

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



Twentieth meeting of the Plants Committee
Dublin (Ireland), 22-30 March 2012

Proposals for Possible Consideration at CoP16

Proposals to amend the Appendices

Annotations

PREPARATION OF CLARIFICATION OF AND GUIDANCE ON THE MEANING OF
"PACKAGED AND READY FOR RETAIL TRADE" AND OTHER TERMS USED IN THE ANNOTATIONS
REPORT OF THE WORKING GROUP

1. This document has been submitted by the Vice-Chair of the Plants Committee (Mr. Benitez), as coordinator of the intersessional working group on annotations*.

Background

2. At its 15th meeting (Doha, Qatar 2010), the Conference of the Parties adopted Decision 15.31 stating that the Plants Committee shall:
 - a) *prepare clarification (i.e. a glossary or an illustrated brochure to be made available to enforcement authorities) and guidance on the meaning of "packaged and ready for retail trade" and other terms used in the Annotations, and*
 - b) *report at the 16th meeting of the Conference of the Parties (CoP16) and, if necessary, prepare additional amendment proposals for CoP16.*
3. During the 19th meeting of the Plants Committee (PC19, Geneva, 2011), the Vice-Chair of the Committee introduced document PC19 Doc. 11.2 on the *Preparation of clarification and guidance on the meaning of "packaged and ready for retail trade" and other terms used in the Annotations*. This document had three Annexes: Annex 1 listed all the existing plant-related annotations; Annex 2 provided the definitions of all the terms used in plant-related annotations that were already included in the CITES glossary (8 terms); and Annex 3 proposed possible definitions for 22 terms used in plant-related annotations but not included in the CITES glossary.
4. The Plants Committee took note of Annexes 1 and 2 to document PC19 Doc. 11.2, and established a working group (PC19 [WG04](#)) on the *Preparation of clarification and guidance on the meaning of "Packaged and ready for retail trade" and other terms used in the annotations*, chaired by the Vice-Chair of the Plants Committee, and composed of: Australia, Brazil, Canada, China, Germany, Peru, Poland, Republic of Korea, Spain, Thailand, and the United States, as well as representatives of: Species Survival Network, World Conservation Trust, American Herbal Products Association, Fédération des Entreprises de la Beauté, Indena and the International Fragrance Association.

* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat or the United Nations Environment Programme concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

5. The mandate and subsequent recommendations of PC19 WG04 were as follows:

Mandate	Recommendations
a) Review the definitions outlined in Annex 3 to document PC19 Doc. 11.2, in particular that of "Packaged and ready for retail trade", and consider whether they are of sufficient clarity to allow effective implementation of the Convention.	<ol style="list-style-type: none"> 1. Definitions of "essential oil", "extract", "finished product packaged and ready for retail trade", "powder (and powdered)", and "root" were agreed. 2. For the following terms, there is no need to develop specific definitions, because they do not present problems in the implementation of the annotations: "endosperm", "fruit", "in vitro", "naturalized", "pollen", "pollinia", "rhizome", "seedling or tissue culture", "seed", "seedpod", "spore", "sterile container", and "underground part". Definitions for "essential oil" and "extract" be used as working definitions for the purposes of implementing Annotations #11 and #12.
b) Indicate which definitions could be included in a glossary as they currently stand:	<ol style="list-style-type: none"> 1. The five definitions agreed under mandate a) (recommendation number 1 above) to be included in the glossary. 2. Clarification is needed from the Secretariat on the legal status of the glossary and the process of including terms in it. Considerations include, determining whether definitions of terms in annotations should be agreed by the Conference of the Parties, whether these definitions should be included in a Resolution, and the best process for amending the definitions of terms in annotations.
c) Indicate which definitions may need further revision and amendment:	The working group on Annotations for timber species to consider the term 'wood-chips' and provide a definition, if needed.
d) Propose definitions for the following terms included in current plant annotations: 'cut flower' (#1 and #4), 'parts of root' (#3), 'pulp' (#13) and 'copra' (#13);	<ol style="list-style-type: none"> 1. There is no need to define the terms 'cut flower' and 'pulp.' With regard to the term 'copra,' even though the phrasing in Annotation #13 is different in each of the three working languages of the Convention, the working group agreed that it was understood what commodity was intended to be covered by the listing, and therefore, a definition was not necessary. 2. There is further work required on developing a definition of "parts of roots." The United States, in consultation with Canada, will develop a working definition as it relates to Annotation #3.

6. The Plants Committee noted the recommendations of working group PC19 WG04, but recognized that further work was needed. In order to fulfill the mandates of working groups PC19 WG04, PC19 WG12, and PC19 WG06, the Plants Committee decided to form an intersessional working group on annotations, coordinated by the Vice-Chair of the Plants Committee, and co-chaired by the chairs of three sub-working groups, as follows:

- a) Meaning of 'packaged and ready for retail trade' and other terms used in the annotations (Vice-Chair of the Committee).
- b) *Aniba rosaeodora* and *Bulnesia sarmientoi* (European Union – Mr. Valentini).
- c) Tree species: annotations for species included in Appendices II and III (Canada – Mr. Farr).

It was also agreed that the mandates of the intersessional sub-working groups would remain the same as those established during PC19.

Actions taken

8. Mandates a) and b)

Following the recommendation to include in the CITES glossary the five definitions agreed by the working group ("essential oil", "extract", "finished product packaged and ready for retail trade", "powder and powdered", and "root"), the Secretariat was consulted about the legal status of the glossary and the process to include those definitions in it.

In response The Secretariat drew the attention to the PC19 summary record which indicates under item 11.2 that:

The Committee discussed the possible ramifications of the definitions and the legality of their use before a formal adoption by the Conference of the Parties. It was pointed out that the draft definitions should be submitted at CoP16 and that it was not possible to recommend interpretations not adopted by the Conference. The Secretariat clarified that the online CITES glossary contained primarily terms defined in the text of the Convention and in Resolutions, but also terms it had added because they had a specific meaning in CITES. The source of each term was clearly indicated. The glossary also contained extra (so-called "encyclopaedic") information that had been added to definitions sensu stricto were it was felt to be useful.

In elaborating upon the PC19 discussions summarized above, the Secretariat advised the working group that the CITES glossary is a compilation of CITES-relevant terms and, taken as a whole, has no formal legal status. Rather, it is a guidance tool that was developed by the Secretariat to assist CITES Parties.

Individual definitions within the CITES glossary, however, may have a legal status and this status is consistent with the source from which the definition was taken. Definitions taken from the text of the Convention are legally-binding, whereas definitions taken from Resolutions of the Conference of the Parties are recommendatory in nature and non-legally binding. Other definitions (e.g. "amendment proposal") do not have any particular legal status and have been included in the CITES glossary simply because the Secretariat considered they were potentially useful for Parties.

The CITES glossary is updated by the Secretariat after each meeting of the Conference of the Parties in order to add any new or revised definitions adopted by the Conference, and to delete any definitions repealed by the Conference. The Secretariat also adds other definitions from time to time, which it considers will be helpful to Parties. To date, only the Secretariat has contributed definitions to the CITES glossary which are additional to those taken from the Convention or valid Resolutions. If they consider it desirable, Parties could identify other contributors to the CITES glossary in the future (e.g. the Plants Committee). More details about the CITES glossary can be found on the CITES website (see 'Terminology' under the section on 'Resources').

As reflected in the PC19 summary record, definitions of terms in 'substantive' (as distinguished from 'reference') annotations ideally should be adopted by the Conference of the Parties. In order to ensure consistency with Resolution Conf. 11.21 (Rev. CoP15) on *Use of annotations in Appendices I and II*, the definition of a term used in a substantive annotation should be the subject of a proposal by a Party, the Animals or Plants Committee, or the Standing Committee to amend either Appendix I or Appendix II. The proposed definition of a term in any relevant substantive annotation should also be one of the matters addressed in a Party's submission of a species for inclusion in Appendix III.

Once adopted by the Conference of the Parties, or if not objected to by any Party in the case of Appendix III, the definition of a term used in a substantive annotation would be included by the Secretariat, at the instruction of the Conference or following consultation with the relevant Party in the case of Appendix III, in the Interpretation section of the Appendices or in a relevant Resolution. The Secretariat will continue its current practice of including in the CITES glossary any definitions adopted by the Conference.

9. Mandate c)

Concerning a definition of the term "wood-chips", the sub-working group on tree annotations proposed the following definition based on a reference in the UNECE/FAO/ITTO/Eurostat Joint Forest Sector Questionnaire: *Wood that has been reduced to small pieces and is suitable for pulping, for particle board and/or fiberboard production, for use as a fuel, or for other purposes. It excludes wood chips made directly in the forest from roundwood (i.e., already counted as "pulpwood, round and split").* Such wood should be reported in cubic metres solid volume, excluding "bark" and assigned the tariff code HS 4401 (See <http://www.fao.org/forestry/media/7800/1/0/>).

10. Mandate d)

Regarding the definition for “parts of roots”, U.S. and Canadian CITES Authorities continue to discuss the need for a definition for this term and the implementation challenges with regard to annotation #3 as applied to *Panax quinquefolius*, which will be shared with the SC intersessional working group on annotations

Recommendations to the Plants Committee

11. The Plants Committee is invited to adopt the following six definitions:

Term	Definition
1. Essential oil	A hydrophobic liquid or semi-liquid that is predominantly clear and often has a strong odor, which is obtained from raw plant material by methods such as any kind of distillation, or a mechanical process.
2. Extract	Products spontaneously exuded from plants, or obtained from plants by cutting or incision, or by treatment with solvents.
3. Finished product packaged and ready for retail trade	Products requiring no further processing, packaged, labelled and ready for retail trade, in a state fit for being sold to or used by the general public.
4. Powder (and Powdered)	A dry, solid substance in the form of fine or coarse particles.
5. Root	The underground organ or part of a plant, including primary and secondary roots, and underground stems such as bulbs, rhizomes, corms, caudices, and tubers.
6. Wood-chips	Wood that has been reduced to small pieces and is suitable for pulping, for particle board and/or fiberboard production, for use as a fuel, or for other purposes. It excludes wood chips made directly in the forest from roundwood (i.e., already counted as “pulpwood, round and split”).

12. The Plants Committee may also wish to submit to the Standing Committee or the Conference of the Parties, as appropriate, any definitions adopted in accordance with paragraph 11 above, for consideration about their possible inclusion in the CITES glossary.