

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



Sixty-first meeting of the Standing Committee
Geneva (Switzerland), 15-19 August 2011

OVERVIEW OF THE DECISIONS ON ANNOTATIONS

The attached document has been submitted by the Secretariat in relation to agenda item 54 on *Development and application of annotations*.

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



Nineteenth meeting of the Plants Committee
Geneva (Switzerland), 18-21 April 2011

Annotations

OVERVIEW [DECISIONS 15.31, 15.34, 14.133, 14.134 (REV. COP15),
14.149, 15.35 AND 14.148 (REV. COP15)]

1. This document has been prepared by the Secretariat.

Background

2. Articles III, IV and V of the Convention address the regulation of trade in specimens of species included in Appendices I, II and III, respectively.
3. Article I, paragraph (b) (iii), of the Convention defines the term 'specimen' as:

in the case of a plant: for species included in Appendix I, any readily recognizable part or derivative thereof; and for species included in Appendices II and III, any readily recognizable part or derivative thereof specified in Appendices II and III in relation to the species.

4. Since the Convention's adoption in 1973, the list of species included in Appendix II has been preceded by an introductory 'interpretation' which explains, *inter alia*, that some species are annotated to identify specific parts and derivatives included in that Appendix. Paragraph 7 of the current interpretation states:

When a species is included in one of the Appendices, all parts and derivatives of the species are also included in the same Appendix unless the species is annotated to indicate that only specific parts and derivatives are included. The symbol # followed by a number placed against the name of a species or higher taxon included in Appendix II or III refers to a footnote that indicates the parts or derivatives of plants that are designated as 'specimens' subject to the provisions of the Convention in accordance with Article I, paragraph (b), subparagraph (iii).

5. The term 'annotation' does not appear in the Convention or its Appendices. In the CITES glossary, it has developed to facilitate Parties' understanding and implementation of the Convention, the Secretariat has defined the term 'annotation' as:

A note attached to certain species in the Appendices to indicate which population, parts or derivatives are concerned by the listing or clarifying its scope, or containing special conditions relating to the inclusion of the species. The note may be a code that refers to the introductory interpretation of the Appendices.

6. On 1 July 1975, when the Convention entered into force, there were five 'annotations' related to plants. Three of these related to parts and derivatives and covered roots, timber and trunks, respectively. The other two related to designated geographically separate populations. In the current set of CITES Appendices, valid since 14 October 2010, there are 13 annotations related to parts and derivatives of plant

species, and each one covers multiple parts and derivatives. There are also four annotations related to artificially propagated specimens of certain hybrids and cultivars.

Resolution Conf. 11.21 (Rev. CoP15)

7. At its 10th meeting (Harare, 1997), the Conference of the Parties adopted Decision 10.70, directed to the Standing Committee, which stated:

Ways and means of clarifying legal and implementation issues related to the use of annotations in the Appendices shall be considered and a report shall be presented at the 11th meeting of the Conference of the Parties.

8. At its 39th meeting (Harare, June 1997), the Standing Committee “requested the Depositary Government to lead a working group to deal with this directive”. At its 40th meeting (London, March 1998), the Committee considered document SC40 Doc. 5.6 prepared by the Depositary Government and agreed that the working group should develop a draft resolution which might later be combined with Resolution Conf. 9.24 on *Criteria for amending Appendices I and II*.
9. The draft resolution was approved during the 41st meeting of the Standing Committee (Geneva, February 1999) and was subsequently adopted at the 11th meeting of the Conference of the Parties (Gigiri, 2000) as Resolution Conf. 11.21 on *Use of annotations in Appendices I and II*. This Resolution makes it clear that there are two types of annotations: reference annotations (which are for information purposes only), and substantive annotations (which are integral parts of species listings). The introduction, amendment or deletion of annotations of the second type is only possible under the procedures required for the amendment of the Appendices.
10. Resolution Conf. 11.21 was amended at the 13th, 14th and 15th meetings of the Conference of the Parties (Bangkok, 2004; The Hague, 2007; and Doha, 2010).
11. The scope of the Resolution is limited to Appendices I and II, but annotations are also used in Appendix III. The Secretariat has been in consultation with a Party about the need to realign an Appendix-III annotation with similar annotations in Appendices I and II that were amended at CoP15.

Resolution Conf. 9.24 (Rev. CoP15)

12. Annex 6 to Resolution Conf. 9.24 (Rev. CoP15), which contains the *Format for proposals to amend the Appendices*, addresses annotations under element A and reads:

If a specific annotation to the listing in the Appendices is proposed, the proponent should:

- *ensure that the proposed annotation is in compliance with the applicable Resolution;*
- *indicate the practical intent of the annotation;*
- *harmonize new annotations with existing annotations; and*
- *be specific and accurate as to affected parts and derivatives.*

13. The number of amendment proposals related to annotations has increased over time. A total of 27 proposals to amend annotations were submitted to the last three meetings of the Conference of the Parties.

Conclusions

14. The present meeting has seven agenda items directly or indirectly related to annotations, which stem from nine decisions adopted at CoP15. Some of these items relate to specific species or taxa, while others are more general in nature.
15. Despite the efforts that have been made to clarify legal and implementation issues resulting from annotations, and to simplify and consolidate various annotations, the number and variety of annotations have continued to increase and the Secretariat continues to receive questions from Parties and the private sector about how to interpret them. There still does not seem to be a uniform understanding and use of

annotations under the Convention and some of them may even be inconsistent with the provisions of the Convention.

16. There appears to be merit in ensuring that all annotations are logically consistent; in simplifying their formulation so that Management Authorities, Customs, other border officials and the private sector can more easily understand them; and in providing a means by which the Standing Committee can review, on a regular basis, existing and proposed annotations.
17. Under Resolution Conf. 11.1 (Rev. CoP15) on *Establishment of committees*, the Standing Committee is to “provide general policy and general operational direction to the Secretariat concerning the implementation of the Convention” and to “provide coordination and advice as required to other committees”. The Secretariat believes it would be useful for the Standing Committee to establish a working group to discuss the use of annotations in the Appendices (i.e. for plant and animal species) and to propose definitions or other means by which the Conference of the Parties might ensure that all annotations are aligned with the Convention and that their interpretation and implementation are uniform.
18. Before preparing a discussion document on annotations for the Standing Committee, the Secretariat wishes to consult with the Plants and Animals Committees in order to ensure that the document builds upon and complements the work that has been done by the Committees to date and the work that is currently being undertaken on CoP15 Decisions directly or indirectly related to annotations.

Recommendation

19. It is recommended that members of the Plants Committee share any information, experience or views that they believe could assist the Secretariat in preparing a discussion document on annotations for the 61st meeting of the Standing Committee (Geneva, August 2011).