

Annex II

DRAFT METHODS, TOOLS AND MEASURES FOR IDENTIFICATION AND MINIMIZATION OF ADDITIONAL RISKS ASSOCIATED WITH CROSS-BORDER E-COMMERCE IN LIVE ORGANISMS AND THE IMPACTS THEREOF

(PROVISIONAL ADVICE PURSUANT TO DECISION 14/11, ANNEX II, PARAGRAPH 1 (B))

A. Suggested actions for national and/or subnational authorities/border agencies

1. Legislation and policy set by States

1. Investigate and evaluate the risks posed by all forms of e-commerce to the introduction and spread of invasive alien species and their parts and, if necessary, develop and implement appropriate risk management activities. See also decision XII/17, paragraph 9 (d).
2. Implement when addressing trade with invasive alien species through e-commerce, decision XIII/13, paragraphs 7 and 8, and use the voluntary guidance on devising and implementing measures to address the risks associated with the introduction of alien species as pets, aquarium and terrarium species, and as live bait and live food (decision XII/16) and the supplementary guidance for avoiding unintentional introductions of invasive alien species associated with trade in live organisms (decision 14/11), as relevant.
3. Review existing national and/or subnational legislation, regulations and policies to verify that e-commerce is adequately addressed or make changes as needed to ensure that enforcement actions can be taken, in accordance with decision XIII/13, paragraph 2.
4. Establish mechanisms to identify commodities of concern that may be obtained via e-commerce with a focus on high and potential high-risk consignments, such as soils, growing media, and living organisms.
5. Consider the use of lists that specify which species may be imported and restrict the remainder, rather than lists that only identify those species whose import is prohibited or restricted, in the interests of preventing the unintended introduction of invasive alien species, and especially in the case of countries that are vulnerable to invasive alien species, such as small island developing States, island countries, and countries with islands. These considerations should be consistent with the guidance contained in decisions XII/16, paragraph 23,¹ and decision 14/11, paragraph 11(a),² as well as other applicable international obligations and standards, including those recognized by the World Trade Organization Agreement on the General Agreement on Trade in Services (GATS) that are relevant for cross-border e-commerce, as well as in accordance with decisions XII/16, paragraph 22 and 14/11, paragraph 11(a).

2. Indigenous peoples, local communities and relevant stakeholders' engagement

6. In accordance with decision XIII/13, paragraph 7, develop mechanisms, in collaboration with e-commerce stakeholders, for identification of e-commerce traders, their locations and other stakeholders with a view to facilitating inter-agency and multi-stakeholder participation and cooperation.
7. Engage with indigenous peoples and local communities, women and youth, as well as the wider community and general public for detection of early incursion, establishment or spread of invasive alien species, including from e-commerce, across traditional lands and waters, as well as the wider community and general public.
8. Ensure, in accordance with decision 14/11, paragraph 10, compliance with the sanitary, phytosanitary and veterinary import requirements of importing countries among e-commerce customers

¹ States should maintain lists of species with the assessed potential to become invasive and associated with unacceptable risks for biodiversity and make it available through the clearing-house mechanism or other appropriate means. Decision XII/16, para. 23.

² Encourages Parties and invites other Governments (a) to develop and share a list of regulated invasive alien species, based on the results of risk analysis, where appropriate. Decision 14/11, para. 11 (a).

and traders by providing quality information on the risks to the customer's country (legal, environmental and health related).

9. Strengthen coordination with postal and express courier services to ensure that relevant information on the risks and preventive measures are conveyed to e-commerce users in accordance with decision XII/16, paragraph 24, and taking into consideration decision 14/11, annex I, paragraphs 7, 9-11, 13 and 29.

10. Ensure, in collaboration with national and regional trade authorities, that import/export requirements are up-to-date, clear and accessible to e-commerce traders, indigenous peoples, local communities and relevant stakeholders.

11. Aim to inform both sellers and buyers about potentially invasive alien species, focusing on their legal responsibility. Both social media and specialized media, such as pet magazines/journals/books, especially journals from pet or plant association/society and multi-agency targeted publicity campaigns should be used to disseminate correct information, aiming to shift consumer values (e.g. towards native and non-invasive species) and to change behaviours (e.g. to prevent impulse purchase of invasive alien species) in accordance with decision XIII/13, paragraph 7(a).

12. Encourage, taking into consideration decision XIII/13, paragraph 7, e-commerce platforms and e-payment service providers, postal and express courier services to adhere to national regulations, international standards and guidance on invasive alien species in their operations, in consistency with other international obligations.

13. Consider implementing the Single Window³ approach, which allows the sharing of standardized information and documents with a single-entry point to fulfil all import, export and transit-related regulatory requirements. Its implementation at the national and/or subnational level may facilitate reporting on regulated articles (including live alien organisms with phytosanitary and sanitary risks, and risks to biodiversity), taking into account decision XII/16, paragraph 6, decision XIII/13, paragraph 7(c) and decision 14/11, annex I, paragraph 33.

14. Establish legal and policy frameworks that allow for the advanced international electronic sharing and exchange of data between all actors involved in the international supply chain, as appropriate, and use these data to triage packages and determine the level of inspection needed (risk-based inspection).

3. *Monitoring and compliance*

15. Gather data, taking into consideration decision 14/11, annex I, paragraphs 34-36, and in compliance with national legislation and circumstances, using all available means and tools (e.g. crowdsourcing) to monitor compliance and to evaluate the efficacy of activities that are implemented to mitigate risks associated with e-commerce. The data collected should be used, together with other relevant information including compliance history, and relevant information from indigenous peoples and local communities with their free, prior and informed consent, to inform risk-based inspections and determine if investigation or enforcement action is needed. Data analytics should be applied to discern any abnormal trends and patterns, including potential invasive alien species incursion and impact risks.

16. Disseminate good practices and risk-based interventions using best practice methods of data analytics to facilitate legitimate e-commerce and, at the same time, identify and stop illicit trade. Wherever possible, prioritize the use of non-intrusive inspection (NII) technologies, and promote the adequacy of existing technologies e.g. scanners, sniffer dogs and other available tools for the detection of invasive alien species, and the further development of automated biosensors to improve efficient detection of prohibited and restricted articles moving through the express courier and postal systems.

³ A single window is defined as a facility that allows parties involved in trade and transport to lodge standardized information and documents with a single entry point to fulfil all import, export, and transit-related regulatory requirements (see <http://www.wcoomd.org/~media/wco/public/global/pdf/topics/facilitation/activities-and-programmes/tf-negotiations/wco-docs/info-sheets-on-tf-measures/single-window-concept.pdf>).

17. Develop and implement training and tools to facilitate appropriate level of monitoring and inspection in e-commerce markets. This could include developing guidance on monitoring of e-commerce platforms and on the issuance of warnings, notices and other enforcement actions when non-compliances are found in e-commerce transactions, and the proper handling of restricted items seized in compliance with national and/or subnational law.

B. Suggested actions for web marketplaces (sale platforms) and e-payment service providers, postal and express courier services

18. Web marketplaces (sale platforms) and e-payment service providers, postal and express courier services are strongly encouraged to:

(a) Consider the information available from relevant international bodies, national and/or subnational authorities and other sources, regarding the risks (both legal and environmental) posed by invasive alien species and take steps accordingly to make their users aware of them, taking into account decision 14/11, annex I, paragraphs 11-13;

(b) Monitor e-commerce taking place within their platforms or jurisdiction and, consistent with relevant national and/or subnational legislation, alert relevant authorities where there is evidence of illegal or otherwise potentially damaging trade in invasive alien species taking place;

(c) Develop and apply improved management measures to minimize the risks of introduction of invasive alien species through e-commerce, consistent with international and national obligations.

C. Suggested actions for international bodies/agreements and cross-jurisdictional collaboration

19. International bodies/agreements, in collaboration with regional organizations and national authorities, as relevant, are strongly encouraged to undertake the following:

(a) Collaborate to share data, information, technology and expertise on e-commerce in potential invasive alien species;

(b) Draw on guidance from other international bodies, including the ongoing work by the World Customs Organization and in the Bern Convention;

(c) Continue to monitor e-commerce with potential invasive alien species at the global and regional levels with a view to identifying trends and risks in trade of invasive alien species;

(d) Prepare guidance to assist national border agencies in responding to non-compliance, considering that both domestic and international actions may be required to respond effectively;

(e) Improve collaboration between national border agencies in order to enhance opportunities to link existing security initiatives with invasive alien species risk management and targeted (risk-based) inspections. This will also provide a mechanism for timely information-sharing among national border agencies and other relevant ministries/departments on issues related to cross-border e-commerce trade;

(f) Conduct joint capacity-building activities with relevant organizations, Parties and other Governments and provide technical assistance and resources for implementing existing international guidelines and standards, and developing national and/or subnational regulatory frameworks or measures to address the risks associated with e-commerce for all relevant stakeholders including indigenous peoples and local communities;

(g) Expand the concept of “authorized economic operators”⁴ (AEO); trusted trader to cross-border e-commerce and include invasive alien species risks in AEO criteria and requirements. Implementing AEO and trusted trader programmes in the e-commerce environment for postal operators, express carriers and e-platforms, which would result in a lower frequency of inspections;

⁴ See also WCO *Compendium of Authorized Economic Operator Programmes* (2019), <http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/aeo-compendium.pdf?db=web>

(h) Establish frameworks that allow for the advanced electronic exchange of data between all parties involved in the international supply chain and use these data to triage packages and determine the level of inspection needed (risk-based inspection).

D. Suggested actions for relevant international expert organizations

20. Relevant international expert organizations are strongly encouraged to:

(a) Raise awareness among international, national organizations and e-commerce stakeholders about import/export requirements and what can be done to minimize the risk of introduction and spread of alien and potentially invasive species associated with e-commerce, taking into account decision XIII/13 paragraph 7(a);

(b) Building on such frameworks as EICAT,⁵ establish an international invasive alien species risk-based labelling system, to be used for all species sold via e-commerce and provide guidance on the handling and care of organisms. On consignments of live alien species, such labelling should include information to enable identification of hazards for biodiversity and the identification of species or lower taxa (e.g., scientific name, taxonomic serial number or its equivalent), taking into account decisions XII/17 and 14/11 as well as the ongoing work of the Economic and Social Council's Sub-Committee of Experts on the Transport of Dangerous Goods.

⁵ IUCN *Environmental Impact Classification for Alien Taxa*, <https://ipbes.net/policy-support/tools-instruments/environmental-impact-classification-alien-taxa-eicat>