

Explanatory Statement 2 of 2023

Environment Protection and Biodiversity Conservation Act 1999

Amendment to the list of CITES species for the purposes of the Act (11/1/2023)

Practical and legal effect

1. The treaty action is the amendment of Appendix III of the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (the Convention) following the Secretariat's Notification to Parties 2022/073 dated 13 October 2022 of a request by the European Union. The European Union has requested the inclusion of the Antilles pinktoe tarantula (*Caribena versicolor*) in Appendix III of the Convention.
2. Under the Convention, Parties may list species on Appendix III that need the cooperation of other countries to prevent unsustainable or illegal exploitation. Listing on Appendix III requires other Parties to assist in the regulation of international trade of those species. Unlike amendments to Appendices I and II, amendments to Appendix III can be made unilaterally and do not require agreement by the Conference of the Parties.
3. *Caribena versicolor* does not occur in Australia, nor does Australia trade in specimens of this species. None of the tarantula species can be legally imported to Australia under the *Environment Protection and Biodiversity Conservation Act 1999* (the Act). The Office of Impact Analysis have advised that these amendments will have minor regulatory impacts (ID 03773): there are no other regulatory impacts.

Nature and timing of proposed treaty matter

4. Under Article XVI, paragraph 1 of the Convention, a Party may at any time submit to the Secretariat a list of species identified as being subject to regulation within its jurisdiction for the purposes of Article II, paragraph 3 of the Convention. Each list so submitted shall be communicated to the Parties as soon as possible after receiving it and the list shall take effect as part of Appendix III, 90 days after the date of notification.
5. As the Secretariat notified Parties on 13 October 2022 (Notification to the Parties 2022/073), the amendments automatically entered into force on 11 January 2023 for all State Parties that did not enter a reservation to them. Australia did not enter a reservation to the amendments and, as such, is bound by them.

Reasons for Australia to take the proposed action relating to the treaty matter

6. The treaty action is consistent with Australia's strong commitment to the Convention and to international cooperation for the protection and conservation of wildlife more generally.

Implementing Legislation

7. The Act provides for the protection of the environment, including wildlife that may be adversely affected by trade, and the implementation of Australia's international environmental responsibilities.
8. Section 303CA provides that the Minister must, by legislative instrument, establish a list of species for the purposes of the Act. Under subsection 303CA(3) of the Act, the list must include all species from time to time included in any of Appendices I, II and III to the Convention. The list will be updated to reflect the amendments.

First Nations Heritage, Wildlife and Planning Division
Department of Climate Change, Energy, the Environment
and Water

Submitted to JSCOT

April 2023



NOTIFICATION TO THE PARTIES

No. 2022/073

Geneva, 13 October 2022

CONCERNING:

Amendments to Appendix III

1. In accordance with the provisions of Article XVI, paragraph 1, of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the European Union has made a request to the Secretariat in relation to the inclusion of the following species in Appendix III:

FAUNA

ARTHROPODA

ARACHNIDA

ARANEAE

Theraphosidae

Caribena versicolor

2. In accordance with the provisions of Article XVI, paragraph 2, of the Convention, this amendment to Appendix III shall take effect 90 days after the date of this Notification, i.e. on 11 January 2023.
3. The revised edition of the CITES Appendices will be placed on the CITES website when it enters into effect.