

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



Seventy-eighth meeting of the Standing Committee  
Geneva (Switzerland), 3-8 February 2025

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.*

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\* 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) 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 (AC32).

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 Façure Instrumentale, Confederation of the European Music Industries, Conservation Force, FAO, Fondation Franz Weber, Forest Trends, ForestBased Solutions LLC, FTS Botanics, 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, The International Fragrance Association, TRAFFIC, UNEP-WCMC, World Wide Fund for Nature.

#### Working group discussions and conclusions

6. The group operated as two groups under theme 1 on flora and theme 2 on fauna. All the discussions were held via e-mail with the exception of one online meeting held for the fauna theme.

#### *Regarding paragraphs g) and h) of Annotation A10:*

- g) *trade in registered raw ivory (for Botswana, Namibia, South Africa and Zimbabwe, whole tusks and pieces) subject to the following:*
  - i) *only registered government-owned stocks, originating in the State (excluding seized ivory and ivory of unknown origin);*
  - ii) *only to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP18) concerning domestic manufacturing and trade;*
  - iii) *not before the Secretariat has verified the prospective importing countries and the registered government-owned stocks;*
  - iv) *raw ivory pursuant to the conditional sale of registered government-owned ivory stocks agreed at CoP12, which are 20,000 kg (Botswana), 10,000 kg (Namibia) and 30,000 kg (South Africa);*
  - v) *in addition to the quantities agreed at CoP12, government-owned ivory from Botswana, Namibia, South Africa and Zimbabwe registered by 31 January 2007 and verified by the Secretariat may be traded and despatched, with the ivory in paragraph g) iv) above, in a single sale per destination under strict supervision of the Secretariat;*

- vi) *the proceeds of the trade are used exclusively for elephant conservation and community conservation and development programmes within or adjacent to the elephant range; and*
- vii) *the additional quantities specified in paragraph g) v) above shall be traded only after the Standing Committee has agreed that the above conditions have been met; and*
- h) *no further proposals to allow trade in elephant ivory from populations already in Appendix II shall be submitted to the Conference of the Parties for the period from CoP14 and ending nine years from the date of the single sale of ivory that is to take place in accordance with provisions in paragraphs g) i), g) ii), g) iii), g) vi) and g) vii). In addition such further proposals shall be dealt with in accordance with Decisions 16.55 and 14.78 (Rev. CoP16).*

7. The majority view of the working group is that paragraphs g) and h) of annotation A10 should be deleted in their entirety. However, the working group noted that the Secretariat published notification [No. 2024/111](#) on 3 October 2024 on the African Elephant Dialogue meeting held in Botswana from 23 to 26 September 2024. The notification contains the communiqué adopted by the range States by consensus. The communiqué includes proposed amendments to annotation A10 agreed by the range States, including the deletion of paragraphs g) and h) in their entirety. This therefore aligns with the general views from this working group regarding the deletion of g) and h). In addition, Botswana offered to submit a proposal with the amendments to A10 to the 20th meeting of the Conference of the Parties.

*Regarding paragraph e) of Annotation #14:*

e) *exhausted agarwood powder, including compressed powder in all shapes; and*

- 8. The working group noted previous discussions on 'exhausted agarwood powder' and the Plants Committee working group report on agarwood ([PC27 Doc. 25](#)). While some Parties and observers expressed concern that customs officers are not able to distinguish specimens of exhausted and non-exhausted agarwood powder by its colour and odour, range States expressed a strong preference to retain the term 'exhausted agarwood powder' contained in paragraph e) of annotation #14. In contrast, the majority of the working group appeared to support removal of paragraph e) although this was not a consensus. The working group noted such an amendment would require an amendment to the listing proposal at the Conference of the Parties.
- 9. This discussion did not reach a definitive conclusion and as it relates to the identification of exhausted agarwood powder by enforcement officers the working group will be unable to conclude this discussion until further information is available on suitable identification methods. Additionally, the working group noted range States were not in favour of amending the annotation.

*Regarding annotations #11 and #12:*

#11

*Logs, sawn wood, veneer sheets, plywood, powder and extracts. Finished products containing such extracts as ingredients, including fragrances, are not considered to be covered by this annotation.*

#12

*Logs, sawn wood, veneer sheets, plywood and extracts. Finished products containing such extracts as ingredients, including fragrances, are not considered to be covered by this annotation.*

- 10. The working group focused discussion on developing clarification and guidance on when an extract becomes an ingredient in a finished product and no longer requires regulation by annotation #11 or annotation #12. The working group supported previous discussions on the inclusion of the terms 'fragrance mixtures' and 'flavour mixtures'. A definition was previously considered by the working group, communicated by the International Fragrance Association as follows:

*Fragrance or flavour mixture: A combination of ingredients formulated to impart an odour or a flavour, or to mask an odour or a taste. Such mixtures define the point at which an extract becomes an ingredient in a finished product.*

- 11. The working group also supported previous text which was drafted to resolve implementation issues for enforcement regarding the current wording in the annotations and when an extract becomes an ingredient

in a finished product and is no longer regulated. The preferred text was '*when the extract is not the primary or highest-percentage ingredient in the product*'.

12. The working group proposes the following amendments to Annotation 11 and Annotation 12 as follows:

Proposed #11

*Logs, sawn wood, veneer sheets, plywood, powder and extracts, except the following products containing such extracts when the extract is not the primary or highest-percentage ingredient in the product:*

- a) *finished products packaged and ready for the retail trade;*
- b) *finished fragrance mixtures; and*
- c) *finished flavour mixtures.*

Proposed #12

*Logs, sawn wood, veneer sheets, plywood and extracts, except the following products containing such extracts when the extract is not the primary or highest-percentage ingredient in the product:*

- a) *finished products packaged and ready for the retail trade;*
- b) *finished fragrance mixtures; and*
- c) *finished flavour mixtures.*

13. These annotations evolved considerably in the working group discussions and there was not sufficient time to consult with range States to confirm if these amendments would regulate the specimens/commodities they export under the original species listing rationale. Therefore, it would be premature for the working group to take this recommendation forward unless range States are consulted prior to CoP20.

Regarding annotation #4:

*All parts and derivatives, except:*

- a) *seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia). The exemption does not apply to seeds from Cactaceae spp. exported from Mexico, and to seeds from Beccariophoenix madagascariensis and Dyspis decaryi exported from Madagascar;*
- b) *seedling or tissue cultures obtained in vitro transported in sterile containers;*
- c) *cut flowers of artificially propagated plants;*
- d) *fruits, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genus Vanilla (Orchidaceae) and of the family Cactaceae;*
- e) *stems, flowers, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genera Opuntia subgenus Opuntia and Selenicereus (Cactaceae);*
- f) *finished products of Aloe ferox and Euphorbia antisiphilitica packaged and ready for retail trade; and*
- g) *finished products derived from artificial propagation, packaged and ready for retail trade of cosmetics containing parts and derivatives of Bletilla striata, Cycnoches cooperi, Gastrodia elata, Phalaenopsis amabilis or Phalaenopsis lobbii.*

14. Members agree this is a complex and challenging annotation to implement. Discussions focused on the need to simplify and align wording in the annotation. Although members expressed the challenges of implementing this annotation only minor amendments were suggested.
15. Members discussed the challenges of implementing this annotation due to the length of paragraphs, and the feasibility of enforcement officers or importers on determining whether products are derived from '*artificial propagation*' or '*naturalized or artificially propagated*' sources. The working group noted there were CoP19 decisions to consider the effect of paragraph g) and did not wish to duplicate work in this working group.

16. The minor amendment proposed pertains to align text in paragraph f) with paragraph g), for readability purposes as follows:

- f) *finished products packaged and ready for retail trade of Aloe ferox and Euphorbia antisyphilitica*  
~~*packaged and ready for retail trade;*~~

*Definitions in Resolution Conf. 10.13 (Rev. CoP18) on Implementation of the Convention for tree species and in the Interpretation Section of the Appendices:*

17. The working group discussed definitions which may require interpretation and guidance to Parties as it was recognised that HS codes have been revised for definitions of wood and wood products listed in paragraph 1 c) of Resolution Conf. 10.13 (Rev. CoP18) on *Implementation of the Convention for tree species* and in the Interpretation section of the Appendices.
18. Members were supportive of the definitions provided by the HS codes, but recommended to include language in the interpretation of the Appendices and Resolution Conf. 10.13 (Rev. CoP18) to state "It is the language of the definition adopted by CITES, not the HS code number, that applies" in the relevant sections. This would reduce ambiguities going forward or for amendments to resolutions to update HS codes.

*Further challenges on implementation of the annotations to the Appendices*

19. As part of the mandate the working group identified additional challenges in implementing the annotations. Members stated the timber annotations would be worth reviewing to assess whether a reduction and simplification of timber annotations would be beneficial. Members proposed the possibility of grouping annotation #5, annotation #6 and annotation #17 or assessing the benefits of harmonising annotations for species within the same genus. Members did not have an opportunity to discuss these topics further.

#### Recommendations

20. The Standing Committee is invited to:

- a) note the report and the advice provided by the working group in paragraphs 7 through 18 of the present document;
- b) endorse the amendments proposed by the working group to annotation #4 as described in paragraph 16 of the present document;
- c) request feedback from range States of *Aniba rosaeodora* and *Bulnesia sarmientoi* on whether they can support the revisions to annotation #11 and annotation #12 described in paragraph 12 of the present document;
- d) endorse the proposed addition of text to Resolution Conf. 10.13 (Rev. CoP18) on *Implementation of the Convention for tree species* (Annex 1 to the present document) and in the Interpretation Section of the Appendices (Annex 2 to the present document); and
- e) request that the Secretariat revise Decision 16.162 (Rev. CoP19) to remove completed directives and submit the revised decision for consideration at the 20th meeting of the Conference of the Parties.

AMENDMENT TO RESOLUTION CONF.10.13 (REV. COP18) ON  
*IMPLEMENTATION OF THE CONVENTION FOR TREE SPECIES*

1. RECOMMENDS that:

[...]

- d) for the purpose of annotations in the Appendices for parts and derivatives of species traded as timber, definitions to be used should, to the extent possible, be based on the tariff classifications of the Harmonized System of the World Customs Organization. Note references to Harmonized System codes refer to the language of the definition adopted by CITES, and not to the Harmonized System code that applies;

(...)

NEW PARAGRAPH OF THE INTERPRETATION SECTION OF THE APPENDICES

- xx. Note references to Harmonized System codes refer to the language of the definition adopted by CITES, and not to the Harmonized System code that applies.