
- B. The Secretariat does not however support the proposed changes to the time periods in which caviar may be exported or re-exported. It also notes that there appears to be conflicting suggestions regarding time-frames. The working group that discussed this issue at CoP13 believed that the periods that were subsequently adopted provided an important basis for combating illicit trade. It is not clear from the document why changes are proposed and therefore the Secretariat is unable to comment further at this time.
- C. There are currently no budgetary resources in the Trust Fund allocated to the evaluation by appropriate experts of the implementation of the regional conservation strategy and monitoring regimes for shared stocks of Acipenseriformes species. The cost of recruiting such appropriate experts to evaluate the three main shared stocks (Caspian Sea, North-West Black Sea and Lower Danube and Amur/Heilongjiang River) is estimated at USD 60,000. The Secretariat points out that given the large volume of documents involved, it will only be able to make available the information and documentation referred to in paragraph a) ix) of the second RECOMMENDS and in the third DIRECTS of the draft resolution, in the language in which such information and documentation were submitted.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Conservation of and trade in sturgeons and paddlefish

RECALLING Resolution Conf. 10.12 (Rev.), adopted by the Conference of the Parties at its 10th meeting (Harare, 1997) and amended at its 11th meeting (Gigiri, 2000), and Resolution Conf. 11.13, adopted by the Conference of the Parties at its 11th meeting;

AWARE that sturgeons and paddlefish of the Order Acipenseriformes represent a valuable renewable biological and economic resource that in recent years has been affected by such negative factors as illegal fishing and illegal trade, regulation of water flow and decrease in natural spawning sites;

NOTING the need for further research and the importance of scientific monitoring of the status of stocks and an understanding of their genetic structure as the basis for sustainable fisheries management;

CONSIDERING that Eurasian range States of Acipenseriformes species are in need of funds and technical assistance in order to develop regional management and monitoring programmes for conservation, habitat protection, and the combating of illegal fishing and trade;

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

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

NOTING that, in order to assist the Parties in identifying legal caviar in trade, marking should be standardized and that particular specifications for the design of labels are fundamental, should be generally applied and should also take into account marking systems currently in place and anticipated technological advances in marking systems;

CONSCIOUS that there is a need for improvement of monitoring of caviar re-exports in relation to the original export and the level of exports in relation to annual export quotas;

RECOGNIZING the significance of domestic markets of caviar and meat of Acipenseriformes species; (Azerbaijan, the Islamic Republic of Iran, the United States of America, the European Commission and the Pew Institute are in favour of maintaining this paragraph while China, the Russian Federation, ICIA and IWMC have suggested deleting it);

WELCOMING the establishment of the UNEP-WCMC database for sturgeon specimens in trade;

RECALLING the concepts endorsed and the progress made toward conservation of Acipenseriformes under the 'Paris Agreement' approved at the 45th meeting of the Standing Committee; (China, the European Commission, ICIA and IWMC do not support this paragraph);

RECOGNIZING that export quotas for sturgeon from shared stocks are mandated by the Parties and therefore require a level of scrutiny that voluntary quotas do not;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

URGES the range States of species in the Order Acipenseriformes to:

- a) encourage scientific research and ensure adequate monitoring of the status of stocks¹ to promote the sustainability of sturgeon and paddlefish fisheries through appropriate management programmes;
- b) curtail the illegal fishing of and trade in sturgeon and paddlefish specimens by improving the provisions in and enforcement of existing laws regulating fisheries and export, in close collaboration with the CITES Secretariat, ICPO-Interpol and the World Customs Organization;
- c) explore ways of enhancing the participation of representatives of all agencies responsible for sturgeon and paddlefish fisheries in conservation and sustainable-use programmes for these species;
- d) promote regional agreements between range States of sturgeon and paddlefish species aiming at proper management and sustainable utilization of these species; and
- e) in the case of range States of sturgeons in the Eurasian region, take into account the recommendations in document CoP12 Doc. 42.1 when developing regional conservation strategies and action plans;

RECOMMENDS, with regard to regulating trade in sturgeon products, that:

- a) Range States license legal exporters of specimens of sturgeon and paddlefish species and maintain a register of such persons or companies and provide a copy of this register to the Secretariat by 30 November each year. The Secretariat should distribute this information via a Notification to the Parties;
- b) Each importing, exporting and re-exporting Party should establish, where consistent with national law, a registration system for processing and repackaging plants in its territory and provide to the Secretariat the list of these facilities and their official registration codes. The list should be updated as needed. A copy of the list should be provided to the Secretariat by 30 November each year. The Secretariat should distribute this information via a Notification to the Parties;
- c) Importing countries be particularly vigilant in controlling all aspects of the trade in specimens of sturgeon and paddlefish species, including the unloading of sturgeon specimens, transit, re-packaging, re-labelling and re-exports;
- d) Parties monitor the storage, processing and re-packaging of specimens of sturgeon and paddlefish species in Customs free zones and free ports, and for airline and cruise line catering;
- e) Parties ensure that all their relevant agencies cooperate in establishing the necessary administrative, management, scientific and control mechanisms needed to implement the provisions of the Convention with respect to sturgeon and paddlefish species;
- f) Parties consider the harmonization of their national legislation related to personal exemptions for caviar, to allow for the personal effects exemption under Article VII, paragraph 3, of the Convention and consider limiting this exemption to no more than 125 grams of caviar per person; [the WG is mandated to make amendments only to Resolution Conf. 12.7 (Rev. CoP13). Therefore this paragraph remains with 125 g for both wild and aquaculture caviar];
- g) All caviar must be exported maximum six months after the quota year in which it was harvested and processed. Parties should not import caviar harvested or processed after six months of the preceding quota year; (all caviar must be exported before the end of the quota year in which it was harvested and processed. Parties should not import caviar harvested or processed in a preceding year – as suggested by the Russian Federation, the United States and the Pew Institute, however the Russian Federation also suggests that caviar and meat, which have been processed in the current year from

¹ The term 'stock' is regarded, for the purposes of this Resolution, to be synonymous with 'population'.

sturgeon fishes, which were caught in the preceding year, can be imported before the end of the year in which it has been processed):

- i) range States intending to authorize exports in a given year of specimens, except caviar, of Acipenseriformes species from shared stocks that were obtained in a preceding year inform the Secretariat by 31 January of the nature and quantities of the specimens still held in stock;
 - ii) The Secretariat distribute this via a Notification to the Parties;
 - iii) all caviar be exported before the end of the quota year in which it was harvested and processed; and
 - iv) Parties not import from a range State of a shared stock caviar harvested or processed in a preceding year;
- h) no re-export of caviar should be authorized more than 12 months after the date of issuance of the relevant original export permit; (China, ICIA and IWMC believe that this paragraph should not be amended to shorten the period of time allowed for re-export; ICIA has an alternative proposal to authorize the re-export only until the end of the year following the quota year);
- i) Parties supply to the Secretariat, no longer than one month after the (re-)export took place, copies of all export permits and re-export certificates issued to authorize trade in caviar, for inclusion in the UNEP-WCMC database for sturgeon specimens in trade;
- j) Parties shall consult the UNEP-WCMC database prior to the issuance of import and re-export certificates; (not supported by China, ICIA and IWMC);
- k) Parties use the full eight-digit HS Custom code for caviar, i.e. 1604 3010, instead of the six-digit code; and
- l) importing Parties not accept shipments of caviar unless they comply with the provisions of the universal labelling system outlined in Annexes 1 and 2;

RECOMMENDS² further, with regard to catch and export quotas, that:

- a) Parties not accept the import of any specimen of Acipenseriformes species from stocks shared between different range States³ unless:
 - i) export quotas for all specimens of Acipenseriformes species for that year have been established by the range States⁴ concerned and have been communicated by the Secretariat to the Parties by 31 December of the preceding year; (the Russian Federation proposes by 1 March of the current year);
 - ii) the export quotas referred to in subparagraph i) have been derived from catch quotas agreed amongst all range States that provide habitat for the same stock of an Acipenseriformes species; (Bulgaria, Kazakhstan, the Russian Federation, ICIA and IWMC support the view for two-thirds of range States);
 - iii) catch quotas are based on an appropriate regional conservation strategy and monitoring regime for the species concerned;

² At CoP13 it was agreed that this recommendation would not apply to those range States where there is no commercial caviar harvest or export from shared stocks. It was also agreed, however, that the Secretariat or any Party would bring to the attention of the Standing Committee or Conference of the Parties any significant changes in the harvest or export of sturgeon products from such stocks.

³ Quotas do not have to be established for specimens from endemic stocks, i.e. stocks not shared with other countries, and captive-breeding or aquaculture operations. Quotas communicated for such specimens are voluntary quotas.

⁴ For States that do not have legislation to establish export quotas at the national level, export quotas communicated to the Parties are considered to be export quotas for the purposes of this Resolution only.

- iv) export quotas are established taking into account domestic markets of caviar and meat and factor in illegal catch;
 - v) range States have provided to the Secretariat the scientific data used to establish the catch and export quotas under subparagraphs ii) and iii);
 - vi) the Secretariat has informed (confirmed – as suggested by the Russian Federation, the United States and the Pew Institute) the Parties that catch and export quotas have been agreed by all relevant range States (amongst at least two-thirds of the range States if a consensus is not reached), and communicated to the Secretariat by 30 November of the preceding year;
 - vii) if the quotas have not been communicated to the Secretariat and by the Secretariat to the Parties by the deadlines indicated in subparagraphs i) and v) above, the relevant range States have a zero quota until such time as they communicate their quotas in writing to the Secretariat and the Secretariat in turn informs the Parties; (the relevant range States have a zero quota until such time as the Secretariat has reviewed any further information in consultation with the Chairman of the Animals Committee and has in turn informed the Parties; – as suggested by the European Commission) (not supported by the United States and the Pew Institute);
 - viii) range States provide to the Secretariat the scientific data referred to under subparagraphs ii) and iii) that were used to establish catch and export quotas; and
 - ix) the Secretariat makes all the information mentioned in subparagraph v) available to Parties upon request; and
- b) if a range State of a shared stock of a species of Acipenseriformes decides to reduce its quotas established in accordance with this Resolution under stricter domestic measures, this shall not affect the quotas of the other range States of this stock;

URGES Parties to implement without delay the labelling of caviar in accordance with Annexes 1 and 2;

URGES further that range States cooperate with the Secretariat to implement, on a three-year cycle beginning in 2006, an evaluation by appropriate experts of the implementation of the regional conservation strategy and monitoring regime for stocks of Acipenseriformes species subject to the provisions under RECOMMENDS further, paragraph a) above and respond to the results accordingly;

DIRECTS the Secretariat to provide to the Animals Committee, for its approval, a written report with all supporting documentation attached (pending agreement from the relevant range States or organization) on the outcome of the three-year cycle evaluation mentioned in the preceding paragraph;

DIRECTS the Animals Committee to provide to the Standing Committee its recommendations on actions to be taken based upon the above-mentioned three-year cycle evaluation;

DIRECTS further the Secretariat to provide at each meeting of the Animals Committee a written progress report with all supporting documentation attached (pending agreement from the relevant range States or organization) on all activities related to the conservation of and trade in sturgeons and paddlefish;

CALLS UPON range States, importing countries and other appropriate experts and organizations such as the IUCN/SSC Sturgeon Specialist Group, in consultation with the Secretariat and the Animals Committee, to explore the development of a uniform DNA-based identification system for parts and derivatives and aquaculture stocks of Acipenseriformes species to assist in the subsequent identification of the origin of specimens in trade and to explore other (e.g. biochemical) methods for differentiating wild from aquaculture origin caviar in cases where DNA-based methods are not useful;

DIRECTS the Secretariat:

- a) in collaboration with range States and international organizations from both industry and the conservation community, to assist with the development of a strategy including action plans for the conservation of Acipenseriformes; and

- b) to provide assistance with securing financial resources from Parties, international organizations, United Nations specialized agencies, intergovernmental and non-governmental organizations and industry; and

REPEALS the Resolutions listed hereunder:

- a) Resolution Conf. 10.12 (Rev.) (Harare, 1997, as amended at Gigiri, 2000) – Conservation of sturgeons; and
- b) Resolution Conf. 11.13 (Gigiri, 2000) – Universal labelling system for the identification of caviar.

Annex 1

CITES guidelines for a universal labelling system for the trade in and identification of caviar

- a) The uniform labelling system applies to all caviar produced for commercial and non-commercial purposes, for either domestic or international trade, and is based on the application of a non-reusable label on each primary container.
- b) The following definitions apply in relation to trade in caviar:
- Caviar: processed roe of Acipenseriformes species.
 - Lot identification number: a number that corresponds to information related to the caviar tracking system used by the processing or repackaging plant.
 - Non-reusable label: any label or mark that cannot be removed undamaged or transferred to another container.
 - Pressed caviar: caviar composed of the roe of one or more sturgeon or paddlefish species, remaining after the processing and preparation of higher quality caviar.
 - Primary container: tin, jar or other receptacle that is in direct contact with the caviar.
 - Processing plant: facility in the country of origin responsible for the first packaging of caviar into a primary container.
 - Repackaging plant: facility responsible for receiving and repackaging caviar into new primary containers.
 - Secondary container: receptacle into which primary containers are placed.
 - Source code: letter corresponding to the source of the caviar, as defined by the relevant CITES resolutions (e.g. 'W' for wild or 'C' for captive bred).
- c) In the country of origin, the non-reusable label should be affixed by the processing plant to any primary container. This label must include, as a minimum: a standard species code as provided in Annex 2; the source code of the caviar; the ISO two-letter code for the country of origin; the year of harvest; the official registration code of the processing plant (e.g. xxxx); and the lot identification number for the caviar (e.g. yyyy), for instance:
- HUS/W/RU/2000/xxxx/yyyy
- d) When no repackaging takes place, the non-reusable label referred to in paragraph c) above should be maintained on the primary container and be considered sufficient, including for re-export.

- e) A non-reusable label should be affixed by the repackaging plant to any primary container in which caviar is repackaged. This label must include, as a minimum: a standard species code as provided in Annex 2; the source code of the specimen; the ISO two-letter code of the country of origin; the year of repackaging; the official registration code of the repackaging plant, which incorporates the ISO two-letter code of the country of repackaging if different from the country of origin (e.g. IT-wwww); and the lot identification number, or CITES export permit or re-export certificate number (e.g. zzzz), for instance:

PER/W/IR/2001/IT-wwww/zzzz

- f) When caviar is exported or re-exported, the exact quantity of caviar must be indicated on any secondary container in addition to the description of the content in accordance with international Customs regulations, in using the full eight-digit HS Custom code for caviar, i.e. 1604 3010, instead of the insufficiently precise six-digit code.
- g) The same information that is on the label affixed to the container must be given on the export permit or re-export certificate, or in an annex attached to the CITES permit or certificate.
- h) In the event of inconsistencies between information on a label and a permit or certificate, the Management Authority of the importing Party should contact its counterpart in the exporting or re-exporting Party as soon as possible to establish whether this was a genuine error arising from the complexity of information required by these guidelines. If this is the case, every effort should be made to avoid penalizing those involved in such transactions.
- i) Each importing, exporting and re-exporting Party should establish, where consistent with national law, a registration system for processing and repackaging plants in its territory and provide to the Secretariat the list of these facilities and their official registration codes. The list should be updated as needed.
- j) Parties should accept shipments of caviar only if they are accompanied by appropriate documents containing the information referred to in paragraph c), d) or e).

Annex 2

Codes for identification of Acipenseriformes species, hybrids and mixed species

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

Species	Code
<i>Acipenser schrencki</i>	SCH
<i>Acipenser sinensis</i>	SIN
<i>Acipenser stellatus</i>	STE
<i>Acipenser sturio</i>	STU
<i>Acipenser transmontanus</i>	TRA
<i>Huso dauricus</i>	DAU
<i>Huso huso</i>	HUS
<i>Polyodon spathula</i>	SPA
<i>Psephurus gladius</i>	GLA
<i>Pseudoscaphirhynchus fedtschenkoi</i>	FED
<i>Pseudoscaphirhynchus hermanni</i>	HER
<i>Pseudoscaphirhynchus kaufmanni</i>	KAU
<i>Scaphirhynchus albus</i>	ALB
<i>Scaphirhynchus platorynchus</i>	PLA
<i>Scaphirhynchus suttkusi</i>	SUS
Mixed species (for 'pressed' caviar exclusively)	MIX
Hybrid specimens: code for the species of the male x code for the species of the female	YYYxXXX