

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



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

Proposals for possible consideration at CoP16

Proposals to amend the Appendices

Annotations

OVERVIEW [DECISIONS 15.31, 14.133, 14.134 (REV. COP15),
14.149, 15.35 AND 14.148 (REV. COP15)]
REPORT OF THE WORKING GROUP

1. This document has been prepared by the Vice-Chair of the Plants Committee, in collaboration with Canada, the European Union, and the Mexican Scientific Authority*.

Background

2. During its 15th meeting (CoP15, Doha 2010), the Conference of the Parties revised plant annotation-related Decisions, resulting in a number of Decisions as shown in Table 1 below.

Table 1. CoP15 Decisions related to plant annotations

Subject	Decision	
Annotations to the Appendices for plants	15.31	<i>The Plants Committee shall:</i> a) Prepare clarification (i.e. a glossary or an illustrated brochure to be made available to enforcement authorities) and guidance on the meaning of “packaged and ready for retail trade” and other terms used in the Annotations; and, b) Report at the 16th meeting of the Conference of the Parties (CoP16) and, if necessary, prepare additional amendment proposals for CoP16.
Review of annotations for Cactaceae and Orchidaceae: herbarium specimens	15.32	<i>The Secretariat shall:</i> a) encourage Parties via a Notification to contact their national scientific institutions, and to inform them about the implications and benefits under Article VII, paragraph 6, and Resolution Conf. 11.15 (Rev. CoP12); b) encourage Parties via a Notification to apply Article VII, paragraph 6, by registering scientific institutions as appropriate [as stated in Resolution Conf. 11.15 (Rev. CoP12)]; and c) in compliance with Decision 12.79, support the preparation of an

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Subject	Decision	
		information brochure.
Review of annotations for Cactaceae and Orchidaceae: evaluation of trade in finished products	15.33	<p><i>The Parties shall:</i></p> <p>a) Contact their national scientific institutions, and inform them about the implications and benefits under Article VII, paragraph 6, and Resolution Conf. 11.15 (Rev. CoP12); and</p> <p>b) Apply Article VII, paragraph 6, by registering scientific institutions in accord with Resolution Conf. 11.15 (Rev. CoP12).</p>
Orchids: annotation for species included in Appendix II	15.34	<p><i>The Plants Committee shall:</i></p> <p>a) Continue to review the trade in <i>Aloe</i> spp., Cactaceae spp., <i>Cyclamen</i> spp., <i>Galanthus</i> spp., <i>Gonystylus</i> spp., Orchidaceae spp. and <i>Prunus africana</i> to determine whether additional finished products should be exempted by amending the relevant annotations for these species. This review should initially focus on trade in finished products of Orchidaceae spp. Recommendations on whether to exempt additional finished products from CITES controls should be based on the same considerations reflected in document PC18 Doc. 11.3 (e.g. whether finished products are exported from range States and are a significant portion of the trade). In conducting this work, the Plants Committee should consider whether a clear definition of 'finished products' should be developed; and</p> <p>b) As appropriate, prepare proposals to amend Appendix II, based on the outcome of this review, and provide them to the Depositary Government for submission at the 16th meeting of the Conference of the Parties.</p>
	14.133	<p><i>Directed to Parties and the Plants Committee</i></p> <p>Countries of export and import should make recommendations and prepare identification material on further exemptions for artificially propagated hybrids of Orchidaceae spp. included in Appendix II, taking into consideration the capacities of countries to implement and control such exemptions effectively. The results shall be sent to the Plants Committee, which shall evaluate them and adopt the appropriate measures.</p>
	14.134 (Rev. CoP15)	<p><i>Directed to the Plants Committee</i></p> <p>The Plants Committee shall monitor and assess possible conservation problems arising from the implementation of the annotation to Orchidaceae spp. included in Appendix II and shall report on the issue at the 16th meeting of the Conference of the Parties.</p>
Tree species: annotations for species included in Appendices II and III	14.149	<p><i>Directed to the Secretariat</i></p> <p>Subject to the availability of external funding, the Secretariat shall prepare a glossary with definitions and training materials to illustrate the content of the amended annotations, the terms used and their practical implementation when applying the law and controls.</p>
	15.35	<p><i>Directed to the Secretariat</i></p> <p>The Secretariat shall commission a trade study, subject to available funding, to be conducted by an external consultant in cooperation with the International Tropical Timber Organization, to review the trade in timber species listed in Appendices II and III to determine the types of specimens that initially appear in international trade or are exported from range States and regarding those which dominate the trade in and demand for the wild resource. Once the specimens that meet these criteria have been determined, the study should also determine which six-digit universal HS codes and associated definitions are applicable to these specimens. The Secretariat shall provide the results of this study to the Plants Committee.</p>
	14.148	<p><i>Directed to the Plants Committee:</i></p>

Subject	Decision	
	(Rev. CoP15)	<p>a) Based on the results of the trade study, the Plants Committee shall review the annotations for tree species listed in Appendices II and III and, if appropriate, draft amendments to the annotations and prepare clear definitions for the terms used in those annotations in order to facilitate their use and understanding by CITES authorities, enforcement officers, exporters and importers.</p> <p>b) The amended annotations shall focus on articles that initially appear in international trade as exports from range States and those which dominate the trade in and demand for the wild resource.</p> <p>c) The Plants Committee shall draft, if necessary, proposals to amend Resolution Conf. 10.13 (Rev. CoP15) and/or to amend the Appendices accordingly so that the Depositary Government may submit them on its behalf for consideration at the 16th meeting of the Conference of the Parties.</p>

3. Additionally, during COP15 proposals [CoP15 Prop. 29](#) and [CoP15 Prop. 42](#), where adopted, to include in Appendix II the tree species *Aniba rosaeodora* (with annotation #12) and *Bulnesia sarmientoi* (with annotation #11). And, in order to assist in the identification of the specimens in trade of such species, the Conference of the Parties adopted the following Decisions (Table 2):

Table 2. Decisions on *Aniba rosaeodora* and *Bulnesia sarmientoi* adopted by the CoP15 (Doha, 2010).

Subject	Decision	
Aniba rosaeodora	15.90	<p><i>Trading range States and importing Parties, working with the Plants Committee, should:</i></p> <p>a) identify the best methods or potential methods for the identification of essential oil and, if required, wood;</p> <p>b) produce identification material and guidance;</p> <p>c) identify appropriate annotations to compliment the proposed identification methods;</p> <p>d) explore whether additional species need to be listed to support effective identification and regulation of wood and oil;</p> <p>e) explore mechanisms for making non-detriment findings for this species; and</p> <p>f) report on their work at the 16th meeting of the Conference of the Parties (CoP16) and, if necessary, prepare additional amendment proposals for CoP16.</p>
Bulnesia sarmientoi	15.96	<p><i>Trading range States and importing Parties, working with the Plants Committee, should:</i></p> <p>a) Identify the best methods for the identification of essential oil and wood;</p> <p>b) Produce identification materials and guidance;</p> <p>c) Develop appropriate annotations for identification methods;</p> <p>d) Explore whether additional species need to be listed for identification and regulation of wood and oil; and</p> <p>e) Report on progress at the 16th meeting of the Conference of the Parties and, if necessary, prepare additional proposals for that meeting.</p>

4. During its nineteenth meeting (PC19; Geneva, 2011) the Plants Committee considered a set of 8 working documents regarding plant annotations and the implementation of the above mentioned Decisions (Table 3).

Table 3 List of PC19 documents related with plant annotations.

PC19's annotation-related documents	Title
PC19 Doc. 11.1	Overview [Decisions 15.31, 15.34, 14.133, 14.134 (Rev. CoP15), 14.149, 15.35 and 14.148 (Rev. CoP15)]
PC19 Doc. 11.2	Preparation of clarification and guidance on the meaning of “packaged and ready for retail trade” and other terms used in the annotations (Decision 15.31)
PC19 Doc. 11.3	Cactaceae and Orchidaceae: review of annotations (Decision 15.34)
PC19 Doc. 11.4	Orchids: annotations for species included in Appendix II [Decisions 14.133 and 14.134 (Rev. CoP15)]
PC19 Doc. 11.5	Tree species: annotations for species included in Appendices II [Decisions 14.149, 15.35 y 14.148 (Rev. CoP15)]
PC19 Doc. 11.6	Development and application of annotations to the listings of plant taxa in the Appendices
PC19 Doc.16.4	<i>Aniba rosaeodora</i> (Decision 15.90)
PC19 Doc.16.5 (Rev. 1)	<i>Bulnesia sarmientoi</i> (Decision 15.96)

5. The purpose of documents PC19 Doc. 11.1 (Overview [Decisions 15.31, 15.34, 14.133, 14.134 (Rev. CoP15), 14.149, 15.34 and 14.148 (Rev. CoP15)]) and PC19 Doc. 11.6, (Development and application of annotations to the listings of plant taxa in the appendices) was to provide an overview of problems associated with how annotations are developed, and to make suggestions for future development and application of annotations to CITES-listed plant species, respectively. The Committee noted the documents and invited the North America Region to submit the latter document to the Standing Committee at its 61st meeting.
6. During its 61st meeting (SC61; Geneva, 2011), the Standing Committee established an intersessional working group on annotations under the chairmanship of the Representative of North America (USA), to consider the following recommendations included in paragraph 7 of document SC61 Doc.54, as part of its mandate:
 - Explore the shared understanding among Parties of annotations, both their meaning and function; and
 - Explore the adoption of appropriate and reasonable procedures for crafting plant annotations, which may include recommending that annotations be developed in consultation with the Plants Committee; revising the discussion of annotations in the listing proposal format in Annex 6 to Resolution Conf. 9.24 (Rev. CoP15) on *Criteria for amendment of Appendices I and II* to recommend, in addition to the elements already listed, that a proponent Party discuss the practical implementation of the annotated listing if adopted; and providing guidance in Resolution (e.g., Resolution Conf. 11.21 (Rev. CoP15) on *Use of annotations in Appendices I and II*), including in identification materials as appropriate.
7. The Standing Committee agreed that the Chair of the Standing Committee Working Group on Annotations would liaise with the Plants Committee's intersessional working group on annotations, and with the Chair of the Animals Committee to determine how best to work in a collaborative, non-duplicative and coherent manner on this issue.
8. Regarding document PC19 Doc.11.3 and the implementation of Decision 15.34, an intersessional working group was formed to consider this issue. The acting representative of Africa (Mr. Akpagana), China, the Czech Republic, Thailand, the United States, UNEP-WCMC and the American Herbal Products Association volunteered to contribute to a Web survey on the international trade in orchid products.
9. Regarding documents PC19 11.2, 11.4, 11.5, 16.4 and 16.5, the Plants Committee established separate working groups at the meeting with specific mandates as described in Table 4).

Table 4. Working groups and their respective mandates established during PC19 based on annotation-related documents.

PC19's WGs	Decision	Mandates
PC19 WG04	Preparation of clarification and guidance on the meaning of "packaged and ready for retail trade" and other terms used in the annotations (Decision 15.31) PC19 Doc. 11.2	<ul style="list-style-type: none"> a) Review the definitions outlined in Annex 3 to document PC19 Doc. 11.2, in particular that of "Packaged and ready for retail trade", and consider whether they are of sufficient clarity to allow effective implementation of the Convention; b) Indicate which definitions could be included in a glossary as they currently stand; c) Indicate which definitions may need further revision and amendment, and d) Propose definitions for the following terms included in current plant annotations: 'cut flower' (#1 y #4), 'parts of root' (#3), 'pulp' (#13) and 'copra' (#13)."
PC19 WG05	Orchids: annotations for species included in Appendix II [Decisions 14.133 and 14.134 (Rev. CoP15)] PC19 Doc. 11.4	<ul style="list-style-type: none"> a) Monitor the trade trend for commercial hybrid orchids (at the genus level) and suggest guidelines for the simplification of the annotations including the necessary requirements (for example, only specimens with flowers, etc.); b) Improve the identification capacity of inspection officers, to encourage the exporters to use the exemption, and to produce an identification manual for this purpose; and c) Verify which Parties are still requiring CITES permits for <i>taxa</i> which could benefit from the annotation.
PC19 WG06	Tree species: annotations for species included in Appendices II and III [Decisions 14.149, 15.35 y 14.148 (Rev. CoP15)] PC19 Doc. 11.5	<ul style="list-style-type: none"> a) Consider Annexes 1, 2 and 3 of document PC19 Doc. 11.5; b) Consider whether specimens described as "finished products packaged and ready for retail trade", (intended to refer to medicinal plant products), can or should be applied to timber products for species that are used for both purposes and listed with annotation #2, or can or should be excluded from timber products of <i>Aniba rosaeodora</i> listed with annotation #12; c) Consider addressing the increasing number of Appendix-II and Appendix-III tree annotations that reference non-fibre wood products, including essential oil and extracts. It may, for example, be possible to adopt specific HS code definitions for such products as "essential oil" (HS 3301) "gums, resins, and other vegetable saps and extracts" (HS 1301) and "powders" (HS 3304), and to include these definitions in Resolution Conf. 10.13 (Rev. CoP15); and d) Assess, based on elements presented in document PC19 Doc. 11.5, the need to amend current annotations relating to tree species.
PC19 WG12	<i>Aniba rosaeodora</i> (Decision 15.90) PC19 Doc.16.4	<p><u>Regarding agenda item 16.4</u></p> <ul style="list-style-type: none"> a) Take note of the responses to Notification No. 2010/027 and to the questionnaire circulated by the Scientific Authority of Mexico (see the Annex); and b) Address paragraphs a) to d) of Decision 15.90 (questions i. to iv. of the questionnaire) and identify the steps to be taken in order to give effect to that Decision.
	<i>Bulnesia sarmientoi</i> (Decision 15.96) PC19 Doc.16.5 (Rev. 1)	<p><u>Regarding agenda item 16.5 (Rev. 1)</u></p> <ul style="list-style-type: none"> a) Take note of the responses to Notification No. 2010/027 and to the questionnaire circulated by the Scientific Authority of Mexico (see the Annex); b) Take note that, in Decision 15.96, paragraphs a) and d), an inaccurate reference is made to essential oil, when annotation #11 does not include essential oil but powder

		and extracts; and c) Address paragraphs a) to d) of Decision 15.96 (questions i. to iv. of the questionnaire) and identify the steps to be taken.
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10. The Plants Committee took note of the following recommendations derived from Working Groups reports:

PC19 WG04 “packaged and ready for retail trade” and other terms used in the annotations

- a) After reviewing the 22 terms in Annex 3 to document PC19 Doc.11.2, the PC agreed definitions for the five following terms, and it recommended including them in the glossary: 1) essential oil, 2) extract, 3) finished product package and ready for retail trade, 4) powder (and powdered) and 5) root. Additionally, it determined that there was no need to develop specific definitions for: endosperm, fruit, *in vitro*, naturalized, pollen, pollinia, rhizome, seedling or tissue culture, seed, seedpod, spore, sterile container, underground part, cut flower, pulp and copra (given that they do not present problems in the implementation of the annotations);
- b) It is necessary to determine whether the definitions of the terms should be agreed by the Conference of the Parties, in order to be included in the glossary; if they should be included in a Resolution; and, determine the best process for amending the definitions of terms in annotations;
- c) That the intersessional working group on Annotations for timber species will consider the term ‘wood-chips’ and provide a definition, if needed; and finally;
- d) Further work is required to develop a definition of “parts of roots”. In this regard, United States, in consultation with Canada, volunteered to develop a working definition as it is related to Annotation #3.

PC19 WG05 Orchids: annotations for species included in Appendix II

- a) No further exemption of orchid hybrids should be considered for the time being, and no modification to the foot note is needed.
- b) Importing and exporting Parties need to train inspection officers and to share their experience regarding the use and implementation of this annotation; and that Parties interested in using it will share its benefits to the pertinent sectors (producers and consumers).
- c) Finally, Thailand informed that they have prepared an ID manual for certain orchid hybrids, which will be published on the CITES website.

PC19 WG06 Tree species: annotations for species included in Appendices II and III

- a) Annexes 1, 2 and 3 (List of tree species included in Appendices II and III that are or may be used as timber, secondary processed wood products and examples of wood products not qualifying as secondary processed wood products but not included in most current annotations of timber species included in Appendices II and III, respectively) are useful reference material to provide guidance on differentiating medicinal products and primary and secondary wood products on the basis of recognized Harmonized System (HS) codes.
- b) The description for finished products was intended only for medicinal products and it should not be applied to timber products from species with Annotation #2, and should be excluded from timber products of *Aniba rosaeodora* listed with Annotation #12. In this sense, it recommends giving consideration when drafting annotations to clearly differentiate between timber and medicinal products derived from species that can be used for both purposes.
- c) Definitions for “essential oil”, “extract” and “powder” proposed by working group PC19 WG04 should be added to the CITES glossary.
- d) The definitions contained in HS codes and International Organization for Standardization (ISO) standards may be useful, on a case-by-case basis, to supplement the definitions proposed by WG04, as long as the use of such codes and standards assists in simplifying CITES implementation.

- e) There is a need to amend the current annotations relating to tree species, and in the process, the following observations should be taken into consideration: rather than focusing on differentiating primary from secondary wood products, annotations should seek to capture the first product of export (regardless of its form); it might be helpful to focus on creating a reduced number of general annotations that correspond to broad product types (e.g. timber, medicinal, edible products) and append relevant HS codes as required for particular species; and finally, to seek guidance from the World Trade Organization (WTO) as to the precise application and interpretation of codes and the extent to which a primary processed wood product must be physically altered to qualify as a secondary processed wood product, which would assist the annotation drafting process, as would increased emphasis on the responsibility of traders to accurately define and describe products in international trade.
- f) There is a need for greater flexibility and adaptability in the annotation drafting process, to allow the Parties to anticipate trade pattern changes and to facilitate enforcement.

PC19 WG12 *Aniba rosaedora* and *Bulnesia sarmientoi*

***Aniba rosaedora*:** All participants found the current annotation [#12 – logs, sawn wood, veneer sheets, plywood and essential oil (excluding finished products packaged and ready for retail)] appropriate. However, Brazil's interpretation of Annotation #12 is that it includes 'pure essential oil, oil in solutions and derivatives (excluding solutions and concentrations of under 1% and finished products packaged and ready for retail trade)' as outlined in page 6 of PC19 Doc.16.4. In this respect, some WG members and the Secretariat expressed that in their view the current annotation does not cover oil in solutions and derivatives. In addition, the International Fragrance Association (IFRA) noted that identification becomes particularly difficult and unenforceable when dealing with mixtures or solutions of rosewood essential oil and derivatives, and working on percentages of the oil within these products. Brazil expressed that, if they wish to pursue this line, an amendment to the annotation would be submitted to CoP16 (March 2013).

***Bulnesia sarmientoi*:** Argentina believes that the Annotation # 11 is appropriate, as it reflects main products in trade. Other WG members pointed out that a certain level of trade in essential oil is taking place. Consequently, Argentina was invited to evaluate whether an amendment to the annotation is necessary as the existing annotation does not cover 'essential oil'.

Establishment of the intersessional working group on annotations

- 11. In order to fulfill the mandates of working groups PC19 WG04, PC19 WG06, and PC19 WG12, the Plants Committee decided to form an intersessional working group on annotations, coordinated by the Vice-Chair of the Committee, and co-chaired by the chairs of three sub-working groups, as follows:
 - a) Meaning of 'packaged and ready for retail trade' and other terms used in the annotations' WG04 (Vice-Chair of the Committee).
 - b) Tree species: annotations for species included in Appendices II and III WG06 (Canada – Mr Farr).
 - c) *Aniba rosaedora* and *Bulnesia sarmientoi* WG12 (European Union – Mr Valentini).

It was agreed that the mandate of the sub-working groups would be the mandates of the working groups on annotations established during PC19 and that the group would be composed as follows:

- Members: the representatives of Central and South America and the Caribbean (Ms. Mites) and Oceania (Mr. Leach), and the alternate representative of Asia (Ms. Al Salem).
- Observer Parties: Brazil, France, the Democratic Republic of the Congo, Germany, Mexico, Peru, the Republic of Korea, Saudi Arabia, Spain, Switzerland, the United Kingdom, the United States, American Herbal Products Association and the International Fragrance Association.

Progress achieved

12. In implementing the mandate established by PC19, the co-chairs of the intersessional working group on annotations developed the following documents:
 - i) Document PC20 Doc. 17.1.2.2, on definitions of terms used in Annotations (WG04) and;
 - ii) Document PC20 Doc. 17.1.2.4, on tree species (WG06)
 - iii) Documents PC20 Doc. 17.1.2.5 on *Aniba* and PC20 Doc. 17.1.2.6 on *Bulnesia* (WG12).
13. Regarding activities indicated in paragraph 8 above regarding the Web survey of orchids, by the time of writing this document, a volunteer to lead this work had not been identified and a document had not been prepared.

However, we note that the United States developed a questionnaire, which they offered to share with other working group members, and provided the results of their consultation with the U.S. herbal and personal care products industries.

Recommendations to the Plants Committee

14. The Plants Committee is invited to:
 - a) Take note of the implementation activities completed by the intersessional annotation working groups; and;
 - b) Consider documents PC20 Doc. 17.1.2.2, PC20 Doc. 17.1.2.4 and PC20 Doc. 17.1.2.5 and to adopt relevant recommendations, as appropriate.