

# Conf. 12.7

(Rev. CoP16)\*

## 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;

RECALLING the concepts endorsed and the progress made toward conservation of Acipenseriformes in the Caspian Sea under the 'Paris Agreement' approved at the 45th meeting of the Standing Committee (Paris, June 2001);

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;

WELCOMING the establishment of the caviar trade database by the UNEP World Conservation Monitoring Centre (UNEP-WCMC);

RECOGNIZING that Parties take into account domestic markets and illegal trade when issuing export permits, re-export certificates or when setting export quotas;

RECOGNIZING that the setting of export quotas for sturgeon specimens from shared stocks requires transparency;

### 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 stocks<sup>1</sup> 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;

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\* Amended at the 13th, 14th and 16th meetings of the Conference of the Parties.

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

- 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 documents CoP12 Doc. 42.1 and SC61 Doc. 48.2 when developing regional conservation strategies and action plans;

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

- a) each importing, exporting and re-exporting Party establish, where consistent with national law, a registration system for caviar processing plants, including aquaculture operations, 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 when changes occur and communicated to the Secretariat without delay. The Secretariat should distribute this information via a Notification to the Parties and include it in its register on the CITES website;
- b) 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;
- c) 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;
- d) 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;
- e) 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;
- f) all caviar from shared stocks subject to export quotas be exported before the end of the quota year (1 March – last day of February) in which it was harvested and processed. For this purpose the export permits for such caviar should be valid until the last day of the quota year at the latest. Parties should not import caviar harvested or processed in the preceding quota year;
- g) no re-export of caviar take place more than 18 months after the date of issuance of the relevant original export permit. For that purpose re-export certificates should not be valid beyond that 18-month period;
- h) Parties supply to UNEP-WCMC copies of all export permits and re-export certificates issued to authorize trade in caviar, no longer than one month after they have been issued, for inclusion in the UNEP-WCMC caviar trade database;
- i) Parties consult the UNEP-WCMC caviar trade database prior to the issuance of re-export certificates;
- j) where available, Parties use the full eight-digit Customs code for caviar, instead of the less precise six-digit code which also includes roe from other fish species;
- k) Parties implement the universal labelling system for caviar outlined in Annexes 1 and 2 and importing Parties not accept shipments of caviar unless they comply with these provisions; and
- l) caviar from different Acipenseriformes species not be mixed into a primary container, except in the case of pressed caviar;

RECOMMENDS<sup>1</sup> further, with regard to catch and export quotas, that:

- a) Parties not accept the import of caviar and meat of Acipenseriformes species from stocks shared between different range States<sup>2</sup> unless export quotas have been set in accordance with the following procedure:
  - i) range States have established export quotas for caviar and meat of Acipenseriformes species for that quota year, which starts on 1 March and ends on the last day of February of the following year;
  - ii) the export quotas referred to in subparagraph i) have been derived from catch quotas that are based on an appropriate regional conservation strategy and monitoring regime for the species concerned and are not detrimental to the survival of the species in the wild;
  - iii) the catch and export quotas referred to in subparagraphs i) and ii) should be agreed amongst all States that provide habitat for the same stock of an Acipenseriformes species. However, where a stock is shared by more than two States, and if one of these States refuses to participate or does not participate in the shared-stock quota agreement meeting convened in accordance with the agreed decision of all these States, the total and country-specific quotas for the shared stock may be agreed by the remaining range States. This situation must be substantiated in writing by both sides to the Secretariat for information to the Parties. The State not having participated may only export caviar and meat from its allocated quotas after it has notified the Secretariat that it accepts them and the Secretariat has informed the Parties. If more than one range State refuses to participate or does not participate in the process mentioned above, the total and country specific quotas for the shared stock cannot be established. In case of a stock shared by only two range States, the quotas must be agreed by consensus. If consensus cannot be reached, they may call upon a mediator, including the CITES Secretariat, to facilitate the process. They shall have a zero quota until such time as they have reached consensus;
  - iv) range States have provided to the Secretariat by 31 December of the previous year, the export quota referred to in subparagraph i) as well as the scientific data used to establish the catch and export quotas under subparagraphs ii) and iii);
  - v) if the quotas have not been communicated to the Secretariat by the deadline indicated in subparagraph iv) 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 Secretariat should be informed by the range States of any delay and shall in turn inform the Parties; and
  - vi) the Secretariat shall communicate the agreed quotas to the Parties through its website within one month of receipt of the information from the range States;
- b) the Secretariat make all the information mentioned in subparagraph iv) available to Parties upon request; and
- c) 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;

DIRECTS the Secretariat to provide at each meeting of the Animals Committee a written report, based on information submitted by the range States concerned as requested in subparagraph a) iv) above, including references to relevant documents, on its activities related to the conservation of and trade in sturgeons and paddlefish;

DIRECTS the Animals Committee, in collaboration with the Secretariat, interested Parties, international organizations and relevant experts, to monitor progress on the relevant provisions of this Resolution and to carry out on a three-year cycle starting in 2008, and using information from preceding years, an evaluation of the assessment and the monitoring methodologies used for stocks

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<sup>1</sup> 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.

<sup>2</sup> 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.

of Acipenseriformes species subject to the provisions under RECOMMENDS further, paragraph a), above;

URGES range States to cooperate with the Animals Committee and the Secretariat with a view to implementing the provisions under RECOMMENDS further, paragraph a), and the paragraph DIRECTS the Animals Committee above;

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

CALLS UPON range States, importing countries and other experts and appropriate organizations, such as the IUCN/SSC Sturgeon Specialist Group, in consultation with the Secretariat and the Animals Committee, to continue 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 the development and application of methods for differentiating wild from aquaculture origin caviar in cases where DNA-based methods are not useful;

CALLS UPON the range States of Acipenseriformes species:

- a) to collaborate in the development and implementation of strategies, including action plans, for the conservation and management of shared Acipenseriformes stocks and for ensuring sustainable fishing, and
- b) to seek cooperation with Parties, United Nations specialized agencies, intergovernmental organizations, non-governmental organizations, the private sector, academia and other expert stakeholders in supporting these strategies;

URGES Parties, intergovernmental and non-governmental organizations, the industry and other donors to assist with securing financial and other resources for the range States of Acipenseriformes to develop and implement strategies, including action plans, for the conservation and management of shared Acipenseriformes stocks; 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*.

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## **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, from wild and aquaculture origin, 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 unfertilized eggs (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, which may seal the primary container. If the non-reusable label does not seal the primary container, caviar should be packaged in a manner that permits visual evidence of any opening of the container.

- Pressed caviar: caviar composed of unfertilized eggs (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 or groups of primary containers are placed.
  - Source code: letter corresponding to the source of the caviar (e.g. W, C, F), as defined in the relevant CITES Resolutions. Note that, among other situations, for caviar produced from a female born in captivity and where at least one parent originated in the wild, the “F” code should be used.
- 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.
- 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) 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 oxyrhynchus</i>	OXY
<i>Acipenser oxyrhynchus desotoi</i>	DES
<i>Acipenser persicus</i>	PER
<i>Acipenser ruthenus</i>	RUT
<i>Acipenser schrenckii</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 platyrhynchus</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