

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

NON-DETRIMENT FINDINGS

Introduction

1. Article III, paragraph 2(a) and Article IV, paragraph 2(a) of the Convention require that, prior to the issuance of an export permit for the export of a specimen of a species included in Appendix I or Appendix II, the Scientific Authority of the exporting country must be satisfied that the export will not be detrimental to the survival of the species (the “non-detriment finding”).
2. Article III, paragraph 3(a) of the Convention further requires that, prior to the issuance of an import permit for the import of a specimen of a species included in Appendix I, the Scientific Authority of the importing country must be satisfied that the purposes of the import will not be detrimental to the survival of the species (also called a “non-detriment finding”).
3. Article III, paragraph 5(a) and Article IV, paragraph 6(a) of the Convention require, as a condition of granting a certificate of introduction from the sea, that a Scientific Authority of the State of introduction from the sea has advised that the introduction will not be detrimental to the survival of the species concerned (also called a non-detriment finding).
4. As recognized by the Secretary General, adequate implementation of the non-detriment finding requirements is “obviously essential for achieving the aims of the Convention.”¹
5. Moreover, as the Secretary General has stated, “It is also obvious that this advice requires sufficient knowledge of the conservation status of the species and that a positive advice should not be given in the absence thereof.”²

¹ Willem Wijnstekers, *The Evolution of CITES: A Reference to the Convention on International Trade in Endangered Species of Wild Fauna and Flora* (8th ed. 2005).

² *Id.*

6. Successful implementation of the non-detriment finding requirements is especially important for Appendix II species because adequate non-detriment findings will ensure that harvests and trade are maintained at sustainable levels.
7. Inadequate implementation of the requirement to make non-detriment findings has led to species being transferred from Appendix II to Appendix I and has also led to stricter domestic measures imposed by importing countries.
8. Goal 2 of the *Strategic Plan for the Convention*, Doc. 11.12.2, confirms that “[c]ontinued strengthening of the treaty’s scientific basis is critical to the continued success of the Convention and its relevance as a major international instrument to ensure that wild animals and plants subject to international trade are used at levels that are sustainable by the wild populations. Vital to this goal is an enhancement of the ability of Scientific Authorities to make the necessary scientific findings and fulfill their other scientific obligations under the Convention.”³
9. Achievement of this goal depends on clarifying and improving the scientific bases on which Scientific Authorities make non-detriment findings. To that end, Objective 2.3 of the Strategic Plan calls for improving the scientific basis by which Scientific Authorities make non-detriment findings, by developing practical guidance for making non-detriment findings, including a manual and checklist, and samples of non-detriment findings and case studies; facilitating national and regional training for Scientific Authorities in the issuance of scientifically-based non-detriment findings; ensuring that the necessary scientific information is taken into consideration when making non-detriment findings (e.g., life history, ecological adaptability, distribution, abundance, population trends, and management programme); ensuring that management plans involve periodic research, monitoring, testing, evaluation, and opportunities for improvement (including adaptive management); and providing opportunities for Scientific Authorities to exchange information and data (e.g., sharing of non-detriment findings; sharing of data, management plans and case studies; postings to a web site; and communication through listserves).
10. In addition to clarifying what constitutes adequate scientific information for non-detriment findings, the continued success of the Convention depends on clarifying the conditions necessary to enhance implementation and enforcement of non-detriment finding requirements.
11. A clear understanding of the proper criteria on which to base a non-detriment finding, of the tools and support available for better implementation of the non-detriment finding requirements, and of the ability of Parties to enforce the

³ CITES, *Strategic Plan for the Convention*, Doc. 11.12.2, p.6.

non-detriment finding requirements is consistent with the goal of the *Strategic Plan for the Convention* to strengthen the Convention's scientific basis. It will also help ensure that the Parties achieve the goals of the Convention to the best of their abilities.

Scope and Purpose of this Proposal

12. This proposal follows up on the *Strategic Plan for the Convention*, which emphasizes "improv[ing] the scientific basis by which Scientific Authorities make non-detriment findings."⁴ An important first step in that process is clarifying what constitutes sufficient knowledge of a species' conservation status. Accordingly, this proposal suggests adopting a resolution that gives guidance on the appropriate scientific, management, and trade data on which to base non-detriment findings.
13. Although the IUCN's 2002 document "*Guidance for CITES Scientific Authorities: Checklist to assist in making non-detriment findings for Appendix II exports*" is widely available and the "checklist" has been incorporated into Inf. Doc. 11.3, the Parties and the Secretariat have continued to express the need to further clarify the parameters of adequate non-detriment findings. For example, the Animals Committee included in its working program for 2003-2004 the development of "a programme to assist Scientific Authorities in making non-detriment findings in accordance with the provisions of Article IV of the Convention." AC19 Doc. 6.3. At its May 2005 meeting, the Animals Committee increased the priority from low to medium for developing "practical guidance for making non-detriment findings, including a manual and checklist, and samples of non-detriment findings and case studies; and support to the Secretariat in its work on the development and implementation of a programme to assist Scientific Authorities in making non-detriment findings in accordance with the provisions of Article IV of the Convention." AC21 Summary Record, page 4.
14. As such, this proposed resolution lays out the type of information that is important for adequate non-detriment findings. By setting forth this information in a Resolution, the Parties will establish a baseline for what is expected of a non-detriment finding. With this, the Parties can focus their efforts on ensuring that all Parties have the capacity and support to make adequate non-detriment findings.
15. As a Resolution, the criteria can be easily accessed. Moreover, a Resolution reflects the Parties' agreement, which is an important step both for implementation of the *Strategic Plan* and of the Convention.
16. Further, with the basis for adequate non-detriment findings set forth in a Resolution, the Parties have a clearer idea of what to strive for and of other

⁴ *Id.*

Parties' expectations. Describing the parameters of an adequate non-detriment finding in a Resolution provides a better foundation for implementation of non-detriment finding requirements.

17. The proposed Resolution also clarifies the enforcement mechanisms available to Parties regarding non-detriment findings.

Non-detriment Finding Criteria

18. Resolution Conf. 10.3 recommends that “the findings and advice of the Scientific Authority of the country of export be based on the scientific review of available information on the population status, distribution, population trend, harvest, and other biological and ecological factors, as appropriate, and trade information relating to the species concerned.”
19. This proposed Resolution advises Parties, more specifically than Resolution Conf. 10.3, on the type of information an adequate non-detriment finding might be based on. Further, the proposed Resolution is broader than the *IUCN Checklist* because it provides guidance on non-detriment findings for Appendix I species as well. Additionally, the proposed Resolution is less a method for making non-detriment findings, like the *IUCN Checklist*, than it is guidance on the types of information that should be considered to make an adequate non-detriment finding. In this way, the proposed Resolution offers more flexibility for species- and country-specific concerns than the *IUCN Checklist*.
20. Article III, paragraph (2)(a) and Article IV, paragraph (2)(a) of the Convention states that an “export [must] not be detrimental to the survival of that species.” Article III, paragraph (3)(a) of the Convention states that, for Appendix I species, “the import will be for purposes which are not detrimental to the survival of the species involved.” As written, the export and import non-detriment findings have different meanings. The export non-detriment finding focuses on the *removal* of the specimen from the country of export, whereas the import non-detriment finding focuses on the *purpose* of the removal and subsequent export and import. Neither the Convention text nor any Resolution further defines this difference in terms of the information required for each non-detriment finding, yet this understanding is vital to proper implementation of the Convention.
21. The proposed Resolution clarifies the distinction between a non-detriment finding required prior to issuance of an export permit and a non-detriment finding required prior to issuance of an import permit.
22. Because the non-detriment finding for imports focuses on the purposes of the import, trade data and trends, as well as data regarding the end-use of the specimen are important to this finding. This data includes: the purpose of the

import; the commercial destinations or end users of the specimens traded; the main type of product derived from the species; whether the import will likely increase demand for trade in the species or specimens of the species; recent trends regarding trade in that species; and any information received from the country of export.

23. The non-detriment finding for exports focuses on the removal of a specimen of a species from the country of export. As such, this finding requires solid knowledge of the conservation status of the species, including extensive biological data and information regarding harvest and management of the species.
24. Without a sound understanding of the conservation status of species in trade, especially Appendix II species, the Parties risk trading at unsustainable levels. Unsustainable trade levels increase the chances that Appendix II species will need to be transferred to Appendix I, which would diminish opportunities for the development and conservation benefits that may be derived from such trade.
25. Sound and extensive biological data is especially important for specimens removed from the wild. The biological data that may be necessary for an adequate export non-detriment finding include: the age and sex of each specimen removed from a wild population; the current size and recruitment rate of the wild population; the general biological characteristics of the species; the national status of the species, including data on distribution and fragmentation, population abundance, trends in population status, impacts and threats to the survival of the population; and the status of the species within its range, if information is available.
26. Information regarding harvest is also important because different types of harvest may not be as detrimental as others. Further, maintaining sustainable harvests depends on an understanding of illegal and unmanaged harvest trends. For these reasons, an adequate non-detriment finding should include information on the type of harvest, the degree of control over the harvest, and harvest levels.
27. Finally, an adequate export non-detriment finding may depend on management data. Management data is important because it indicates the likelihood of sustainable and controlled harvesting and the likelihood of harvest trends reflecting market and demand trends. This type of information includes: the management history of the species; the existence and past success of a management plan; the purpose of any management plan in place for that species (e.g. obtaining harvest benefits versus control of a target population); the use of quotas; confidence in the effectiveness of monitoring; an assessment of human use compared with other threats; and an assessment of the portion of the population strictly prohibited from harvest.

28. Resolution Conf. 10.3 suggests that export non-detriment findings “be based on the scientific review of available information.” This leaves open the possibility that a non-detriment finding could be made on the basis of no information, if none is available. Given the Secretary General’s advice that “it is also obvious that this advice [the non-detriment finding] requires sufficient knowledge of the conservation status of the species and that a positive advice should not be given in the absence thereof,”⁵ the Parties would benefit by clarifying in a Resolution that an adequate non-detriment finding cannot be made in the absence of sufficient data.
29. If trade in the species for which there is no information is to ensue at a later date, the exporting Party, perhaps with support from others, including the Secretariat, other Parties, and non-governmental organizations, must undertake to gather sufficient information.
30. Additionally, the proposed Resolution makes clear that when a sufficient non-detriment finding is made, but certain data may be missing, any lack of information should be explained and justified. In some cases, this may mean simply that certain information is inapplicable; in others, for example, it may mean that studies are ongoing but unfinished.

Capacity-Building and Support for Making Non-Detriment Findings

31. Resolution Conf. 10.3 recommends that “the Parties consult with the Secretariat when there is reason for concern as to whether the proper Scientific Authority findings are being made” and encourages the Secretariat and NGOs to “develop and support workshops/seminars designed specifically to improve the implementation of CITES by Scientific Authorities.”
32. The proposed Resolution reminds Parties and the Secretariat and NGOs of these opportunities. Further, it encourages Parties that may think they need support to make adequate non-detriment findings to seek such support from the Secretariat, other Parties, and relevant NGOs.
33. Each Party has the primary responsibility to ensure that it can fulfill its obligations under the Convention, which means the ability to make adequate non-detriment findings. To facilitate the fulfillment of this responsibility, the proposed Resolution recommends that Parties designate a contact person in their Scientific Authority responsible for ensuring that non-detriment findings are made and made adequately.
34. The proposed Resolution recommends that the contact person in each Scientific Authority regularly share their information and data supporting their

⁵ WILLEM WIJNSTEKERS, THE EVOLUTION OF CITES 67 (7th ed. 2003).

non-detriment findings with the Secretariat, and, upon request, directly with other countries involved in trade of relevant species.

Enforcement

35. Especially important to the proper implementation of the Convention are enforcement mechanisms. The preamble to Resolution Conf. 10.3 notes that the issuance of permits without appropriate findings, including non-detriment findings, “constitutes a lack of compliance with the Convention and seriously undermines species conservation.” However, no Resolution clearly articulates that Parties have the authority to respond to inadequate non-detriment findings.
36. Legal cases in the United States and the United Kingdom highlight this lack of clarity. In one case in the United States, the court ruled that the relevant authorities had the discretion to determine whether a non-detriment finding had been adequately made, even when, facially, the permit indicated that it had been. The court ruled that the relevant officials could detain the shipment until officials ascertained whether or not the permit finding had actually been made by the relevant CITES officials in the exporting country. *Castlewood Products v. Norton*, 365 F.3d 1076 (D.C. 2004), affirming 264 F. Supp. 2d. 9 (D.C.D.C. 2003).
37. In a U.K. case, the court ruled that a permit is valid as long as it is completely filled out. This led the court to rule that an importing country is not required to reject an export permit even if it learns that the Management Authority in the exporting country was not satisfied that the appropriate findings had been adequately made. *R (on the application of Greenpeace) v. Secretary of State for the Environment, Food and Rural Affairs*, [2002] EWCA Civ. 1036 (July 25, 2003).
38. Because both cases turned on what constitutes a “valid” permit, the language of the proposed Resolution focuses on whether the importing country has reason to believe that relevant permit findings of Articles III, IV, or V of the Convention have been made adequately.
39. Further, although both Resolution Conf. 11.3 and 12.3 recommend that Parties “not authorize the import of any specimen if they have reason to believe that it was not legally acquired in the country of origin,” this authority does not extend to the other permit requirements of Articles III, IV, and V. The proposed Resolution includes language that directly grants Parties the authority to detain shipments of specimens if they know or have reason to believe that the specimens are being traded without the relevant permit findings being made or without adequate support for the finding, regardless of whether the permit specifies that the finding has been made.

40. Finally, the proposed Resolution includes, as an operative provision, that “the issuance of permits without appropriate findings constitutes a lack of compliance with the Convention and seriously undermines species conservation.”

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Guidelines for Making Non-Detriment Findings

RECALLING that Article III, paragraph 2(a), and Article IV, paragraph 2(a), of the Convention require, as a condition for granting an export permit, the Scientific Authority of the State of export to advise that the export “will not be detrimental to the survival of that species;”

RECALLING also that Article III, paragraph 3(a) of the Convention requires, as a condition for granting an import permit, the Scientific Authority of the State of import to advise that an import “will be for purposes which are not be detrimental to the survival of that species” for species listed in Appendix I;

RECALLING further that Article III, paragraph 5(a) and Article IV, paragraph 6(a) require, as a condition for granting a certificate of introduction from the sea, the Scientific Authority of the State of introduction from the sea to advise that the introduction will not be detrimental to the survival of the species concerned;

CONVINCED that the issuance of adequate non-detriment findings is essential for achieving the aims of the Convention;

RECOGNIZING that Resolution Conf. 10.3 recommends that the findings and advice of the Scientific Authority of the country of export be based on the scientific review of available information on the population status, distribution, population trend, harvest and other biological and ecological factors, as appropriate, and trade information relating to the species concerned;

AWARE of the workshops which have been conducted since the Eleventh Meeting of the Conference of the Parties to improve the implementation of CITES by Scientific Authorities;

RECALLING that Objective 2.3 of the Strategic Plan calls for improving the scientific basis by which Scientific Authorities make non-detriment findings, by developing practical guidance for making non-detriment findings, including a manual and checklist, and samples of non-detriment findings and case studies; facilitating national and regional training for Scientific Authorities in the issuance of scientifically-based non-detriment findings; ensuring that the necessary scientific information is taken into consideration when making non-detriment findings (e.g., life history, ecological adaptability, distribution, abundance,

population trends, and management programme); ensuring that management plans involve periodic research, monitoring, testing, evaluation, and opportunities for improvement (including adaptive management); and providing opportunities for Scientific Authorities to exchange information and data (e.g., sharing of non-detriment findings; sharing of data, management plans and case studies; postings to a web site; and communication through listserve).

RECOGNIZING that CITES Inf. Doc. 11.3 and existing IUCN Guidelines provide some guidance to Scientific Authorities on how to determine whether an export of a specimen of a species included in Appendix II will be detrimental to the survival of the species;

CONCERNED that, despite this guidance and the provision of assistance to Scientific Authorities for making non-detriment findings, trade in species, especially Appendix II species, continues to take place in the absence of adequate non-detriment findings, thus increasing the likelihood that species must be included in Appendix I;

NOTING that parameters for making and verifying non-detriment findings are not specified in the Convention or in any Resolutions currently in effect;

CONVINCED that specifying parameters for conducting and verifying non-detriment findings will assist Parties to comply more effectively with Article IV, paragraphs 2(a) and 6(a), as well as with Article III, paragraphs 2(a), 3(a), and 5(a);

CONVINCED further that having the Secretariat serve as a clearinghouse for all the supporting data and information of all non-detriment findings will greatly improve the making of non-detriment findings as well as draw attention to Parties that may need more capacity and support to make adequate non-detriment findings and to trade in certain species that may warrant closer scrutiny;

NOTING further that although Resolution Conf. 12.3 (Rev. CoP13) recommends that Parties “not authorize the import of any specimen if they have reason to believe that it was not legally acquired in the country of origin,” while Resolution Conf. 11.3 (Rev. CoP13) recommends “if an importing country has reason to believe that specimens of an Appendix-II or -III species are traded in contravention of the laws of any country involved in the transaction, it . . . where possible, apply stricter domestic measures to that transaction,” this authority does not extend to cases of non-compliance with other permit requirements of Articles III, IV, and V;

CONVINCED further that mechanisms to verify whether valid non-detriment findings have been made are especially important to the proper implementation of the Convention;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

I. Basic Principles

DETERMINES that the issuance of permits by a Management Authority without appropriate Scientific Authority findings constitutes a lack of compliance with the provisions of the Convention;

AGREES that when a specimen is removed from the wild and remains in the State where removal occurred, the issuance of an export permit, including a finding that the export will not be detrimental to the survival of the species concerned is required, regardless of how much time has passed between removal from the wild and export;

AGREES that Scientific Authorities should make non-detriment findings based on the most current and credible scientific and management information available, including, but not necessarily limited to, peer-reviewed information.

AGREES that:

- 1) when making non-detriment findings, the Parties base such findings on the information included in Section II.A for exports of specimens of species included in either Appendix I or II or Section II.B for imports of specimens included in Appendix I;
- 2) if any of the information specified in Section II.A or II.B is inapplicable or unavailable, the Parties state as much as part of their non-detriment finding;
- 3) if no or insufficient information is available, the Parties decline to authorize the trade of a species and issue a finding of “unable to assess detriment,” because under these circumstances an adequate non-detriment finding cannot be made;
- 4) the Parties regularly submit the data and information supporting their non-detriment findings to the Secretariat and any other CITES subsidiary body that requests such information; and
- 5) the Secretariat maintain a database of available scientific information and relevant experts on the CITES website to assist Scientific Authorities.

II. Non-Detriment Finding Criteria

A. Non-detriment findings for exports of Appendix I and II specimens

AGREES that the following criteria must be considered, if applicable, for an adequate non-detriment finding for the export of a species or specimens of a species:

Harvest

- a) the type of harvest of animals, specifically, whether the species or the specimen of a species at issue was:
 - i. bred in captivity;
 - ii. non-lethally harvested for parts or products;
 - iii. ranched;
 - iv. designated by the government as a pest;
 - v. removed alive from the wild population;
 - vi. killed; or
 - vii. incidentally killed or captured;
- b) the type of harvest of plants, specifically, whether the species or the specimen of a species at issue was:
 - i. artificially propagated;
 - ii. non-lethally harvested for fruits, flowers, seeds, or leaves;
 - iii. non-lethally harvested for bark, roots, or wood;
 - iv. removed in its entirety from the wild population;
 - v. deprived of its entire bulb from the wild population; or
 - vi. killed;
- c) the degree of control over harvest, distinguishing between harvest that is regulated (via scientifically-based quotas and management plans) and that which is illegal or unmanaged;
- d) the demographic segment removed from the wild population, including the age and sex (when applicable) of each specimen removed;
- e) the reason for harvest, such as subsistence uses versus commercial incentives;
- f) an assessment of illegal harvest (based on information from local rangers and other enforcement personnel in the field);
- g) confidence in the effectiveness of harvest control in areas that are protected, have strong resource tenure or ownership, or have open access;
- h) an assessment of the portion of the population of a species that is strictly protected from harvest, as well as the effectiveness of this level of protection and enforcement;

- i) harvest methods and detriment to conspecifics that are either removed (e.g. bycatch) or not removed;
- j) domestic storage or maintenance, if alive, and domestic transport methods;

Biology

- k) current size and recruitment rate of the wild population;
- l) the general biological characteristics of the animal species, including:
 - i. life history (e.g. the likely ability of the species to sustain harvesting without loss of productivity or viability);
 - ii. ecological adaptability (e.g. whether the species is a generalist or a specialist with respect to habitat requirements, diet, etc.; the species' tolerance for environmental variability);
 - iii. dispersal efficiency (e.g. potential for re-colonizing areas from which the species has been extirpated); and
 - iv. tolerance toward humans (i.e. the species' ability to tolerate human activity and interaction);
- m) the general biological characteristics of plant species, including:
 - i. life form (such as annuals, biennials, perennials, shrubs, or trees);
 - ii. regeneration potential (reproductive speed and capacity, via seeds, spores, or vegetatively);
 - iii. dispersal efficiency (the ability of a species to disperse widely and re-colonize areas from which they have been locally extirpated); and
 - iv. habitat (focusing on the length of time required for re-establishment or recovery);
- n) the status of the species, both at the national level and within its range, including:
 - i. the pattern of distribution/fragmentation;
 - ii. abundance of the species;
 - iii. trends in population status, combined with the age and sex structure of the population (ideally measured over a period of time when the species is not being harvested);
 - iv. the severity of impact of major threats to the species (such as overuse, habitat loss/alteration, invasive/competing species, climate change, and others); and
 - v. any other ecological factors affecting the species;

Management

- o) confidence in the effectiveness of monitoring, whether via direct population estimates or other measures of density or recruitment, according to the best practice for the taxon;
- p) an assessment of human use compared with other threats, recognizing that the use of a species may bring conservation benefits for certain species or habitats;
- q) the management history of the species (how long and effectively it has been managed);
- r) the existence, reliability, and effectiveness of a management plan (if any); and
- s) the aims of such a management plan (for example, obtaining conservation benefits versus control of a target population).

B. Non-detriment findings for imports of Appendix I specimens

AGREES that, if applicable, the impact of the following criteria on the conservation of the species must be considered for an adequate non-detriment finding for the import of a species or specimens of a species:

- a) the commercial destinations, or end users, of the harvest;
- b) the main type of product derived from the species or the use to which it is put (e.g. captive display);
- c) whether the purposes of the import will likely increase demand for trade in the species or specimen of that species;
- d) the number of imports of that species or specimen of that species imported during at a minimum, the last five years;
- e) recent trends, whether increasing or decreasing, regarding trade in specimens of a species to the importing country specifically and regarding all trade in that species, to the extent that information is available; and
- f) any information received from the country of export;

III. Technical and Other Support for Non-Detriment Findings

RECOMMENDS that:

- 1) Parties designate a contact person in a Scientific Authority responsible for ensuring that non-detriment findings are conducted for all Appendix I species subject to import, export, and introduction from the sea, as

required by Article III, and all Appendix II species subject to export and introduction from the sea, as required by Article IV;

- 2) Parties ensure that the contact persons are trained in making non-detriment findings and are enabled to train others in the conduct of non-detriment findings.

CALLS on the Parties:

- 1) to continue collaborative efforts via local or regional working groups on non-detriment findings;
- 2) to seek assistance from the Secretariat, other Parties, or relevant NGOs when a Party believes that assistance with making non-detriment findings would be helpful or is necessary to fulfill the aims of the Convention.

DIRECTS the Secretariat to:

- 1) provide, on request, to Scientific Authorities, including contact persons, technical assistance and advice concerning the making of non-detriment findings through general training and case-by-case analyses;
- 2) establish and regularly update a register of contact persons for non-detriment findings and scientific experts and post it on the CITES website;
- 3) establish and regularly update, by requesting such information from the Parties, a database of information and data used to support non-detriment findings and make it available on the CITES website.

IV. Verification of Non-Detriment Findings

RECOMMENDS that:

- 1) if the relevant authorities know or have reason to believe that specimens of species included in Appendix I or II are traded without adequate non-detriment findings being made or without adequate support for the non-detriment finding, regardless of whether the permit specifies that the finding has been made, they:
 - a) immediately inform the country whose permit findings are thought not to have been made adequately and, to the extent possible, provide that country with copies of all supporting documentation relating to the non-detriment finding;

- b) immediately detain such shipments of specimens until information is received confirming that the non-detriment finding was made adequately; and
- c) where possible, apply stricter domestic measures to that transaction as provided for in Article XIV of the Convention.