

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



Nineteenth meeting of the Conference of the Parties
Panama City (Panama), 14 – 22 November, 2022

Species-specific matters

Maintenance of the Appendices

Annotations

REPORT OF THE STANDING COMMITTEE

1. This document has been submitted by the Standing Committee.*
2. At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decision 16.162 (Rev. CoP18) on *Annotations* which directed the Standing Committee to re-establish the working group on annotations, in close collaboration with the Animals and Plants Committees, as follows:

Directed to the Standing Committee, Animals Committee, Plants Committee

16.162 (Rev. CoP18)

The Standing Committee shall re-establish the working group on annotations, in close collaboration with the Animals and Plants Committees, recognizing that the Animals and Plants Committees are an important source of expertise and advice to Parties on such scientific and technical issues. The group shall include, but not be limited to, members from the Standing Committee, Animals Committee, Plants Committee, observer Parties, CITES Management and Scientific Authorities, enforcement authorities, including customs, and industry representatives. The Standing Committee shall particularly endeavour to ensure balanced representation of importing and exporting Parties. The terms of reference for the working group shall be:

- a) *in close collaboration with ongoing efforts in the Plants Committee, to continue reviewing the appropriateness and practical challenges resulting from the implementation of the annotations to the Appendices, including but not limited to those on the tree species, of the agarwood-producing taxa (Aquilaria spp. and Gyrinops spp.), Aniba rosaeodora, Bulnesia sarmientoi and orchids, and to identify options to streamline these annotations taking into account the guidance provided by Resolution Conf. 11.21 (Rev. CoP18) on Use of annotations in Appendices I and II;*
- b) *to develop or refine definitions of terms used in current annotations as appropriate, including but not limited to the terms “musical instruments” and “transformed wood”, and submit them for adoption by the Conference of the Parties and subsequent inclusion in the Interpretation section of the Appendices;*

* *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.*

- c) *to conduct any work related to annotations directed to it by the Conference of the Parties, the Standing, Animals or Plants Committee; and*
- d) *to prepare reports on progress made in addressing the issues tasked to it and submit them for consideration at the 73rd and 74th meetings of the Standing Committee.*

3. At CoP18, the Conference of the Parties also adopted Decisions 18.321 and 18.322 on *Annotation #15*, as follows:

Directed to the Secretariat

18.321 *The Secretariat shall:*

- a) *subject to available resources, undertake a study to assess the effect on Dalbergia/Guibourtia species in international trade of the exemptions contained in Annotation #15 for finished musical instruments, parts and accessories, and the conservation implications thereof;*
- b) *bring any scientific or technical issues to the attention of the Plants Committee and seek its advice; and*
- c) *report the results of its evaluation along with its recommendations to the Standing Committee.*

Directed to the Standing Committee

18.322 *The Standing Committee shall in the context of its work on annotations under the relevant Decisions, consider any report by the Secretariat in accordance with Decision 18.321, undertake additional evaluation if necessary and report to the 19th meeting of the Conference of the Parties. If warranted, the Standing Committee may work with relevant Parties in preparing an amendment proposal for the 19th meeting of the Conference of the Parties.*

Implementation of Decision 16.162 (Rev. CoP18) on Annotations

- 4. At its 72nd meeting (Geneva, August 2019), the Standing Committee formally re-established the intersessional working group on annotations and adopted terms of reference included in Decision 16.162 (Rev. CoP18) above.
- 5. Members of the working group identified a range of challenges pertaining to the implementation and interpretation of current annotations, including annotations for which development of definitions or interpretive text would increase comprehension, and annotations for which amendments to existing text would be required.
- 6. At the 73rd meeting of the Standing Committee (SC73, online, May 2021), Canada, as Chair of the working group on annotations, provided an overview of working group discussions focused on potential amendments to Annotations #4, #11, #12, #14, and to paragraphs 7 and 8 of the Interpretation section of the Appendices (see document [SC73 Doc. 25](#)).
- 7. At its 74th meeting (SC74, Lyon, March 2022), the Standing Committee agreed the following recommendations as presented by the working group on annotations (see document [SC74 Doc. 81](#)):

Concerning paragraph a) of the terms of reference contained in Decision 16.162 (Rev. CoP18)

The Standing Committee endorsed amendments to Annotation #1, Annotation #4, and Annotation #14 and to the parenthetical annotation to *Orchidaceae* in Appendix I as well as the proposed amendment to the French text of Annotation # 14, paragraph f). These amendments are outlined in amendment proposal CoP19 Prop. 43.

Concerning paragraph b) of the terms of reference contained in Decision 16.162 (Rev. CoP18)

The Standing Committee agreed the following proposed amendments:

- a) Amend paragraph 5 of the Interpretation Section of the Appendices by deleting the text “, in solid or liquid media”, as presented in Annex 1 to the present document;

- b) Amend paragraph 7 of the Interpretation Section of the Appendices to further clarify that the whole, live or dead, animal or plant is always included in the listing when a species is listed in Appendix I, II or III pursuant to the definition of “specimen” in Article I, paragraph (b) as presented in Annex 2 to the present document;
- c) Amend the guidance concerning interpretation of the term “Ten (10) kg per shipment” (Annotation #15, paragraph b), provided in paragraph 8 of the Interpretation Section of the Appendices as presented in Annex 3 to the present document;
- d) Amend the definition of “Transformed Wood” in Paragraph 8 of the Interpretation Section of the Appendices to align the English text with that in the French and Spanish versions, and with the text of Harmonized System code 44.09 as presented in Annex 4 to the present document; and
- e) Amend paragraph 8 of the Interpretation Section of the Appendices, by including the definitions of wood and wood products currently located in paragraph c) of Resolution Conf.10.13 (Rev. CoP18) on *Implementation of the Convention for tree species*, for Logs, Sawn wood, Veneer Sheets, and Plywood, so as to facilitate interpretation of # series annotations that apply to tree species.

Concerning paragraph c) of the terms of reference contained in Decision 16.162 (Rev. CoP18)

The work related to annotations directed to the working group by the Plants Committee, noted in paragraph 18 of document PC25 Doc.38 and in the summary record of PC25 (see PC25 SR), was addressed by the working group in its discussions (see document SC74 Doc.81). No additional work related to annotations was received from the Conference of the Parties, the Standing, Animals or Plants Committees.

- 8. As the working group had not achieved consensus on all of the work directed to it in Decision 16.162 (Rev. CoP18), including with respect to Annotations #11, #12 and #14, the Standing Committee requested the Chair of the Standing Committee to work with the working group Chair and the Secretariat to revise Decision 16.162 (Rev. CoP18) deleting those directives that have been accomplished, and to submit a revised Decision to CoP19, proposing its adoption by the Conference of the Parties. The revised decision is presented in Annex 5 to the present document.

Implementation of Decisions 18.321 and 18.322 on *Annotation #15*

- 9. At SC74, the Standing Committee considered a report by the Secretariat that provided an update on the progress in implementation of Decisions 18.321-18.322 on *Annotation #15*. The Secretariat reported that the Netherlands had pledged funding for the study to assess the effect of the exemptions contained in annotation #15 for finished musical instruments, parts and accessories on *Dalbergia/Guibourtia* species in international trade, and that the Secretariat was finalising the terms of reference for the study. The Secretariat further highlighted the progress made by the Plants Committee at PC25 which could serve as a starting point for the study. The Committee agreed to propose to CoP19 the renewal of Decisions 18.321 and 18.322 on *Annotation #15* as presented in Annex 6 to the present document.

Recommendations

- 10. The Conference of the Parties is invited to adopt:
 - a) the proposed amendment to paragraph 5 of the Interpretation Section of the Appendices contained in Annex 1 to the present document.
 - b) the proposed amendments to paragraph 7 of the Interpretation Section of the Appendices contained in Annex 2.
 - c) the proposed amendments to paragraph 8 of the Interpretation Section of the Appendices providing the guidance for interpretation of the term “Ten (10) kg per shipment” contained in Annex 3.
 - d) the proposed amendments to paragraph 8 of the Interpretation Section of the Appendices regarding the definition of “Transformed Wood” contained in Annex 4.
 - e) the proposed revision of Decision 16.162 (Rev. CoP18) contained in Annex 5;

- f) the proposed additions to paragraph 8 of the Interpretation Section of the Appendices to include the definitions of wood and wood products currently located in paragraph c) of [Resolution Conf.10.13 \(Rev. CoP18\) on Implementation of the Convention for tree species](#), for Logs, Sawn wood, Veneer Sheets, and Plywood; and
- g) the proposed revisions of Decisions 18.321 and 18.322 contained in Annex 6

COMMENTS OF THE SECRETARIAT

- A. Pending the outcomes of the deliberations on Proposal 43, the Secretariat recommends the adoption of the proposed amendments to paragraph 5, 7 and 8 of the Interpretation Section of the Appendices contained in Annexes 1, 2 and 3 to the present document. The Secretariat notes that following technical intersessional consultations by the Standing Committee working group, the practical solutions proposed were endorsed by the 74th meeting of the Standing Committee, and subsequently Canada submitted amendment proposal 43.
- B. The condition of transport “in solid or liquid media, transported in sterile containers” mentioned in section 5 of the Interpretation section is also used in the parenthetical annotation to Appendix I Orchidaceae and in annotations #1, #4 and #14. It is important to ensure consistent use of similar language throughout the Appendices and the Interpretation section as suggested in this document and amendment proposal 43, which reflects the evolution in the propagation and transport of certain flora specimens rather than any need to amend the level of protection afforded to any particular species in the Appendices.
- C. The Secretariat further recommends the adoption of the proposed inclusion of the definitions of wood and wood products to paragraph 8 of the Interpretation Section of the Appendices which are currently located in paragraph c) of Resolution Conf. 10.13 (Rev. CoP18) *on Implementation of the Convention for tree species*, for Logs, Sawn wood, Veneer, Sheets, and Plywood.
- D. Regarding the proposed revision of Decision 16.162 (Rev. CoP17) contained in Annex 5, the Secretariat recommends its adoption as a new set of draft decisions instead of an amended version of existing Decision 16.162 (Rev. CoP17).
- E. The Secretariat also recommends the adoption of the proposed revisions to decisions 18.321 and 18.322 on annotation #15 contained in Annex 6 and suggest including them in the new set of draft decisions referred to in paragraph D above.

PROPOSED AMENDMENT TO PARAGRAPH 5
OF THE INTERPRETATION SECTION OF THE APPENDICES

Proposed new text is underlined, proposed deletions are indicated in ~~strike through~~.

5. As none of the species or higher taxa of FLORA included in Appendix I is annotated to the effect that its hybrids shall be treated in accordance with the provisions of Article III of the Convention, this means that artificially propagated hybrids produced from one or more of these species or taxa may be traded with a certificate of artificial propagation, and that seeds and pollen (including pollinia), cut flowers, seedling or tissue cultures obtained in vitro, ~~in solid or liquid media~~, transported in sterile containers of these hybrids are not subject to the provisions of the Convention.

PROPOSED AMENDMENT TO PARAGRAPH 7
OF THE INTERPRETATION SECTION OF THE APPENDICES

Proposed new text is underlined, proposed deletions are indicated in ~~strike through~~.

7. When a species is included in Appendices ~~I, II or III~~, the whole, live or dead, animal or plant is always included. In addition, all parts and derivatives thereof are also included in the same Appendix unless, for animal species listed in Appendix III and plant species listed in Appendix II or III, ~~all parts and derivatives of the species are also included in the same Appendix unless~~ the species is annotated with the symbol # followed by a number to indicate that only specific parts and derivatives are included. The symbol # followed by a number placed against the name of a species or higher taxon included in Appendix II or III refers to a footnote that indicates the parts or derivatives of animals or plants that are designated as 'specimens' subject to the provisions of the Convention in accordance with Article I, paragraph (b), subparagraph (ii) or (iii).

PROPOSED AMENDMENT TO PARAGRAPH 8
OF THE INTERPRETATION SECTION OF THE APPENDICES,
DEFINITION OF 10 (TEN) KG PER SHIPMENT

Proposed new text is underlined, proposed deletions are indicated in ~~strike through~~.

Ten (10) kg per shipment

For the term "10 kg per shipment", the 10 kg limit should be interpreted as referring to the weight of wood of the individual portions of each item in the shipment made of wood of the species concerned each individual annotated species of genus *Dalbergia* or *Guibourtia* present in the items in the shipment. ~~In other words,~~ † The 10 kg limit is to be assessed only against the individual weights of the ~~individual~~ portions of wood of ~~*Dalbergia*/*Guibourtia*~~ each individual annotated species contained in each item of the shipment, and not against rather than against the total weight of the shipment. The total weights present of each individual annotated species are considered individually to determine whether a CITES permit or certificate is required for each individual annotated species, and weights of different individual annotated species are not added together for this purpose.

PROPOSED AMENDMENT TO PARAGRAPH 8
OF THE INTERPRETATION SECTION OF THE APPENDICES,
DEFINITION OF TRANSFORMED WOOD

Proposed new text is underlined, proposed deletions are indicated in ~~strike through~~.

Transformed wood

Defined by Harmonized System code 44.09: Wood (including strips, friezes for parquet flooring, not assembled), continuously shaped (tongued, grooved, rebated, champhered, ~~∨-V-jointed~~, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed.

PROPOSED REVISIONS TO DECISION 16.162 (REV. COP18) ON ANNOTATIONS

Proposed new text is underlined, proposed deletions are indicated in ~~strike through~~.

Decision 16.162 (Rev. CoP1819) Directed to the Standing Committee, Animals Committee, Plants Committee

The Standing Committee shall re-establish the working group on annotations, in close collaboration with the Animals and Plants Committees, recognizing that the Animals and Plants Committees are an important source of expertise and advice to Parties on such scientific and technical issues. The group shall include, but not be limited to, members from the Standing Committee, Animals Committee, Plants Committee, observer Parties, CITES Management and Scientific Authorities, enforcement authorities, including customs, and industry representatives. The Standing Committee shall particularly endeavour to ensure balanced representation of importing and exporting Parties. The terms of reference for the working group shall be:

- a) in close collaboration with ongoing efforts in the Plants Committee, to continue reviewing the appropriateness and practical challenges resulting from the implementation of the annotations to the Appendices, including but not limited to those on the tree species, of the agarwood-producing taxa (*Aquilaria* spp. and *Gyrinops* spp.), *Aniba rosaeodora*, *Bulnesia sarmientoi* and orchids, and to identify options to streamline these annotations taking into account the guidance provided by Resolution Conf. 11.21 (Rev. CoP18) on *Use of annotations in Appendices I and II*;
- b) to develop or refine definitions of terms used in current annotations as appropriate, ~~including but not limited to the terms “musical instruments” and “transformed wood”~~, and submit them for adoption by the Conference of the Parties and subsequent inclusion in the Interpretation section of the Appendices;
- c) to conduct any work related to annotations directed to it by the Conference of the Parties, the Standing, Animals or Plants Committee; and
- d) to prepare reports on progress made in addressing the issues tasked to it and submit them for consideration at the ~~7377~~7478th and ~~7478~~7579th meetings of the Standing Committee.

PROPOSED REVISIONS TO DECISIONS 18.321 AND 18.322 ON ANNOTATION #15

Proposed new text is underlined, proposed deletions are indicated in ~~strike~~through.

Directed to the Secretariat

18.321 (Rev. CoP19) The Secretariat shall:

- a) subject to available resources, undertake a study to assess the effect on *Dalbergia/Guibourtia* species in international trade of the exemptions contained in annotation #15 for finished musical instruments, parts and accessories, and the conservation implications thereof;
- b) bring any scientific or technical issues to the attention of the Plants Committee and seek its advice; and
- c) report the results of its evaluation along with its recommendations to the Standing Committee.

Directed to the Standing Committee

18.322 (Rev. CoP19) The Standing Committee shall in the context of its work on annotations under the relevant Decisions, consider any report by the Secretariat in accordance with Decision 18.321 (Rev. CoP19), undertake additional evaluation if necessary and report to the ~~49th~~ 20th meeting of the Conference of the Parties. If warranted, the Standing Committee may work with relevant Parties in preparing an amendment proposal for the ~~49th~~ 20th meeting of the Conference of the Parties.

**TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS**

According to Resolution Conf. 4.6 (Rev. CoP18) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding. The Secretariat proposes the following tentative budget and source of funding.

The Secretariat considers that the implementation of the decisions has implications for the workload of the Secretariat and the Standing Committee that can be absorbed within the existing allocated budgetary and resources, except for the revised decision 18.321 (Rev. CoP19) that will require external funding:

Decision	Activity	Indicative costs (USD) (excludes Programme Support Costs)	Source of funding
18.321 (Rev. CoP19)	Undertake a study to assess the effect on <i>Dalbergia/Guibourtia</i> species in international trade of the exemptions contained in annotation #15 for finished musical instruments, parts and accessories, and the conservation implications thereof.	80,000 (secured)	External funding (Contribution from the Netherlands)