

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



Twenty-third meeting of the Plants Committee
Geneva (Switzerland), 22 and 24-27 July 2017

Species specific matters

POSSIBLE AMENDMENTS TO RESOLUTION CONF. 10.13 (REV. COP15) ON
IMPLEMENTATION OF THE CONVENTION FOR TIMBER SPECIES

1. This document has been prepared by the Secretariat.

Background

2. At its 22nd meeting (PC22, Tbilisi, October 2015), the Plants Committee discussed several working documents on CITES-listed tree species, and the implementation of the Convention for these taxa. The Committee identified a number of challenges that Parties face when implementing CITES provisions for trade in tree species included in Appendix II. The summary record of that meeting (see document [PC22 SR](#)) contains the following paragraphs on the discussions under agenda item 24.2 on "Possible amendments to Resolution Conf. 10.13 (Rev. CoP15) on *Implementation of the Convention for timber species*":

The Secretariat put forth nine suggestions to update Resolution Conf. 10.13 (Rev. CoP15), as follows: changing the title of the Resolution to 'Implementation of the Convention for tree species'; the addition of more HS codes for types of timber or tree specimens; the addition of a section on identification and forensics for tree species; the addition of a section on marking and traceability; the inclusion of a section on exports and imports; some language on the reasons why some timber cannot be logged and exported in same calendar year; an encouragement to Parties to set voluntary export quotas for each species; concerns about non-detriment findings at species level; the need to use conversion factors when setting export quotas for timber or tree species; and options on what to do with remains of timber that result in clear cut or changes in use of the land.

The Committee requested the Secretariat to submit a document on possible amendments to Resolution Conf. 10.13 (Rev. CoP15) on Implementation of the Convention for timber species to the Plants Committee at its 23rd meeting.

Possible amendments to Resolution Conf. 10.13 (Rev. CoP15)

3. The Secretariat has collated possible amendments to the various sections of Resolution Conf. 10.13 (Rev. CoP15) that were discussed or recommended at PC22. These are marked with an asterisk in paragraph 5 below.
4. The Secretariat has identified several other possible amendments that may warrant consideration by the Plants Committee. These are indicated in paragraphs 5 b), 5 d) and 5 j) below.
5. The areas that the Plants Committee and/or the Secretariat have identified for possible revision of Resolution Conf. 10.13 (Rev. CoP15) are shown below, with some brief observations by the Secretariat:

a) Changing the title of Resolution Conf. 10.13 (Rev. CoP15) to *Implementation of the Convention for tree species**:

- i) It has previously been noted that CITES regulates international trade in specimens of tree species that are not necessarily timber, e.g. dry bark of *Prunus africana*, agarwood producing species, extract of *Aniba rosaeodora*, etc. Some annotations cover timber and non-timber products. Changing the title of the Resolution to indicate that it provides guidance on the overall management of CITES-listed tree species seems pertinent.
- ii) In case this amendment is agreed, the word 'timber' would need to be replaced by 'tree' in quite a few sections of Resolution Conf. 10.13 (Rev. CoP15). However, considering that some sections of that Resolution are only relevant to trade in timber products, the word 'tree' should not systematically replace the word 'timber' in all instances where it is currently used.

b) The Secretariat's assessment of proposals to amend Appendices I and II for tree species:

- i) Paragraph 1 b) of Resolution Conf. 10.13 (Rev. CoP15) reads:

when any proposal is submitted to amend the CITES Appendices for timber species, for the implementation of paragraph 3 h) of Resolution Conf. 9.24 (Rev. CoP17), the Secretariat should seek the views of ITTO, FAO and IUCN and present these to the Conference of the Parties.

- ii) The Secretariat follows this consultation procedure when relevant proposals are submitted by the Parties for consideration at meetings of the Conference of the Parties. The Secretariat has been considering ways to strengthen these consultations so that more pertinent information and guidance could be made available to the Parties.
- iii) In this regard, the Secretariat asked the Parties present at the recent *International Workshop on Tree Species in CITES* (La Antigua, Guatemala, February 2017) whether the establishment of an expert panel to evaluate timber listing proposals, somewhat modelled after the *FAO Expert Advisory Panel for the Assessment of Proposals to Amend Appendices I and II of CITES Concerning Commercially exploited Aquatic Species*, would be useful. In their comments, participants expressed concerns about overloading the process, and suggested that it might be more effective to seek enhanced, more elaborate and detailed views from ITTO, FAO and IUCN under the current consultation procedure.
- iv) The Plants Committee could consider how to best achieve the objective of strengthening consultations with ITTO, FAO and IUCN regarding CITES-listing proposals for timber species, and propose amendments to the resolution as appropriate.

c) The addition of more definitions and Harmonized System Codes (HS codes) for different types of timber or tree specimens*:

- i) Paragraph 1 c) of Resolution Conf. 10.13 (Rev. CoP15) includes the definitions and HS codes for the most common timber products in international trade: logs, sawn wood, veneer sheets and plywood. The interpretation section of the Appendices which is legally binding includes definitions of other tree specimens: extract, powder and woodchips. Some Parties have expressed an interest in expanding the list of HS codes currently included in the Resolution to cover non-timber products, such as extracts, powder and woodchips. Considerations of this should be aligned with the Standing Committee's work on annotations pursuant to Decision 16.162 (Rev. CoP17), paragraph d), in which the Standing Committee, in cooperation with the Plants Committee, is directed to:

...review the existing annotations for tree species and, if appropriate, draft amendments to those annotations and prepare clear definitions for the terms used in the annotations in order to facilitate their use and understanding by CITES authorities, enforcement officers, exporters and importers.

d) Consider the addition of a definition of 'plantation':

- i) Decision 16.156 (Rev. CoP17) on *Definition of the term 'artificially propagated'* directs the Plants Committee to:

assess the applicability of the current definitions of artificial propagation in Resolution Conf. 10.13 (Rev. CoP15) on Implementation of the Convention for timber species and Resolution Conf. 11.11 (Rev. CoP17) on Regulation of trade in plants respectively.

In undertaking this task, the Plants Committee could consider incorporating a definition of the term 'plantation' in Resolution Conf. 10.13 (Rev. CoP15). It should be noted that Resolution Conf. 16.10 on *Implementation of the Convention for Agarwood-producing taxa* also includes a specific definition of 'artificially propagated' and uses the term "plantation" in its paragraphs 1 to 4. The Plants Committee could take this resolution into account as well when considering a possible definition of 'plantations' as proposed at PC22.

e) Concerns about non-detriment findings at the species level*:

- i) In the past, the Animals and Plants Committee have discussed and provided guidance that led the Conference of the Parties to adopt specific provisions for groups of taxa with nomenclature and identification challenges. This involved the following instances:

In the case of corals:

Resolution Conf. 11.10 (Rev. CoP15) on *Trade in stony corals* reads:

ACCEPTING that coral fragments and coral sand cannot be readily recognized;

RECOGNIZING also that it is frequently difficult to identify live or dead corals to the species level owing to the lack of a standard nomenclature and the lack of comprehensive and accessible identification guides for the non-specialist;

In Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates*, in paragraph 17, the Conference of the Parties RECOMMENDS that:

- a) *on permits and certificates issued to authorize trade in specimens of hard corals of the genera included in the most recent CITES list of Coral taxa where identification to genus level is acceptable¹, where the species cannot be readily determined, the specimens may be recorded at the genus level. This list is maintained by the Secretariat and may be amended with the concurrence of the Animals Committee;*

In the case of agarwood producing species:

Resolution Conf. 16.10 on *Implementation of the Convention for agarwood-producing taxa*

*RECOGNIZING that agarwood-producing species, as listed in Appendix II, refer to *Aquilaria* spp. and *Gyrinops* spp.*

- ii) Resolution Conf. 16.10 was adopted with the understanding that non-detriment findings for agarwood-producing taxa are made at the genus level. With the increasing number of tree taxa included in CITES at the genus level, range States of these species may soon face similar challenges than the ones experienced by the range States of agarwood species.
- iii) As indicated above, the Parties have recognized that, for corals and agarwood-producing species, identification, the making of non-detriment findings and/or the issuance of permits and certificates at the species level is not always possible. There may be other groups of tree species for which similar problems exist, and for which similar approaches could be considered. These issues, and options to address them could be reflected in revisions of Resolution Conf. 10.13 (Rev. CoP15).

¹ At the time of entry into force of the present Resolution (12 June 2013), the most recent list had been published in Notification to the Parties No. 2012/047.

f) Regarding the establishment of voluntary annual national export quotas for timber species:

- i) At PC22, the Plants Committee agreed to propose new text to be inserted under this section in order to encourage Parties to set voluntary export quotas for each species, and to use conversion factors when setting export quotas for tree species and making related non-detriment findings.
- ii) The Plants Committee further proposed to explain in this section the reasons why some timber cannot be logged and exported in the same calendar year. It is not always possible for Parties to establish export quotas for timber products and export these volumes during the same calendar. This often results in leftovers, which create problems with administration, permitting and reporting. These particular characteristics of the timber trade were proposed to be addressed in revisions of Resolution Conf. 10.13 (Rev. CoP15).
- iii) Finally, the Committee identified the need to provide options on what to do with the remains of timber resulting from clear cutting or changes in land use. In the past, requests from Parties to establish export quotas for timber resulting from natural disasters have triggered discussions on the need to increase transparency about the declared origin of that timber.
- iv) When addressing the issues raised above, the Committee should consider guidance in Resolution Conf. 14.7 (Rev. CoP15) on *Management of nationally established export quotas*.

g) Inclusion of a section on exports and imports*:

- i) At PC22, the Plants Committee discussed concerns about the issuance of CITES export permits under court order. Based on a document submitted by the United States, the Standing Committee agreed to submit to the Conference of the Parties, at its 17th meeting, a new section to be added to Resolution Conf. 12.3 (Rev. CoP16) on *Permits and certificates* regarding these matters [see [paragraph 12 of document CoP17 Doc. 10.1.1 \(Rev. 1\)](#)]. The Conference of the Parties amended Resolution 12.3 (Rev. CoP16) by inserting the following new section at the end of the Resolution:

XVI. Regarding permits and certificates issued under court orders

27. RECOMMENDS that:

- a) *exporting Parties should not proceed with any export of specimens of any CITES-listed species without evidence of legal origin of specimens of the species, and for species listed in Appendix I or II, without evidence of a non-detriment finding;*
 - b) *upon receiving credible information or intelligence, importing countries should reject shipments of specimens of species accompanied by export permits issued under court order without the required CITES findings. The importing Party should contact the exporting Party to seek confirmation that a non-detriment finding by the Scientific Authority and a legal acquisition finding by the Management Authority were made; and*
 - c) *upon receiving credible information or intelligence, the Secretariat should contact the importing and exporting Parties involved in the potential trade of specimens accompanied by court ordered permits and inform them of the relevant provisions of the Convention;*
- ii) In light of these amendments, the Secretariat is of the opinion that the matter has been addressed and does not need further consideration by the Plants Committee at this stage.

h) The addition of a section on identification and forensics for tree species*:

- i) Decisions 17.166 to 17.169 on *Identification (timber)* encourage Parties to create or expand scientific reference collections, direct the Plants Committee to assist Parties in this work by identifying priorities in addressing gaps, and direct the Secretariat to support these efforts. During its discussion on the implementation of these Decisions, the Plants Committee may want to consider the creation of a new section on *Identification and forensics for tree species* in Resolution Conf. 10.13 (Rev. CoP15).

i) The addition of a section on marking and traceability*:

i) Decisions 17.250 to 17.252 on *African cherry* (*Prunus africana*) direct the Secretariat, subject to available funding, to organize an international workshop to address the conservation, management of and trade in this species, as well as traceability systems. The recommendations from the workshop are to be reviewed by the Plants Committee, and could contribute to creating a section in Resolution Conf. 10.13 (Rev. CoP15) on marking and traceability for tree species products.

j) The section ***Regarding improvement of public understanding of the role of the Convention in the conservation of timber species*** could be moved to the end of Resolution Conf. 10.13 (Rev. CoP15) as it does not provide targeted guidance but intends to raise general awareness on the impact CITES has in the conservation of tree species.

Recommendations

6. The Plants Committee is invited to consider the need for amending Resolution Conf. 10.13 (Rev. CoP15), and if so agreed, to:
 - a) propose a process for conducting this revision, involving the Standing Committee and reporting at the 18th meeting of the Conference of the Parties (CoP18, 2019); and
 - b) consider possible amendments to Resolution Conf. 10.13 (Rev. CoP15), taking into account the issues outlined in paragraph 5 and possible further amendments to the Resolution.