

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



Joint sessions of the 33rd meeting of the Animals Committee and  
the 27th meeting of the Plants Committee  
Geneva (Switzerland), 12 - 13 July 2024

Appendices of the Convention

Nomenclature matters

Botanical and zoological nomenclature

HIGHER TAXON LISTINGS IN THE APPENDICES

1. This document has been prepared by the specialist on botanical nomenclature of the Plants Committee and the specialist on zoological nomenclature of the Animals Committee, with significant contributions from the Secretariat and incorporating the views expressed by the members of the joint intersessional working group on nomenclature.
2. At its 19th meeting (CoP19; Panama City, 2022) the Conference of the Parties adopted Decision 19.272, as follows:

***Directed to the Animals and Plants Committees***

**19.272** *The Animals and Plants Committees shall, taking into consideration document AC31 Doc. 38 with its Annex and its addendum, as well as the provisions of Resolution Conf. 9.24 (Rev. CoP17) on Criteria for amendment of Appendices I and II, Annex 3, review the impacts of existing and future higher taxon listings in the Appendices and propose further guidance and recommendations as necessary, for consideration by the Standing Committee.*

3. This Decision was adopted following the deliberations on Decision 18.315 on the listing of pangolins (*Manis* spp.) in the Appendices. Document [AC31 Doc. 38](#) and its [Addendum AC31 Doc. 38 Add](#) (paragraphs 7–9), and document [CoP19 Doc. 84.1](#) (paragraphs 29–33) noted that the deliberations in the Animals Committee brought concerns of a broader nature to light. It was therefore deemed advisable to conduct a general consideration of the listing of higher taxa in the CITES Appendices, and consider this matter jointly with the Plants Committee. A basis for these considerations was provided in document [PC26 Doc. 42.2 / AC32 Doc. 45.2](#).
4. At the 26th meeting of the Plants Committee (PC26; Geneva, June 2023) and the 32nd meeting of the Animals Committee (AC32; Geneva, June 2023) a joint intersessional working group (JIWG) of the Plants and Animals Committees was established with the mandate to:
  - a) review the scientific implications and impacts of existing and future higher taxon listings in the Appendices, taking into consideration the aspects raised in document PC26 Doc. 42.2 / AC32 Doc. 45.2;
  - b) review and revise document PC26 Doc. 42.1 / AC32 Doc. 45.1; (this part of the mandate relates to the nomenclature of Appendix III-listed taxa and is addressed in document PC27 Doc. 40.1 / AC33 Doc. 47.1); and

- c) develop draft recommendations and guidance for consideration at the joint session of the 27th meeting of the Plants Committee and the 33rd meeting of the Animals Committee scheduled to take place in 2024.
5. The membership of the joint intersessional working group was presented on the CITES website and can be accessed through this [link](#). The working group deliberated by electronic means during February to April 2024. Substantive responses concerning higher taxon listings were received from Austria, Canada, China, France, Mexico, the United Kingdom of Great Britain and Northern Ireland, the United States of America, the Center for Biological Diversity, and IWMC – World Conservation Trust and are contained in the Annex to the present document in the language it was received.
6. The working group members were asked to share their perspectives and recommendations on:
- a) whether changes to [Resolution Conf. 9.24 \(Rev. CoP17\) on Criteria for amendment of Appendices I and II](#) are needed to provide further clarification on when a higher taxon listing may be deemed appropriate, taking into consideration the scientific aspects of Annex 3 to Resolution Conf. 9.24 (Rev. CoP17); and
  - b) regarding the difference between a higher taxon listing and a listing of all individual species in that higher taxon, whether converting a complete listing of all species in a genus into a genus listing represents a substantive change [i.e., subject to a full amendment proposal under [Resolution Conf. 9.24 \(Rev. CoP17\)](#)], or could be considered a non-substantive change that could be made as a matter of nomenclatural updates to the Appendices mandated under [Resolution Conf. 12.11 \(Rev. CoP19\) on Standard nomenclature](#).
7. Regarding the first issue on possible further clarification of Annex 3 of [Resolution Conf. 9.24 \(Rev. CoP17\)](#), the members provided a diversity of perspectives, which included consideration of:
- a) The implementation challenges posed by species identification and confirmation that a particular species in trade is included in the listing;
  - b) The potential variance in interpretation of the abbreviation ‘spp.’ as denoting all taxa contained in the higher taxon at a time when the higher taxon was included in the Appendices, or at the time of adoption of a standard reference specifying the component species of the higher taxon, versus denoting all taxa currently and in the future placed in the higher taxon;
  - c) The challenge to reconcile the listing of taxa at higher levels in the Appendices with the need to identify, permit, and report specimens and their parts and derivatives in trade at species level;
  - d) The trade-offs between a higher taxon listing extending CITES regulations and implementation resources to component species that do not require such trade regulation, versus the desire to pre-empt trade switching to non-regulated species in a higher taxon when only a selection of species from that higher taxon are individually listed in the Appendices;
  - e) The need for a clear and robust justification for the use of a higher taxon listing, considering the specifics of the taxa in international trade, as well as the appropriate taxonomic level for inclusion in the Appendices;
  - f) The need to specify a nomenclature standard reference for the higher taxon when preparing an amendment proposal concerning a higher taxon, to clarify which species are included in the higher taxon;
  - g) The need for precautionary or conservative considerations regarding the species content of a higher taxon in cases where taxonomy and nomenclature of the higher taxon are uncertain or unresolved;
  - h) The need to evaluate the effects / impacts on the conservation status of individual species included in a higher taxon listing;
  - i) The desirability of guidance and perhaps criteria for the inclusion of taxa under Article II, paragraph 2 (b) of the Convention (i.e., the ‘look-alike criterion’);
  - j) The difficulty of adequately describing all contained species in amendment proposals concerning higher taxa, within the recommended document size limit of 12 pages.

8. While several Parties expressed satisfaction with the current text of Annex 3 to [Resolution Conf. 9.24 \(Rev. CoP17\)](#), Austria recommended that additional text be added to Annex 3, section on Higher taxa, as follows:

*Proposals for the inclusion of higher taxa in the Appendices need to demonstrate for each of the included species that it complies with the listing criteria detailed in this Resolution.*

9. Regarding the second issue on the difference between a higher taxon listing and a listing of all individual species in that higher taxon, the members broadly (but not unanimously) considered that there is a substantive difference between a higher taxon listing, and separately listing all species included in that higher taxon. The substantive difference is the following:

- a) the higher taxon listing explicitly acknowledges that any currently unknown taxa that are yet to be discovered, described, named, and taxonomically placed in the higher taxon, are automatically included in the CITES Appendix in which the higher taxon is listed;
- b) on the other hand, an unknown and newly discovered novel species (i.e., not a split-off from a known and listed species) described and placed in a genus whose other known species are individually listed in a CITES Appendix does not automatically qualify for inclusion in CITES, and its inclusion in a CITES Appendix requires a formal proposal consistent with Article XV and [Resolution 9.24 \(Rev. CoP17\)](#).

The working group members also agreed that a taxonomic move of one or more species from an unlisted genus or higher taxon into a CITES-listed higher taxon (or species taxonomically moved between higher taxa listed in different Appendices) represents a substantive change that requires a formal proposal (as was done to transfer the previously un-listed [Agalychnis \(was Phyllomedusa\) lemur](#) into the listed genus [Agalychnis](#)).

10. The inputs provided by working group members are briefly summarized in the following. The United Kingdom of Great Britain and Northern Ireland suggested a possible revision to Annex 3 to Resolution Conf. 9.24 (Rev. CoP17) that might clarify the scope of a higher taxon listing, by adding a paragraph clarifying that *the listing of a higher taxon does not automatically accept the addition or exclusion of species in the listing resulting from future changes in taxonomy accepted by the scientific community, but not yet by CITES. Any such changes would be considered substantive and should be evaluated by the nomenclature specialist, in consultation with the Animals or Plants Committee, to assess its validity and its impact on the scope of the current listing. If the taxonomic changes involving the addition or exclusion of species from the listing are agreed on by the Animals or Plants Committee, the appropriate procedures under Resolution Conf. 12.11 (Rev. CoP19) should be followed for the submission of proposals to amend the Appendices for consideration at the next meeting of the Conference of the Parties.* This is mainly based on the directions under Resolution Conf. 12.11 paragraph 2 f).
11. Canada noted that it supports the use of higher taxon listings when all or most of the species are already listed in the Appendices, as it simplifies the publication of the Appendices. Canada would consider a listing conversion from a complete list of species contained in a higher taxon, to a listing as that higher taxon, as a non-substantive change, but considered that in such a case, the inclusion of an additional newly-discovered species in that higher taxon would represent a substantive change to the higher taxon listing, and would require a proposal – in contrast to the existing situation where a higher taxon listing automatically includes newly discovered species placed in the higher taxon. Canada acknowledged this complication, and indicated that to make this a non-substantive change, there must be provisions in place that exclude future newly described species unless a proposal to that effect is submitted to the CoP. Canada suggests that there are two ways to establish these provisions:
- a) **Use of an existing nomenclature reference adopted by CoP.** The new higher taxon listing would include all species identified in the higher taxon reference. Canada considers this to be a non-substantive change as only species that have already been listed in the Appendices by proposal are included. Regrouping these species under a higher taxon nomenclature reference that has also been adopted by CoP will not change the substantive nature of the listing. Any species in the higher taxon reference that has not been specifically included individually in the Appendices can be excluded by annotation. New species identified in the future that are not in the standard reference would be considered through the normal work of CITES in accordance with Resolution Conf. 12.11 (Rev. CoP19) and Resolution Conf. 9.24 (Rev. CoP17).

- b) **Adoption of a reference annotation.** Currently, higher taxon listings that are adopted by a CoP are placed, in accordance with Resolution Conf. 9.24 (Rev. CoP17) Annex 3, in the Appendix that includes the majority of the species. Those species that are listed in the other two Appendices, as well as any species in the higher taxon that are not included in the Appendices, are excluded by a reference annotation. For example, the Appendix II listing for TESTUDINIDAE is:

TESTUDINIDAE spp. (Except the species included in Appendix I).

Canada suggests that for species listings converted to a higher taxon listing, this reference annotation could be amended as follows:

NEW HIGHER TAXON spp. (All listed species except the species included in ...)

This would limit the higher taxon listing to only those species that are already listed in the Appendices. This proposed annotation would meet the definition of a non-substantive reference annotation in accordance with Resolution Conf. 11.21 (Rev. CoP19) paragraph 1a) and can be implemented without a proposal in accordance with paragraph 1c) "reference annotations may be introduced, amended or deleted by the Conference of the Parties, or by the Secretariat, as required, to facilitate the understanding of the Appendices". Future newly described species would be excluded by this annotation until they are listed in the Appendices by proposal.

12. Canada further brought up the question of when a non-substantive conversion to a higher listing can occur. Conversion of existing taxa where all known individual species are included in the Appendices (such as the listing of pangolins) could be proposed during the normal work of the Animals and Plants Committees and submitted to a CoP as part of the nomenclature report. When there is a new proposal submitted to a CoP that, if adopted, could make the conversion to a higher taxon listing feasible, then the conversion to a higher taxon listing could:
- be included in the proposal submitted to the CoP,
  - be proposed in the Nomenclature report to the same CoP to take effect if the species proposal is adopted,
  - occur during the 90 days after a CoP by the Secretariat in consultation with the nomenclature specialist during the publication of the Appendices process, or
  - be proposed in the Nomenclature report at the following CoP.
13. The United States of America suggested including clarifying language for Resolution Conf. 12.11 (Rev. CoP19), paragraph 2.f), as below (additions underlined):

*whenever a change in the name of a taxon included in the Appendices, or the taxonomic level in which a taxon is included in the Appendices, is proposed, the Secretariat, in consultation with the Animals or Plants Committee, determine whether this change would alter the scope of protection for fauna or flora under the Convention. In the case where the scope of a taxon is redefined, the Animals or Plants Committee shall evaluate whether acceptance of the taxonomic change would cause additional species to be included in the Appendices or listed species to be deleted from the Appendices and, if that is the case, the Depositary Government should be requested to submit a proposal to amend the Appendices in accordance with the recommendation of the Animals or Plants Committee, so that the original intent of the listing is retained. Such proposals should be submitted for consideration at the next regular meeting of the Conference of the Parties, at which the recommendations of the Animals and Plants Committees that are determined not to alter the scope of protection for fauna and flora under the Convention will also be considered by the Conference of the Parties;*

## Conclusions

14. The working group members provided a wide range of considerations concerning the listing of higher taxa in the CITES Appendices. These not only addressed the criteria for amendment of the Appendices as set out in Annex 3 to [Resolution Conf. 9.24 \(Rev. CoP17\)](#), but also considered matters of implementation and possible subsequent changes to the Resolution. Several working group members proposed revisions to Resolution Conf. 9.24 (Rev. CoP17), but the working group did not have time to come to a conclusion on these proposed revisions.

15. Taking into account the broadly held view of the Parties that a higher taxon listing is substantively different from a comprehensive listing of all individual species contained in that higher taxon, it appears prudent to conclude that any conversion of a listing of individual species to a higher taxon listing, or a higher taxon listing converted to a listing of individual species, is a substantive change, which therefore requires a proposal to the Conference of the Parties compliant with the *Criteria for amendment of Appendices I and II* specified in [Resolution Conf. 9.24 \(Rev. CoP17\)](#) and/or [Resolution Conf. 9.25 \(Rev. CoP18\)](#). Where such a proposal is prepared and submitted entirely for the purpose of 'streamlining' the Appendices by reducing the number of species listings in favour of higher taxon listings containing all these species (i.e., consistent with Annex 3, section Higher Taxa, of Resolution Conf. 9.24 (Rev. CoP17)), Parties may consider that such a proposal could be prepared in a simpler format than that currently recommended in Annex 6 to Resolution Conf. 9.24 (Rev. CoP17). Such a simplified format could reduce its section C, Supporting Statement, to a detailed description of the current listing, the current and anticipated future taxonomic and nomenclatural situation, and the rationale for the proposed amended listing. It would also be essential to include a description of either confirmation of the continued usage of the adopted nomenclatural standard reference, or a proposal for the adoption of an updated nomenclatural standard reference in such a proposal.
16. Accordingly, it must be understood that the conversion of a set of species listings into a corresponding higher taxon listing, or converting a higher taxon listing into a set of species listings, represents a substantive change that is beyond the mandate of the nomenclature specialists of the Animals and Plants Committees to recommend under their mandate provided by Resolution Conf. 12.11 (Rev. CoP19) on *Standard nomenclature*. The changes that may be proposed by the nomenclature specialists under the mandate of Resolution Conf. 12.11 (Rev. CoP19) should be restricted to:
- taxon splits (i.e., recognition of new names applied to populations or taxa previously considered part of an already-listed species or higher taxon);
  - taxon merges (i.e., synonymisations).

All such changes should be at the same taxonomic rank as the current listing of the population, species or higher taxon concerned, i.e. a split or merge of a listed species still results in species listed in the Appendices (and not a genus), and a split or merge of a genus/genera results in two or one genera being listed (not a set of individual species, or a family).

### Recommendations

17. The Plants and Animals Committees are invited to:
- consider the merit of revising the section on Higher taxa in Annex 3 to [Resolution 9.24 \(Rev. CoP17\)](#) as proposed in paragraphs 8 and 10 (see text below):

Text from paragraph 8 of the present document:

*Proposals for the inclusion of higher taxa in the Appendices need to demonstrate for each of the included species that it complies with the listing criteria detailed in this Resolution.*

Text from paragraph 10 of the present document:

*The listing of a higher taxon does not automatically accept the addition or exclusion of species in the listing resulting from future changes in taxonomy accepted by the scientific community, but not yet by CITES. Any such changes would be considered substantive and should be evaluated by the nomenclature specialist, in consultation with the Animals or Plants Committee, to assess its validity and its impact on the scope of the current listing. If the taxonomic changes involving the addition or exclusion of species from the listing are agreed on by the Animals or Plants Committee, the appropriate procedures under Resolution Conf. 12.11 (Rev. CoP19) should be followed for the submission of proposals to amend the Appendices for consideration at the next meeting of the Conference of the Parties.*

- consider whether revisions are desirable to Resolution Conf. 12.11 (Rev. CoP19) on *Standard nomenclature* in order to:

- i) instruct the Secretariat, in consultation with the Animals and Plants Committees [through their nomenclature specialists], to evaluate whether proposed changes in the taxonomic rank of a listing represents a substantive change, as proposed in paragraph 13 (see text below):

*whenever a change in the name of a taxon included in the Appendices, or the taxonomic level in which a taxon is included in the Appendices, is proposed, the Secretariat, in consultation with the Animals or Plants Committee, determine whether this change would alter the scope of protection for fauna or flora under the Convention. In the case where the scope of a taxon is redefined, the Animals or Plants Committee shall evaluate whether acceptance of the taxonomic change would cause additional species to be included in the Appendices or listed species to be deleted from the Appendices and, if that is the case, the Depositary Government should be requested to submit a proposal to amend the Appendices in accordance with the recommendation of the Animals or Plants Committee, so that the original intent of the listing is retained. Such proposals should be submitted for consideration at the next regular meeting of the Conference of the Parties, at which the recommendations of the Animals and Plants Committees that are determined not to alter the scope of protection for fauna and flora under the Convention will also be considered by the Conference of the Parties;*

- ii) clarify that changes to the Appendices proposed by the nomenclature specialists of the Animals and Plants Committees should be limited to the same rank as the originally-listed species or higher taxon; and
- c) agree that Decision 19.272 has been implemented and can be proposed for deletion to the 20th meeting of the Conference of the Parties.

COMPILATION OF RESPONSES FROM MEMBERS OF THE JOINT INTERSESSIONAL WORKING GROUP  
ON NOMENCLATURE REGARDING HIGHER TAXON LISTINGS IN THE APPENDICES

Austria:

We propose to add the following text into the chapter "Higher taxa" in Annex 3 of Res. Conf. 9.24 (Rev. CoP17):

Proposals for the inclusion of higher taxa in the Appendices need to demonstrate for each of the included species that it complies with the listing criteria detailed in this Resolution.

When preparing a proposal for listing a higher taxon, Parties should consider:

- resulting complications in adapting the content of the Appendices to changes in trade and conservation status and especially in the Review of the Appendices.
- that besides the exemption of some stony corals listed in Notification No. 2013/035, all trade in CITES, even if they are listed as part of higher taxons, requires that the specimens can be identified (at least) to species level and it will be advantageous to make sure that the necessary identification materials are available.
- that the listing of higher taxa can only facilitate recognition of protected species by custom officers if all members of the higher taxon can be easily recognized as such and the similarities with members of other higher taxa are comparatively small. Listing higher taxa which are defined and can only be recognized by combinations of many and difficult discernable or internal characteristics can cause considerable enforcement problems.
- that different scientific views about the composition of higher taxa should be taken into account.

In addition, we recommend that the WG Annotation highlights to the CoP:

- the need for guidance in Res. Conf. 9.24 (Rev. CoP 17) about applying Article II sub-paragraph 2 (b) of the Convention as most proposals for listing higher taxa in the Appendices rely heavily on this criterion and in contrast to Article II, paragraph 2 (a), compliance with Article II, paragraph 2 (b) cannot be tested against any agreed criteria.
- the impossibility for proposals to list species-rich higher taxa of complying with the instructions in Annex 6 of Res. Conf. 9.24 (Rev. CoP 17) within the recommended limit of 12 pages.

Canada:

*With regards to the difference between a higher taxon listing and a listing of all individual species in that higher taxon, please share your perspectives and recommendations on whether converting a complete listing of all species in a genus into a genus listing represents a substantive change (i.e., subject to a full Proposal under Resolution 9.24 (Rev. CoP17)) or could be considered a non-substantive change that could be made as a matter of nomenclatural updates to the Appendices mandated under Resolution 12.11(rev. CoP19) on Standard Nomenclature:*

Canada notes that at recent CoPs, proposals for higher taxa listings have been adopted that result in extensive implementation issues for Parties or result in the listing of many species that are not in trade. We suggest that further guiding principles for the use of higher taxa in proposals could be useful to augment the guidance that is currently available for higher taxa in Resolution 9.24 Annex 3. Canada suggests the following type of guidance for the use of higher taxon listings in proposals, noting that some of it may not be within the mandate of this working group but we provide nonetheless for the sake of a fulsome response:

- i) When preparing a proposal to include a higher taxon in the Appendices, Parties are encouraged to provide a nomenclature reference for the proposal in accordance with the provisions on Resolution 12.11 to ensure the taxonomy of the proposed listing is clear and unambiguous
- ii) Consider the conservation impact of including multiple species of the higher taxa in the CITES Appendices
- iii) Consider the enforceability of the higher taxa listing
- iv) Consider the conditions around the need for higher taxon listing. For example, Canada suggests higher taxon listings should only be proposed when there is significant risk to certain species in the higher taxa.

Otherwise, the listing proposal should focus on those species that dominate trade or only when there is compelling evidence of similarity of appearance.

- v) Proposals for higher taxon listings should be used sparingly where the existing taxonomy is uncertain or unresolved.
- vi) Recommend that Parties submitting proposals for higher taxa consult with the Secretariat, the Standing Committee and, as appropriate, the Animals Committee or Plants Committee, to ensure that the listing is appropriate and can be readily implemented.

*With regards to the difference between a higher taxon listing and a listing of all individual species in that higher taxon, please share your perspectives and recommendations on whether converting a complete listing of all species in a genus into a genus listing represents a substantive change (i.e., subject to a full Proposal under Resolution 9.24 (Rev. CoP17)) or could be considered a non-substantive change that could be made as a matter of nomenclatural updates to the Appendices mandated under Resolution 12.11(rev. CoP19) on Standard Nomenclature:*

Canada has the following perspective and recommendations on this issue. Note that while the question specifically refers to when converting a complete listing of species to a genus listing could be considered a non-substantive change, Canada considers that this conversion of species to other higher taxa can be considered a non-substantive change when certain conditions are met.

Canada agrees that a higher taxon listing adopted by a proposal submitted to a CoP is a **substantive change**. In this case, all species currently identified in this higher taxon unless specifically excluded by proposal, as well as those species newly described in the future are included in the listing.

When species of a higher taxon listing are included in the Appendices individually, it may be useful to convert these individual listings to the higher taxa. Canada considers this to be a **non-substantive change** when only the currently listed species are involved in the conversion. The inclusion of future newly described species would be a substantive change and require a full proposal. The issue is how to make this distinction between currently listed species (non-substantive change) and future species (substantive change).

Canada supports the use of higher taxon listings when all or most of the species are already listed in the Appendices as it simplifies the publication of the Appendices. However, to make this a non-substantive change, there must be provisions in place that exclude future newly described species unless a proposal to that effect is submitted to the COP. Canada suggests that there are two ways to establish these provisions:

- A. **Use of an existing nomenclature reference adopted by CoP.** The new higher taxon listing would include all species identified in the higher taxon reference. Canada considers this to be a non-substantive change as only species have already been listed in the Appendices by proposal are included. Regrouping these species under a higher taxon nomenclature reference that has also been adopted by CoP will not change the substantive nature of the listing. Any species in the higher taxon reference that has not been specifically included individually in the Appendices can be excluded by annotation. New species identified in the future that are not in the standard reference would be considered through the normal work of CITES in accordance with Resolution Conf. 12.11 and Resolution Conf. 9.24.
- B. **Adoption of a reference annotation.** Currently, higher taxon listings that are adopted by a CoP are placed, in accordance with Resolution Conf. 9.24 Annex 3, in the Appendix that includes the majority of the species. Those species that are listed in the other two Appendices as well as any species in the higher taxon that are not included in the Appendices are excluded by a reference annotation. For example, the Appendix II listing for TESTUDINIDAE is:

TESTUDINIDAE spp. (Except the species included in Appendix I).

Canada suggests that for species listings converted to a higher taxon listing, this reference annotation could be amended as follows:

NEW HIGHER TAXON spp. (All listed species except the species included in ...)

This would limit the higher taxon listing to only those species that are already listed in the Appendices. This proposed annotation would meet the definition of a non-substantive reference annotation in accordance with Resolution Conf. 11.21 paragraph 1. a) and can be implemented without a proposal in accordance with paragraph 1c) "reference annotations may be introduced, amended or deleted by the Conference of the



Parties, or by the Secretariat, as required, to facilitate the understanding of the Appendices". Future newly described species would be excluded by this annotation until they are listed in the Appendices by proposal.

Another question to consider is when a non-substantive conversion to a higher listing can occur. Conversion of existing cases could be proposed during the normal work of the AC/PC and submitted to a CoP as part of the nomenclature report. When there is a new proposal submitted to a CoP that if adopted could make the conversion to a higher taxon listing feasible, then the conversion to a higher taxon listing could:

1. Be included in the proposal submitted to the CoP,
2. Be proposed in the Nomenclature report to the same CoP to take effect if the species proposal is adopted,
3. Occur during the 90 days after a CoP by the Secretariat in consultation with the Nomenclature Specialist during the publication of the Appendices process, or
4. Be proposed in the Nomenclature report at the CoP after the proposal is adopted.

## China

*Taking into consideration the scientific aspects of Annex 3 of Resolution 9.24 (Rev. CoP17), please share your perspectives and recommendations on whether amendments are needed to provide further clarification on when a higher taxon listing may be deemed appropriate (please include specific proposals relating to amendments to Annex 3 that could be considered).*

China believes that Annex 3 of Resolution 9.24 (Rev. CoP17) should provide explicit principles or guidance, but has not yet figured out the possible consequences and implications of the specific wording of the draft guidance.

*With regards to the difference between a higher taxon listing and a listing of all individual species in that higher taxon, please share your perspectives and recommendations on whether converting a complete listing of all species in a genus into a genus listing represents a substantive change (i.e., subject to a full Proposal under Resolution 9.24 (Rev. CoP17)) or could be considered a non-substantive change that could be made as a matter of nomenclatural updates to the Appendices mandated under Resolution 12.11(rev. CoP19) on Standard Nomenclature:*

China considers that the conversion of a complete list of all species in an existing genus to a list of genera represents a substantial change and should be considered and adopted through a proposal by the CoP.

## France

Point c)

From my point of view, listing a higher taxon is generally chosen to avoid any future exclusion of species due to splitting of new population discovery. The aim may be the same while listing all taxon currently known in a higher taxon, but it do not avoid that if a new population a of a new taxon is discovered and can not be linked with an already existing species population, there will be issues to face whether this new species should be part or not of the listing.

Finally, to list a higher taxon or all species of the taxon with the mention "and any future species of the higher taxon to be describes" mean the same. The lacking of this mention may be the problem so there should always be an annotation to express what to do for the possible new species of this higher taxon. But in any case, when the target are all the species of a higher taxon, the higher taxon should be preferable to form the proposal for the listing.

Those principle may apply for all appendices (I, II & III).

## Mexico

*Taking into consideration the scientific aspects of Annex 3 of Resolution 9.24 (Rev. CoP17), please share your perspectives and recommendations on whether amendments are needed to provide further clarification on when a higher taxon listing may be deemed appropriate (please include specific proposals relating to amendments to Annex 3 that could be considered)*

Mexico has expressed its concern for the inclusion of higher taxa, since the more precise the Appendices are, the better the application of the Convention will be (E-AC31-SR, for Doc. 38 - Pangolins). However, Mexico has

supported and presented amendment proposals for higher taxa (genus) when there are difficulties in identification between the species and these represent important challenges for customs and law enforcement agents. This is the case for genus like: *Abronia* spp., *Ctenosaura* spp., *Kinosternon* spp., and *Beaucarnea* spp. where:

- Few species within each taxa can be easily identified. In these cases, the division and description of new species is mainly due to genetic aspects, but the species/specimens are morphologically indistinguishable.
- The diagnostic characteristics are variable and may not even be present in some stages of the individuals' development.
- They require special handling of the specimens and advice from experts (academia).
- They have an unresolved and/or rapidly changing taxonomy.

However, we reiterate the importance of analyzing case-by-case, to carefully evaluate whether these types of situations occur and avoid the inclusion of higher taxa that could mean overregulation in species that do not require it and an overload of work for the CITES Authorities of the countries of origin or destination.

*With regards to the difference between a higher taxon listing and a listing of all individual species in that higher taxon, please share your perspectives and recommendations on whether converting a complete listing of all species in a genus into a genus listing represents a substantive change (i.e., subject to a full Proposal under Resolution 9.24 (Rev. CoP17)) or could be considered a non-substantive change that could be made as a matter of nomenclatural updates to the Appendices mandated under Resolution 12.11(rev. CoP19) on Standard Nomenclature:*

The rules of procedure in Annex 3 of Resolution Conf. 9.24 (Rev. CoP17) indicate that if all species of a taxon are included in the Appendices, they should be included under the name of the higher taxa, and in principle this movement does not change the level of regulation and implementation of the Convention on the species or taxa that have been included independently, so we consider that it is not a substantive change, and it is an appropriate way of organizing the Appendices. It is worth mentioning that it would imply that the reference for that higher taxa would be adopted by the CoP if it did not previously exist (following the currently established procedures).

However, there may be complications when species emerge within that higher taxon due to changes in nomenclature (e.g. divisions) or due to the discovery of new species.

- In the first case, we consider that it would not be a substantive change since it is likely that the biological and commercial criteria that were met for the original inclusion of the species will continue to be met for the "daughter" species.
- In the second case, a new species (discovered or because of changes in taxonomy due to genetic/morphological differences) was not originally evaluated under the amendment criteria and does not necessarily merit inclusion/regulation by CITES even if it is within the higher taxa. These cases constitute substantive changes, and we consider that they would require presenting an amendment proposal for the species, which if adopted could be integrated into the higher taxa, but if rejected, it would imply indicating in the Appendices that the higher taxa includes all species except that one.

Because of this, we consider it necessary to identify a way to differentiate between the incorporation of a higher taxa through a proposed amendment to the Appendices (Resolution Conf. 9.24 Rev. CoP17) and when it is incorporated by this type of grouping exercises of previously listed species. Possibly a footnote could be placed to indicate the latter, facilitating the need for Parties to develop, or not, future amendment proposals to include species in the Appendices within that higher taxa.

#### United Kingdom of Great Britain and Northern Ireland

*Taking into consideration the scientific aspects of Annex 3 of Resolution 9.24 (Rev. CoP17), please share your perspectives and recommendations on whether amendments are needed to provide further clarification on when a higher taxon listing may be deemed appropriate (please include specific proposals relating to amendments to Annex 3 that could be considered)*

A higher taxon listing is intended to capture all the (extant) species under that listing, be it at genus, family or order level. Annex 3 of Res Conf 9.24 appears quite clear in this regard, and we do not consider any amendment is necessary. In relation to a higher taxon listing where species are included in both Appendix I and II, the intention appears to be that the Appendix of the higher-taxon listing is the one that includes most species in those taxa. This is presented in the Resolution in a way that is possibly less comprehensible than it might be: "If some species

*in a higher taxon are included in Appendix I or II and all the rest in the other Appendix, the latter species should be included under the name of the higher taxon, with an appropriate annotation ...”*

A possible amendment that might simplify the process of higher taxon listing is to add a paragraph clarifying that *the listing of a higher taxon does not automatically accept the addition or exclusion of species in the listing resulting from future changes in taxonomy accepted by the scientific community but not yet by CITES. Any such changes would be considered substantive and should be evaluated by the Nomenclature specialist in consultation with the Animals or Plants Committee to assess its validity and its impact on the scope of the current listing. If the taxonomic changes involving the addition or exclusion of species from the listing are agreed on by the Animals or Plants Committee, the appropriate procedures under Res. Conf. 12.11 (Rev. CoP19) should be followed for the submission of proposals to amend the Appendices for consideration at the next meeting of the Conference of the Parties. This is mainly based on the directions under Res. Conf. 12.11 paragraph 2 f).*

For plants higher taxon listings at genus level should only be considered when there will be significant “look alike” issues which will make regulation and enforcement of trade difficult outlined in Annex 2b of Res.9.24. Before a listing proposal, research into identification techniques for the higher taxon and their availability to all CITES Parties should be considered.

*With regards to the difference between a higher taxon listing and a listing of all individual species in that higher taxon, please share your perspectives and recommendations on whether converting a complete listing of all species in a genus into a genus listing represents a substantive change (i.e., subject to a full Proposal under Resolution 9.24 (Rev. CoP17)) or could be considered a non-substantive change that could be made as a matter of nomenclatural updates to the Appendices mandated under Resolution 12.11(rev. CoP19) on Standard Nomenclature:*

There appears to be differences in interpretation of the Resolutions and the scope of higher taxon listings, particularly when it concerns nomenclature changes. One possible interpretation is that in the case where all the described species of a genus are already individually listed, a higher taxon listing would not alter the scope of the listing at present. However, the question to be asked is whether CITES must take into consideration future scope that might include any newly described species or exclusion of any species resulting from nomenclature changes, particularly for precautionary purposes to ensure that such new species receive the same level of regulation and protection (e.g. *Manis* spp. listing and the newly described *Manis mysteria*). This could be interpreted as not extending scope but simply as ensuring ‘missed’ species get the CITES regulation they should be receiving.

On the other hand, although a higher taxon listing includes all extant species in that genus or family (unless stated otherwise), this higher taxon listing does not automatically accept any taxonomic changes suggested by the scientific community. Otherwise CITES would be much more up-to-date with nomenclature. So one would assume that although e.g. *Manis* spp. includes all extant pangolin species at the time of listing, CITES would still have to go through Nomenclature procedures to accept/recognise any newly described species as part of the CITES nomenclature, especially since CITES listings are made under a specific nomenclature reference.

If the scientific view of a genus has substantially changed since the original listing (for example if it now includes other genera due to taxonomic changes which were not considered part of the genus in the original listing) then this would be more a substantive change from the original listing as it is expanding the original listing.

#### United States of America

*Taking into consideration the scientific aspects of Annex 3 of Resolution 9.24 (Rev. CoP17), please share your perspectives and recommendations on whether amendments are needed to provide further clarification on when a higher taxon listing may be deemed appropriate (please include specific proposals relating to amendments to Annex 3 that could be considered)*

Taking into consideration the scientific aspects of Annex 3 of Resolution Conf. 9.24 (Rev. CoP17), it is the United States view that amendments **are not needed** to provide further clarification on when a higher taxon listing may be deemed appropriate. The criteria for including taxa in Appendix I or II are clearly defined in Annexes 1 and 2 to the Resolution. The Resolution is also clear in Annex 3 that “*If all species of a higher taxon are in Appendix I or II, they should be included under the name of the higher taxon*”. Resolution Conf. 9.24 (Rev. CoP17) should not be overly prescriptive since it is guidance on how or when Parties prepare proposals to include higher taxonomic levels in the Appendices I and II. The rationale for including taxa at higher taxonomic levels will vary depending on the specifics of the taxa in international trade, as will the appropriate taxonomic level for inclusion in the Appendices (e.g., Genus, Family, Order). This rationale should be clear and robust, made by the Party(ies) in a proposal to amend the Appendices, and based on the criteria in Annexes 1 and 2 to the Resolution.

*With regards to the difference between a higher taxon listing and a listing of all individual species in that higher taxon, please share your perspectives and recommendations on whether converting a complete listing of all species in a genus into a genus listing represents a substantive change (i.e., subject to a full Proposal under Resolution 9.24 (Rev. CoP17)) or could be considered a non-substantive change that could be made as a matter of nomenclatural updates to the Appendices mandated under Resolution 12.11(rev. CoP19) on Standard Nomenclature:*

Regarding the conversion of a complete listing of all species in a genus into a genus-level listing (or higher taxonomic level listing), and whether this represents a substantive or non-substantive change, it is our view that this question cannot be addressed using a “one-size-fits-all” approach, as it is a more complex question. As outlined in PC26 Doc. 42.2/AC32 Doc. 45.2, the change could be substantive, or it could be non-substantive depending on the specific circumstances involved. That is, the change could alter the scope of protection for fauna or flora under the Convention (substantive) or it might be strictly a nomenclatural change (non-substantive). What is important is that there is consideration of the potential impact on the scope. Proposed nomenclature changes may also be substantive or non-substantive, and this is addressed in Resolution Conf. 12.11 (Rev. CoP19), paragraph 2.f). It would therefore seem appropriate that any proposed changes to include higher taxonomic levels in the Appendices also proceed accordingly. However, within paragraph 2.f), the language is not particularly clear that it could also apply to proposed changes in the taxonomic level that is to be included in the Appendices. Moreover, the language used in paragraph 2.f) does not clearly address the approach to making a change, should such a change be determined to be non-substantive. Accordingly, we suggest including clarifying language for paragraph 2.f) below (additions underlined).

*whenever a change in the name of a taxon included in the Appendices, or the taxonomic level in which a taxon is included in the Appendices, is proposed, the Secretariat, in consultation with the Animals or Plants Committee, determine whether this change would alter the scope of protection for fauna or flora under the Convention. In the case where the scope of a taxon is redefined, the Animals or Plants Committee shall evaluate whether acceptance of the taxonomic change would cause additional species to be included in the Appendices or listed species to be deleted from the Appendices and, if that is the case, the Depositary Government should be requested to submit a proposal to amend the Appendices in accordance with the recommendation of the Animals or Plants Committee, so that the original intent of the listing is retained. Such proposals should be submitted for consideration at the next regular meeting of the Conference of the Parties, at which the recommendations of the Animals and Plants Committees that are determined not to alter the scope of protection for fauna and flora under the Convention will also be considered by the Conference of the Parties;*

Center for Biological Diversity

*Taking into consideration the scientific aspects of Annex 3 of Resolution 9.24 (Rev. CoP17), please share your perspectives and recommendations on whether amendments are needed to provide further clarification on when a higher taxon listing may be deemed appropriate (please include specific proposals relating to amendments to Annex 3 that could be considered)*

Annex 3 of Resolution Conf. 9.24 (Rev. CoP19) provides guidance to follow when a higher taxon listing is being prepared – “When preparing a proposal to include a higher taxon in the Appendices . . . .” It does not provide guidance on when a higher taxon listing may be deemed appropriate. In our view this should be left to Parties’ discretion. Thus, there is no need for Annex 3 to be amended to guide CITES Parties on when to list a higher taxon or not.

*With regards to the difference between a higher taxon listing and a listing of all individual species in that higher taxon, please share your perspectives and recommendations on whether converting a complete listing of all species in a genus into a genus listing represents a substantive change (i.e., subject to a full Proposal under Resolution 9.24 (Rev. CoP17)) or could be considered a non-substantive change that could be made as a matter of nomenclatural updates to the Appendices mandated under Resolution 12.11(rev. CoP19) on Standard Nomenclature:*

The answer to this question depends on whether the reference used for the genus listing encompasses the currently listed species. For example, listing African elephants, *Loxodonta spp.*, with any of the standard references under discussion would not alter the scope of the current species listing. Thus, changing *Loxodonta africana* to *Loxodonta spp.* would not require a formal proposal.

Assuming the elephant listing is updated to the genus, should an as yet unknown species of elephant in Africa be identified in the future – for example, a hypothetical pygmy desert elephant – that species would not automatically be covered by the Convention because the standard nomenclature reference for elephants – for

example, Wilson and Reeder (2005) – does not include this new species in the genus. In fact, the standard nomenclature reference would not mention that species at all because it was not previously known. Thus, a new or updated nomenclature reference would be required for the new species to be recognized by CITES. This issue would be brought to the AC per paragraph 2(f) of Resolution Conf. 12.11 (Rev. CoP19). Per that provision, the AC would then likely recommend that the signatory government prepare a proposal to include the “pygmy desert elephant” in the genus listing of *Loxodonta spp.* because that nomenclature change would expand the scope of the genus listing to include the previously unknown pygmy desert elephant.

In contrast, in the future if scientists determined that savannah elephants north and east of the Great Rift Valley and Zambezi River are one species and those south and west are another, then the standard nomenclature reference for elephants would need to be updated to a nomenclature reference that recognizes these two species within the listed genus. However, a formal proposal would not be required because the species split would not expand the listing.

Given these examples, converting a complete list of all species into a genus listing should not require a formal proposal if the standard nomenclature reference proposed for the genus listing encompasses the CITES-listed species. If the new standard nomenclature reference encompasses species that would expand the scope of the CITES listing, then a formal proposal would be required for the “new” species (but not the genus as a whole). And should additional species be identified in the future, then when the standard nomenclature reference is updated to recognize those new species the AC (or the PC) can determine whether a formal proposal is required or not per paragraph 2(f) of Resolution Conf. 12.11 (Rev. CoP19).

This system while nuanced makes sense and has served CITES well for several decades.

#### IWMC – World Conservation Trust

1. Concerning the listing of higher taxa with the abbreviation “spp.”, we note as you that it was already used when the first Appendices I and II were adopted at the Washington Conference, in 1973. At that time, the abbreviation “spp.” was defined, in the Interpretations of the separated Appendix I and Appendix II as follows: “The abbreviation “spp.” is used to denote all species of a higher taxon”. This was never changed and is still used in the current Interpretation of Appendices I, II and III. This is not further clarified, contrary to a number of terms used in the Convention, in a Resolution of the Conference of the Parties, including Resolution Conf. 9.24 (Rev. CoP. 17). We note also that already in the first Appendices I and II the listings of such higher taxa were sometimes accompanied with annotations specifying exceptions, such as the listing of one or more species in the other Appendix, or the exclusion of one or more species from the Appendices.

2. The abbreviation “spp.” is also used as a simplification measure, in particular for higher taxa including a large number of species, e.g. ORCHIDACEAE spp. with its 30,000+ species. In case of exceptions they are specified.

3. We do not see any reason to change that definition but found necessary to underline that the word ‘all’ has always meant that species that were not yet discovered or described were potentially covered. This is confirmed by the fact that we cannot believe that anybody within the CITES community could or might state or even think that any of the orchid species discovered after the listing of ORCHIDACEAE spp., more than 50 years ago (how many?), are not covered by CITES. If felt useful, this could be specified in Annex 3 to Resolution Conf. 9.24 (Rev. CoP17), where it is specified that presumably extinct species may be listed in the Appendices. This is also illustrated by the listing in Appendix II of *Agalychnis* spp., subject to item 5. b) in document PC26 Doc. 42.1 / AC32 Doc. 45.1, although in that document it is not indicated that the proponent of the proposal submitted at CoP15 clearly stated that the abbreviation spp. was used because serious uncertainties existed with regard to the taxonomy and distribution of these frog species. We find therefore erroneous in that document to state that certain of the species of this genus “have never been included in the CITES Appendices by way of a proposal or other means.”

4. We can add that the definition of that abbreviation also explains why it is considered within CITES that the listing in Appendix I or II of all known species of a higher taxon is not equivalent to and may be replaced with the listing of the higher taxon with the abbreviation ‘spp.’, e.g. for the current listings of the individual species of the genus *Manis* instead of *Manis* spp. Therefore we do consider that the replacement of the list of all the known species of a higher taxon with the listing of the taxon with the abbreviation ‘spp.’ is a substantive change requiring an amendment proposal submitted and considered in accordance with Article XV and Resolution Conf. 9.24 (Rev. CoP17). However, the proposal should be considered as an ‘other action’ requiring only a clear explanation, as provided in Annex 6 of the Resolution, last hyphen under A. Proposal. In other words, this should not be considered as a nomenclatural update.

5. With respect to Appendix III, we would like to recall that, in accordance with Article XVI, it may be amended exclusively at the request of Parties. In our point of view this applies also to nomenclatural changes. Therefore to have listings updated, the only option is to invite the relevant Party or Parties to agree to the update and to inform the Secretariat accordingly.