

**Committee on Sanitary and Phytosanitary Measures**

**APPLICANTS FOR OBSERVER STATUS**

Note by the Secretariat<sup>1</sup>

Addendum

1. An application for observer status in the SPS Committee was received on 14 March 2011 from the Chair of the Standing Committee of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Information provided by CITES is summarized below.

**1. CITES States Parties (175)**

2. CITES is a legally-binding multilateral environmental agreement with 175 States Parties.<sup>2</sup>

**2. Mandate, scope and area of work**

3. The Convention was concluded in 1973 and entered into force in 1975. Its Secretariat is provided by the United Nations Environment Programme and its purpose is to regulate, through a system of standardized permits and certificates, commercial and non-commercial international trade in approximately 34,000 listed animal and plant species, in order to ensure that such trade is legal, traceable and environmentally sustainable. "Trade" under the Convention means export, re-export, import and introduction from the sea. "Specimens" covered by the Convention include live and dead animals and plants as well as their parts and derivatives (e.g. raw, semi-finished and finished products). These may take the form of food, medicines, clothing, cosmetics, or other items.

4. Conditions of trade under CITES differ depending on which Appendix a species is listed:

- Appendix I - species threatened with extinction, which are or may be affected by trade;
- Appendix II - species which, although not necessarily now threatened with extinction, may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; or
- Appendix III - species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade.

5. Approximately 97 per cent of CITES-listed species are not threatened with extinction which means that specimens of these species can be commercially traded, provided that four general conditions are met: (i) the specimens were legally acquired; (ii) trade in them is not detrimental to

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<sup>1</sup> This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights or obligations under the WTO.

<sup>2</sup> For a complete list of States Parties, please refer to <http://www.cites.org/eng/disc/parties/index.shtml>.

the survival of the species in the wild; (iii) trade is recorded and reported to the Secretariat; and (iv) living specimens will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment. Permits and certificates authorizing CITES trade effectively serve as a sort of "green certification" issued by governments. With regard to the three per cent of CITES-listed species that are threatened with extinction, their commercial trade is generally prohibited, unless the relevant specimens were captive-bred or artificially propagated in accordance with the Convention and Resolutions adopted by the Conference of the Parties.

6. Article XIV of the Convention gives Parties the right to adopt stricter domestic measures regarding the conditions for trade, taking, possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof. Many Parties have adopted such unilateral measures and a number of them are accessible on the CITES website (see the sections on "Notifications to the Parties", "Reference lists" and "Biennial reports"). Article XXIII of the Convention gives Parties the right to enter specific reservations with regard to species.

7. The text of the Convention and Resolutions of the Conference of the Parties contains a number of specific trade obligations as shown in the WTO Matrix on trade measures pursuant to selected multilateral environmental agreements.<sup>3</sup> Domestic legislation for implementing and enforcing the Convention contains similar trade obligations and, as mentioned above, may also contain trade measures which go beyond the Convention. Such domestic legislation is periodically subject to review and amendment.

8. The Convention has permanent observer status in regular sessions of the WTO Committee on Trade and Environment (CTE). It has *ad hoc* observer status in special sessions of the CTE. The CITES Secretariat has participated in both regular and special sessions of the CTE as well as information sessions aimed at facilitating information exchange. The WTO has been treated by the CITES Secretariat as a part of the broader United Nations system with automatic observer status in all of the Convention's technical and decision-making bodies, pursuant to Article XI, paragraph 6, of the Convention. The WTO Secretariat has been represented at meetings of the Standing Committee and the Conference of the Parties but not at the Animals and Plants Committees.

9. Institutional partners of the Convention include the Food and Agriculture Organization of the United Nations (FAO), the International Tropical Timber Organization (ITTO), Interpol, the International Organization for Standardization (ISO), the Organisation for Economic Co-operation and Development (OECD), the International Air Transport Association (IATA), the International Trade Centre (ITC), the United Nations Environment Programme (UNEP), the United Nations Conference on Trade and Development (UNCTAD), the United Nations Office on Drugs and Crime (UNODC), the World Bank, and the World Customs Organization (WCO).

### **3. Contribution to the work of the SPS Committee**

10. There is a clear link between national sanitary and phytosanitary regimes and national CITES implementation, particularly in relation to the transport of live CITES specimens. Several CITES authorities are located in national veterinary or phytosanitary offices. Under certain circumstances, phytosanitary certificates may be used in place of CITES permits or certificates. National and international trade policy or decisions based on sanitary or phytosanitary measures, which are applied to wild animals or plants, often have implications for CITES implementation. Resolution Conf. 10.21 (Rev. CoP14) of the Conference of the Parties on Transport of live specimens recommends that "the regular communication of the CITES Secretariat and the Standing Committee with IATA's Live Animals and Perishables Board and with the board of directors of the Animals Transportation Association (AATA) be continued and that a relationship with the International Animal Health

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<sup>3</sup> WT/CTE/W/160/Rev.4.

Organization (OIE) and the International Plant Protection Convention (IPPC) be developed". The CITES Secretariat is currently exploring the possibility of sitting on the advisory panel to IATA's Live Animals and Perishable Board, where OIE already has a seat. The CITES Secretariat, WTO, OIE and IPPC are all members of the Inter-agency Liaison Group on Invasive Alien Species, established under the Convention on Biological Diversity. In addition, both the OIE and CITES participated in the WCO Inter-Agency Forum on Coordinated Border Management held in June 2009.

11. The SPS Agreement promotes the use of science and scientific risk assessment as a means for substantiating trade-related measures, as does CITES.

12. *Ad hoc* observer status with the SPS Committee would allow the CITES Secretariat to provide information to the Committee on the content, scope and implementation of the Convention, including specific trade obligations within the Convention or adopted by its decision-making bodies. In return, the CITES Secretariat could gather information regarding the SPS Agreement process, in particular the notifications on national measures, and advise CITES Parties on relevant developments. Finally, the CITES Secretariat could enhance its coordination with standard-setting organizations such as OIE and IPPC, as requested by the Conference of the Parties.

#### **4. Reciprocity**

13. The WTO Secretariat has not formally requested official, permanent observer status in CITES, but this would be welcome. In the past, the WTO Secretariat has simply informed the CITES Secretariat of its wish to participate in CITES meetings and has then been allowed to participate as an observer in meetings of the CITES Standing Committee and the CITES Conference of the Parties.

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