

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



Seventy-seventh meeting of the Standing Committee
Geneva (Switzerland), 6–10 November 2023

Appendices of the Convention

ANNOTATIONS

1. This document has been submitted by the United Kingdom of Great Britain and Northern Ireland as Chair of the working group on annotations.*

Background

2. At the 19th meeting of the Conference of the Parties (Panama City, 2022), the Conference of the Parties adopted Decision 16.162 (Rev. CoP19) which directs the Standing Committee to re-establish the working group on annotations, in close collaboration with the Animals and Plants Committees. At its 76th meeting (Panama City, November 2022), the Standing Committee re-established the working group and adopted terms of reference.

Terms of Reference

3. The Standing Committee re-established the Working Group on Annotations with the following terms of reference:
 - a) *in close collaboration with ongoing efforts in the Plants Committee, 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 identify options to streamline these annotations taking into account the guidance provided by Resolution Conf. 11.21 (Rev. CoP19) on Use of annotations in Appendices I and II;*
 - b) *develop or refine definitions of terms used in current annotations as appropriate, and submit them for adoption by the Conference of the Parties and subsequent inclusion in the Interpretation section of the Appendices;*
 - c) *review and update the definitions of wood and wood products currently located in paragraph 1 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) *conduct any work related to annotations directed to it by the Conference of the Parties, the Standing, Animals or Plants Committee; and*
 - e) *prepare reports on progress made in addressing the issues tasked to it and submit them for consideration at the 77th and 78th meetings of the Standing Committee.*

* 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.

4. In addition to the mandate, following PC26 and AC32 (July 2023), the Committees invited the working group to:
 - a) to consider as a priority completion of its tasks under paragraphs a) and c) of its mandate, with a particular focus on the review of annotation #14. (PC26)
 - b) consider paragraphs g) and h) of annotation A10 for *Loxodonta africana* as part of its mandate.
5. The composition of the working group, comprising Parties and Non-Party observers, is as follows:

Chair: United Kingdom of Great Britain and Northern Ireland

AC Members: Africa (Ms. Maha) Europe (Mr. Benyr).

PC Members: Europe (Mr. de Boer), North America (Mr. Boles).

Parties: Austria, Belgium, Benin, Botswana, Brazil, Canada, China, Colombia, Czech Republic, Democratic Republic of the Congo, Dominican Republic, European Union, France, Germany, Ghana, India, Indonesia, Iran (Islamic Republic of), Italy, Kenya, Liberia, Malaysia, Namibia, Netherlands, Republic of Korea, Senegal, South Africa, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Zimbabwe.

IGOs and NGOs: Born Free Foundation, Center for International Environmental Law, Chambre Syndicale de la Facture Instrumentale, Confederation of the European Music Industries, Conservation Force, FAO, Fondation Franz Weber, Forest Trends, ForestBased Solutions LLC, Humane Society International, International Association of Violin and Bow Makers, International Fur Federation, IUCN, IWMC-World Conservation Trust, League of American Orchestras, Lewis and Clark – Global Law Alliance for Animals and the Environment, Madinter Trade S.L., Pearle, South African Taxidermy & Tannery Association, Sustainable Use Coalition, Southern Africa, Taylor Guitars, TRAFFIC, UNEP-WCMC, World Wide Fund for Nature.

Working Group Discussions

6. The working group was initiated in July 2023 and discussions have been via email. The group operate as two groups under theme 1 on flora and theme 2 on fauna. The flora group are reviewing flora annotations and definitions of terms, and the fauna group will review annotation A10 for *Loxodonta Africana*.
7. The working group has identified annotations where implementation would benefit from clarification or amendment. These are:
 - a) Annotation #14:

Members agree to review the term ‘exhausted agarwood powder,’ there are mixed opinions on keeping or deleting #14e), and one member has alternatively suggested a derogation using a labelling or registration requirement. Discussions are preliminary but members will look for a solution which helps implementation.
 - b) Annotation #11 and #12:

Members will work on clarification and guidance on when an extract becomes an ingredient and aim to come to consensus on this matter. The members aim to propose a way forward which clearly defines the specimens that would be included or excluded by the annotations in such a way that enforcement personnel, CITES authorities, and industry can readily determine if a specimen is covered by the annotation.
 - c) Annotation #4

Members agree this is a complex and challenging annotation to implement. Preliminary discussions have noted the need to simplify and align wording in the annotation, implementation challenges

surrounding naturalised or artificially propagated and a review of derivatives from seeds of plants covered by annotation #4 d).

8. The working group members identified further implementation matters which are worth considering. These are to: broadly review the timber annotations to determine if they could be simplified; to clarify annotation #3 interpretation; and to consider interpretation of the term 'finished products packaged and ready for retail trade.'
9. Additional actions have been focused on identifying definitions in the current annotations which require interpretation and guidance. The working group is at the preliminary stages of considering:
 - a) Reviewing the definition and interpretation of the HS code definition for Transformed Wood. One member noted Transformed Wood (44.09) is a general heading that takes in a range of objects and commodities and the working group should review the definition.
 - b) Reviewing the definitions of wood and wood products from paragraph 1 c) of Resolution Conf. 10.13 (Rev. CoP18) on Implementation of the Convention for tree species, taking into consideration whether HS codes have been revised and required updating. One member has noted there has been a revision to HS nomenclature and the working group should align with these revisions.
 - c) Revisiting the expression Tropical Wood in † Subheading Note 1 of Resolution Conf. 10.13. One member has proposed the working group consider a geographically based definition. Broadly, members are supportive of the use of HS codes and find them useful for timber definitions.
10. Discussions have not yet commenced within the working group on reviewing paragraphs g) and h) of annotation A10 for *Loxodonta africana*. The working group will consider options to amend paragraphs g) and h) of annotation A10 along with practical challenges and implications of any amendments.
11. The working group anticipates concluding its work on the proposed actions outlined in paragraphs 7 - 10 of the present document and submitting any proposed text, definitions, or guidance on those actions for consideration by the Standing Committee at its 78th meeting as well as any additional actions within its Terms of Reference on which it may be able to reach consensus in time for consideration at SC78.

Recommendations

12. The Standing Committee is invited to take note of this interim report, and to offer comments or guidance to the working group regarding the tasks included in the Terms of Reference contained in paragraph 3 and 4 the present document.