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Item 4.1 of the provisional agenda*

INVASIVE ALIEN SPECIES: PROPOSALS ON WAYS AND MEANS TO ADDRESS GAPS IN INTERNATIONAL STANDARDS REGARDING INVASIVE ALIEN SPECIES INTRODUCED AS PETS, AQUARIUM AND TERRARIUM SPECIES, AS LIVE BAIT AND LIVE FOOD

Note by the Executive Secretary

EXECUTIVE SUMMARY

Pursuant to decisions IX/4.A and X/38, the Executive Secretary convened a meeting of the Ad Hoc Technical Expert Group (AHTEG) in February 2011 addressing the risks associated with the introduction of alien species¹ as pets, aquarium and terrarium species, and as live bait and live food.

The AHTEG sought to clarify the terms referred to in the decisions, considered the role of the Agreement on Sanitary and Phytosanitary Measures of the World Trade Organization (“the SPS Agreement”) and its standard-setting organizations and the relevance of existing standards. It also reviewed existing relevant specific and concrete tools, voluntary codes of practice, methodologies, guidance, best practice examples and instruments. It also made some generic recommendations concerning measures to address this gap. However the AHTEG did not prepare more detailed guidance for Parties on the drafting and implementation of national measures to address the specific gap associated with the introduction of alien animal species as pets, aquarium and terrarium species, and as live bait and live food.

* UNEP/CBD/SBSTTA/15/1.

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The AHTEG noted that existing standards developed within the framework of the SPS Agreement provided generic guidance for risk assessment that could be applied to all situations, including trade in species as pets, aquarium and terrarium species and as live bait and live food, and that the Secretariat of the Convention on Biological Diversity, together with the secretariats of IPPC, OIE and other relevant organizations could usefully promote awareness-raising among the public and among relevant national authorities¹ and also further develop tools and guidance to support this. The AHTEG also noted the relevance of the CBD Guiding Principles on invasive alien species (annexed to decision VI/23*), in this regard.

The AHTEG noted however that guidance for the specific pathways associated with the introduction of alien animal species as pets, aquarium and terrarium species, and as live bait and live food was lacking. Indeed this is the gap in the international regulatory framework that the AHTEG was mandated to examine in decisions IX/4 and X/38. The AHTEG considered that further work by the existing standards-setting bodies, namely the International Plant Protection Convention (IPPC) and the World Organisation for Animal Health (OIE) to follow-up on the invitations in decision IX/4 A (paras 2 and 3) may partly address this gap. The AHTEG concluded that further work be considered to develop guidance for the drafting and implementation of national measures to address the specific gap associated with the introduction of alien animal species as pets, aquarium and terrarium species, and as live bait and live food. The Group suggested that this further work be conducted by the Executive Secretary in collaboration with the members of the Inter-Agency Liaison Group.

The AHTEG also noted that gaps in the international regulatory framework related to internet trade and live food for animal consumption, demand further consideration.

The AHTEG welcomed the offer made by the Global Biodiversity Information Facility (GBIF) to organize a workshop to develop a roadmap for the development of inter-operable information systems on invasive alien species.

SUGGESTED RECOMMENDATIONS

The Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) may further wish to recommend that the Conference of the Parties adopt a decision along the following lines:

The Conference of the Parties

1. *Takes note* of the report of the Ad Hoc Technical Expert Group (AHTEG) meeting on Addressing the Risks Associated with the Introduction of Alien Species as Pets, Aquarium and Terrarium Species, and as Live Bait and Live Food (UNEP/CBD/SBSTTA/15/INF/1);

2. *Expresses* its gratitude to the Co-Chairs and members of the Ad Hoc Technical Expert Group (AHTEG) on Addressing Risks Associated with the Introduction of Alien Species as Pets, Aquarium and Terrarium Species, and as Live Bait and Live Food and for its work and to the Governments of Spain and Japan for their financial support;

Recalling decision IX/4 A paragraphs 4-6,

3. *Recognizing* the multi-sectoral nature of the issues associated with invasive alien species, *reiterates* that “The Guiding Principles” adopted in decision VI/23* continue to provide relevant guidance for addressing the risks associated with the introduction of alien species as pets, aquarium and terrarium species, and as live bait and live food;

¹ In line with decision IX/4 A(para.1).

4. *Encourages* Parties and Governments to ensure effective collaboration at the national level, among national authorities that deal with sanitary and phytosanitary measures and with threats from invasive alien species, and, as appropriate, when addressing the risks associated with introduction of alien animal species as pets, aquarium and terrarium species, and as live bait and live food to make full use of existing standards developed under the International Plant Protection Convention (IPPC), the World Organisation for Animal Health (OIE), the Codex Alimentarius Commission, the World Trade Organization's Agreement on the Application of Sanitary and Phytosanitary Measures (WTO-SPS Agreement), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and the Food and Agriculture Organization of the United Nations (FAO);

5. *Further encourages* Parties, other Governments and relevant organizations, including local taxonomic institutions to develop capacity for Parties to the Convention on Biological Diversity to meet target 9 of the Strategic Plan for Biodiversity 2011-2020;

6. *Encourages* members of the World Trade Organization (WTO) SPS committee, and members of its recognized standard-setting organizations to further address the risks posed by introductions of alien invasive species that are not considered pests of plants, taking note that the risks associated with the introduction of alien species may include impacts on ecosystem functioning;

7. *Encourages* the IPPC to request its members to broaden their phytosanitary measures to ensure the protection of plants in marine environments in particular, and as well as in terrestrial and freshwater environments, and to consider further broadening the application of the IPPC to protect also the health of bryophytes and algae species and also to ascertain whether or not the IPPC mandate extends to fungi health and protection;

8. *Encourages* the OIE to continue its efforts in considering the impacts of invasive alien species on ecosystems and animal health, and to update the OIE Aquatic Code and OIE Terrestrial Code, and provide advice and guidance on the assessment of the risk of invasion of alien species on ecosystems;

9. *Recognizing* the relevance, importance and applicability of existing international standards, guidelines and recommendations to addressing the risks associated with the introduction of alien species, *requests* the Executive Secretary in line with decision X/38 (paragraph 3(c)), in collaboration with the relevant international organizations that set international standards, guidelines and recommendations to develop guidance for Parties regarding the application of extant international standards, guidelines and recommendations. The guidance should include:

(a) How to apply the existing international regulatory framework, including the Agreement on the Application of Sanitary and Phytosanitary Measures, and the standards developed by the IPPC, OIE, CITES and other relevant international agreements, as well as the Guiding Principles annexed to decision VI/23*, in ways applicable to the relevant sectors at national and regional levels, as appropriate;

(b) Relevant risk-analysis tools and information;

(c) National invasive alien species strategies and advice on how to integrate these into national policy;

(d) Lessons learned from countries' use of lists of alien species for all stakeholders, including border control officials, traders and consumers, regulating whether a particular species may be imported, kept, bred, applied for trade or not; as well as information on the relative strengths and limitations of white or black lists;

(e) Voluntary measures applicable in specific circumstances of countries or regions in capacity, geography and policy in the region;

(f) Information on capacity development for identification of species, e.g. the Green Customs initiative;

(g) Advice on how national authorities and industry can develop close collaboration to ensure compliance with national regulations on the import of alien species, and that relevant and accurate information tags are displayed via delivery services such as post, courier, including delivery services in the internet marketplace; and

(h) Regional cooperation to harmonize policy on introduction of alien species as pets and as live bait and live food;

10. *Further requests* the Executive Secretary, with the further inputs of the experts, members of the AHTEG, and in collaboration with the members of the Liaison Group, to prepare proposals for more detailed guidance for Parties on the drafting and implementation of national measures to address the specific gap associated with the introduction of alien animal species as pets, aquarium and terrarium species, and as live bait and live food, in order to complete the tasks set out in the annex to decision X/38;

11. *Further requests* the Executive Secretary to continue to pursue the tasks set out in decision IX/4 A (paras. 11,12 and 13) and X/38 (paras 13);

12. *Recognizing* the rapid growth of international market places over the internet, including the sale and purchase of live animal species, *requests* the Executive Secretary:

(a) To explore methodologies and instruments in use by law enforcement agencies to monitor and control related trade and cross-border movements of alien species introduced as pets and as live bait and live food; and

(b) To collect information on best practices to raise public awareness and disseminate guidance to internet traders;

13. *Recognizing* the potential risks of invasion of alien animal species from commercial zoos and safari parks resulting from accidental escapes of the animals, and the release and escape of animals used as live food, *requests* the Executive Secretary to continue to work on risks particular to these separate pathways;

14. *Takes note* of the potential risks associated with unintentional release and escapes of captive bred alien populations and genotypes as pets impacting on native genetic diversity, and *requests* the Executive Secretary to collect case-studies and explore measures in collaboration with relevant international organizations; and

15. *Recalling* decision X/38, para 7, *welcomes* the work of the Global Biodiversity Information Facility (GBIF) to organize a workshop to improve the interoperability of online databases and networks, and facilitate the use of information necessary to conduct risk and/or impact assessments and *encourages* Parties, Governments and relevant institutions and organizations to participate in developing interoperable information systems that can be used in developing early-detection and rapid response systems.

I. INTRODUCTION

1. Target 9 of the Strategic Plan for Biodiversity 2011-2020 states that “By 2020, invasive alien species² and pathways are identified and prioritized, priority species are controlled or eradicated, and measures are in place to manage pathways to prevent their introduction and establishment” (decision X/2).
2. In paragraph 3 (b) of decision X/38 the Conference of the Parties requested the Executive Secretary to convene meetings of the Ad Hoc Technical Expert Group (AHTEG), and to submit its report for consideration at a meeting of the Subsidiary Body on Scientific, Technical and Technological Advice prior to the eleventh meeting of the Conference of the Parties.
3. The mandate of the AHTEG is to suggest ways and means, including, *inter alia*, providing scientific and technical information, advice and guidance, on the possible development of standards by appropriate bodies that can be used at an international level to avoid spread of invasive alien species that current international standards do not cover, to address the identified gaps and to prevent the impacts and minimize the risks associated with the introduction of invasive alien species as pets, aquarium and terrarium species, as live bait and live food with the terms of reference annexed to decision X/38.
4. Accordingly, with support from the Governments of Spain and Japan, the Executive Secretary convened a meeting of the AHTEG from 16 to 18 February 2011 in Geneva, Switzerland and is circulating its report as an information document (UNEP/CBD/SBSTTA/15/INF/1).
5. Section II below contains the main conclusions of the AHTEG.

II. MAIN CONCLUSIONS

6. The main conclusions of the meeting of the Ad Hoc Technical Expert Group, as contained in its report, taking into account also comments from peer-review of the AHTEG report and of the current document are the following:

A. Clarification of terms

7. The scope of work contains threats from the introduction of animals in three groups: “pets, aquarium and terrarium species”, “live bait” and “live food”.
8. The AHTEG used the following definition of pet: “An animal kept for (personal) amusement or companionship”, and considered that the term “aquarium and terrarium species” could be subsumed under this term, and that scope is restricted to privately-kept animals. However the broader term also includes animals, including insects, reptiles, fishes or amphibians, kept for other reasons.

² "alien species" refers to a species, subspecies or lower taxon, introduced outside its natural past or present distribution; includes any part, gametes, seeds, eggs, or propagules of such species that might survive and subsequently reproduce; "invasive alien species" means an alien species whose introduction and/or spread threaten biological diversity (annex to decision VI/23*)

* One representative entered a formal objection during the process leading to the adoption of this decision and underlined that he did not believe that the Conference of the Parties could legitimately adopt a motion or a text with a formal objection in place. A few representatives expressed reservations regarding the procedure leading to the adoption of this decision (see UNEP/CBD/COP/6/20, paras. 294-324).

9. The AHTEG used the term live bait as follows: “Animal species transported live for use in recreational (and commercial)² fishing” resulting in translocation into the natural environment in a different location (of species and/or genotypes which do not naturally occur at the site of use).³

10. The AHTEG used the term live food as follows: “Species that are not considered pests of plants, introduced as food for animals or human consumption, whose threat to biodiversity is not adequately considered in other applicable regimes, excluding the domesticated species as livestock under proper management”. Fishes for food produced in aquaculture were excluded from live food as aquaculture was identified as a separate inconsistency in the international regulatory framework from live food in decision VIII/27.

B Identification of relevant, specific, and concrete tools, voluntary codes of practice, methodologies, guidance, best-practice examples and instruments, including possible regulatory mechanisms for addressing the risks associated with the introduction of alien species as pets, aquarium and terrarium species, and as live bait and live food

11. National Biodiversity Strategies and Action Plans may provide an important contribution to the harmonization of regional measures and standards and other tools identified in the guidance.

12. The Guiding Principles adopted in decision VI/23* can provide guidance on the introduction of alien species and they are important for addressing the risks associated with the introduction of alien species as pets, and as live bait and live food at the national and regional levels;

13. Although prevention of introduction of alien animal species is the most cost effective measure, it was found that regulatory measures can place heavy administrative demands on Governments, and that voluntary measures may transfer some of that burden to the relevant stakeholders. Regulatory measures are in themselves not sufficient; voluntary self-regulation is an essential complement to regulations and can be more successful and cost-effective than a legally binding scheme. In addition, excessively strict regulations may also aggravate the problem of illegal trade. Achieving an effective approach using voluntary and regulatory measures is a context-specific policy choice, as is the allocation of resources amongst prevention measures and eradication and control efforts. The creation of codes of practice, promotion of credible alternative species as pets through public awareness, and the propagation of successful case-studies can all be useful measures to address these problems.

14. Examples of best practices and tools identified by the AHTEG are presented in annex IV attached to the report of the Ad Hoc Technical Expert Group (AHTEG) on Addressing Risks Associated with the Introduction of Alien Species as Pets, Aquarium and Terrarium Species, and as Live Bait and Live Food (UNEP/CBD/SBSTTA/15/INF/1).

15. An earlier compilation of best practices is available in the information note on the in-depth review of ongoing work on alien species that threaten ecosystems, habitats or species (Addendum) - Preliminary report of expert workshop on best practices for pre-import screening of live animals in international trade (UNEP/CBD/COP/9/INF/32/Add.1).

16. Pursuant to decision X/38, and after the meeting of the AHTEG, the Executive Secretary issued notification 2011-034 (ref. no. SCBD/STTM/JM/JSH/JG/74955) requesting further examples of best practices to address the risks associated with the introduction of alien species as pets, aquarium and

³ One of the peer reviewers suggested to add the wordings in parenthesis.

terrarium species, and as live bait and live food. Only one submission, from the European Union, was received to date.⁴

17. “Black lists” of alien species at the national level intended to educate traders and consumers as to which species should be controlled at the borders are compiled and applied in some countries. However, this requires the capacity to provide up-to-date information and border agencies and other relevant stakeholders must be able to inspect the live animals in trade. To minimize detrimental effects on trade such lists should be scientifically justified.

18. CITES Resolution Conf.13.10 (Rev. CoP14) recommends that Parties consult with the Management Authority of a proposed country of import, when possible and when applicable, when considering exports of potentially invasive species, to determine whether there are domestic measures for regulating such imports. Parties to CITES are exploring the use of Taxonomic Serial Numbers in domestic data systems to assist in the identification of CITES species, so that the Management Authority can recognize the species in trade.

19. In circumstances where Customs is tasked with monitoring and controlling invasive alien species (e.g. in accordance with relevant national legislation), Green Customs training materials on wildlife species identification could be extended to cover invasive alien species. The training of Customs officers could benefit from the type of capacity-building materials developed by CITES and its close cooperation with Customs officers at national and international levels.

20. Internet sales and purchases could require information tags displayed via delivery services (post, courier, internet provider). Traders should be encouraged to display clear release information and text describing the harmful attributes of specific invasive alien species on web pages advertising alien pet species or pet species for export.

C. *Development of guidance on development of standards by appropriate bodies to address the risks associated with the introduction of alien species as pets, aquarium and terrarium species, and as live bait and live food*

21. The SPS Agreement allows Members to set their own national standards within certain constraints (if not in violation of existing international standards and agreements). Parties can minimize the risks associated with alien species introduced as pets and as live bait and live food by taking measures at the national level within the context of their legislative frameworks consistent with the SPS Agreement, including through provisional measures designed to protect human, animal or plant health and welfare,

⁴ Submission from the European Union: (1) Under the framework of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the EU Wildlife Trade Regulations banned the import of four alien pet species;⁴

(2) EU animal health legislation includes rules on the introduction of live animals and products thereof with the aim of preventing the introduction and spread of animal diseases into and within the EU. Some rules may, in practice, reduce the risk of introduction of alien species. For example:

(a) Species susceptible to certain animal diseases, which are not present in the EU must originate from third countries or parts thereof, which are declared free of the animal disease in question;

(b) For animal health reasons, aquatic animals (fish, mollusc and crustaceans) introduced into the EU for use in aquaculture or aquariums may not be released into the wild (Commission Regulation (EC) No. 1251/2008);

(c) For animal health reasons, aquatic animals introduced for human consumption or for closed ornamental facilities (aquariums) may not be released into aquaculture facilities or into the wild. (Commission Regulation (EC) No.1251/2008).

taking into account relevant principles and guidance from the IPPC and the OIE that address the development of national measures (e.g., risk assessment, scientific basis, transparency, minimal impact, managed risk).

22. However, there may be a lack of awareness and incomplete understanding of these options among some national authorities. This could be addressed through the development of guidance for Parties on the drafting and implementation of national measures compatible with the WTO SPS Agreement and the principles contained in existing standards therein. Such work could be coordinated through relevant international organizations, in the absence of standards specifically addressing the risks to biodiversity associated with introduction of alien species as pets and as live bait and live food;

23. International standard-setting bodies recognized under the SPS Agreement develop standards, guidelines or recommendations for Member countries while also providing capacity development and disseminating the information. In the consideration of further activities by the existing standard-setting bodies recognized by the WTO SPS Agreement,⁵

(a) The IPPC could develop a supplement to ISPM11 (Pest Risk Analysis for Quarantine Pests including Analysis of Environmental Risks) that addresses alien animal species that impact plants;

(b) The OIE could consider:

- (i) Broadening its mandate by considering the impacts of invasive alien species on ecosystems and animal health within the scope of UNEP/CBD/SBSTTA/15/INF/1. This could be reinforced by reiteration of The Guiding Principles for the Prevention, Introduction and Mitigation of the Impacts of Alien Species that Threaten Ecosystems, Habitats and Species annexed to decision VI/23⁶ and supported by a memorandum of understanding between the CBD Secretariat and the OIE Secretariat to formalize existing channels of communication;
- (ii) Build further on the precedent of listing amphibian diseases, such as infection with *Batrachochytrium dendrobatidis* and infection with ranavirus, in the consideration of additional animal diseases impacting aquatic ecosystems and wild aquatic animals under the OIE Aquatic Code;
- (iii) Continuing to develop recommendations on diseases that primarily affect wild rather than domestic animals, thus revising the OIE Terrestrial Code; and
- (iv) Providing advice and guidance on the assessment of the risks of invasive alien species on ecosystems within the scope of UNEP/CBD/SBSTTA/15/INF/1.

(c) The Codex Alimentarius Commission could consider the scope for guidance related to the introduction of invasive alien animal and plant species, their associated parasites and potential pathogens that may present a food safety risk to humans;

⁵ These are the IPPC, OIE and Codex Alimentarius.

⁶ One representative entered a formal objection during the process leading to the adoption of this decision and underlined that he did not believe that the Conference of the Parties could legitimately adopt a motion or a text with a formal objection in place. A few representatives expressed reservations regarding the procedure leading to the adoption of this decision (see UNEP/CBD/COP/6/20, paras. 294-324).

24. National Focal Points for the CBD, IPPC, OIE, Codex Alimentarius and WTO SPS Agreement, which usually are in different ministries or agencies, should closely collaborate together and address the issue of invasive alien species. Consistency in the positions taken by national representatives to different international agreements will ensure the implementation of all related agreements and conventions;

D. Consideration of ways to increase the interoperability of existing information resources including databases and networks, of use in conducting risk and/or impact assessments and in developing early-detection and rapid response systems

25. Major needs appear to include the development of a support system for early detection and rapid response to invasive alien species. The AHTEG suggested an exhaustive survey of extant information standards, databases and networks, to be evaluated in order to develop a robust support system enabling the early detection and rapid response to invasive alien species.

26. The development of an comprehensive information system encompassing data on alien species, rather than a data system focusing exclusively on the three introduction pathways, as pets and as live bait and live food, is suggested.

27. The Global Biodiversity Information Facility (GBIF) will organize a workshop to clarify user requirements, analyse possible sequences of interactions between the databases and users to achieve the goals of the required system (so called use cases), and develop a roadmap for the development of an informatics infrastructure for invasive alien species at large in support of all existing initiatives. It will be important that the workshop review open standards to ensure efficiency and interoperability.

E. Capacity issues

28. Capacity gaps were identified in the following areas:

(a) Lack of capacity in species identification by border officers for example and the inability of the border services to refer sighting to the relevant authority (Quarantine, Crop Protection, Veterinary Services, etc.) for inspection and decision-making, while the consignment is detained;

(b) Some exporting countries have better capacity to ensure that trade adheres to the import / export regulations, for example by identifying all traded species in the paperwork of shipments. They can serve as mentors for building capacity in importing countries, especially in cases where potentially lethal zoonotic disease risks exist;

(c) Solutions to the issue of invasive species are difficult to implement in some developing countries, but it is possible to develop national regulations that are harmonized with existing international standards and to implement these regulations to the best of the country's capacities. Since tropical developing countries are net exporters of alien species to importer countries, and appropriate guidance for the formation and implementation of regulations is essential, the AHTEG encourages the provision of appropriate funding and capacity-building for risk assessment of invasive alien species;

(d) Tools and practices addressing the risks of live bait and live food are limited. The FAO and International Council for the Exploration of the Sea (ICES) have guidelines on invasives but these are not considered adequate in terms of accidental release.

F. Additional issues

29. Pursuant to decision VII/13, in 2005 a AHTEG on gaps in the international regulatory framework for invasive alien species identified gaps and inconsistencies in the international regulatory framework identified 14 gaps including one on the introduction of alien species as pets, aquarium species, and as live bait and live food (UNEP/CBD/SBSTTA/11/INF/4). The current AHTEG noted:

(a) The AHTEG has not since been mandated to update these gaps;

(b) In the present document, the introduction of plant alien species as aquarium or terrarium species, and as live bait and as live food are not explicitly addressed because they could be addressed by the IPPC under certain circumstances.

30. More work is needed, especially for live bait and live food, and supplementary approaches might be needed to make progress. Each pathway of introduction has different stakeholders and effective mitigation measures may correspondingly be different for each of them.

31. The mandate of the IPPC is not clear about whether fungi are included among the organisms to be protected under IPPC. The IPPC Secretariat should ascertain whether or not its mandate extends to fungi health and protection. If fungi and pests of fungi are not covered by the IPPC, this gap in the international regulatory framework should be considered. The IPPC should also explicitly state whether bryophytes, algae, lichens and their pests are covered by the IPPC.

32. One peer-reviewer of the AHTEG report questioned whether the IPPC covered plant species in marine environments.

33. It was pointed out that consequences of escapes or releases of alien species, including invasive alien populations or genotypes used as pets or as live bait and live food, for genetic diversity in wild populations needed to be addressed.
