

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



Sixty-second meeting of the Standing Committee
Geneva (Switzerland), 23-27 July 2012

Interpretation and implementation of the Convention

CITES Appendices

Development and application of annotations

REPORT OF THE PLANTS COMMITTEE

1. This document has been submitted by the Chair of the Plants Committee on behalf of the Committee, with the support of the Co-Chair of the Working Group on Annotations (Mr Farr, Canada) .
2. At its 15th meeting (Doha, Qatar, 2010), the Conference of the Parties adopted Decisions 15.31 and 14.148 (Rev. CoP15) as follows:

Decision 15.31

The Plants Committee shall:

- 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.*

Decision 14.148 (Rev. CoP15)

- 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.*
- 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.*
- 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.*

3. During the 19th meeting of the Plants Committee (PC19, Geneva, 2011), three working groups discussed documents PC19 Doc. 11.2, PC19 Doc. 11.5 and the documents on *Aniba rosaeodora* and *Bulnesia sarmientoi* (PC19 Doc. 16.4 and PC19 Doc. 16.5) regarding the interpretation of annotations for both taxa.

* *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. The Plants Committee discussed and noted the recommendations of the working groups (PC19 WG4, PC19 WG6 and PC19 WG12) but recognized that further work was needed.
5. The Committee decided to establish an intersessional working group on annotations in order to implement all CoP15 Decisions on this issue that are directed to the Plants Committee. It was agreed that the working group should be coordinated by the Vice-Chair of the Plants Committee and co-chaired by the Chairs of the three sub-working groups, as follows:
 - a) Meaning of 'packaged and ready for retail trade' and other terms used in the annotations (Vice-Chair of the Committee);
 - b) *Aniba rosaeodora* and *Bulnesia sarmientoi* (European Union – Mr Valentini); and
 - c) Tree species: annotations for species included in Appendices II and III (Canada – Mr Farr).
6. It was also agreed that the mandate of the intersessional working group should be the same as the mandates of the working groups on annotations established during PC19.
7. During the 20th meeting of the Plants Committee (PC20, Dublin, March 2012), Documents PC20 Doc. 17.1.2.2 and PC20 Doc. 17.1.2.4 were discussed. The Committee established a working group co-chaired by the Chair of the Plants Committee (Ms Clemente), the European Union (Mr Valentini) and Canada (Mr Farr).
8. The working group had the following mandate:
 - a) Regarding document PC20 Doc. 17.1.2.2:
 - i) Reconsider and simplify the definitions in paragraph 11 document PC20 Doc. 17.1.2.2 so that an informed non-expert may be able to make a firm identification of specimens; and
 - ii) Draft a definition of 'finished products' that can be applicable to all CITES plant products.
 - b) Regarding document PC20 Doc. 17.1.2.4:
 - i) Consider the conclusions of the intersessional working group with respect to the need to amend annotations for tree species;
 - ii) Consider whether annotations #2, #7, #11 and #12 require specific clarification given the apparent range of interpretations by Parties;
 - iii) Identify the conclusions of this working group and of previous timber annotation working groups as potentially useful guidance for amending tree species annotations (see the PC19 summary record);
 - iv) Suggest ways to encourage participation at the Plants Committee by enforcement officers and other regulatory experts in the evaluation of any new listings and annotations for timber species; and
 - v) Consider and discuss the terms in the glossary of agarwood products in Annex 3 of document PC20 Doc. 17.2.1 Annex 3, and recommend the best way to make this available to the CITES community.
9. The working group recommendations (PC20 WG5 Doc. 1) were discussed and adopted with amendments by the Committee [see executive summary PC20 Sum. 5 (Rev. 1)] as follows:
10. With respect to item a) i) of the mandate, having considered the definitions in paragraph 11 of document PC20 Doc. 17.1.2.2, the following definitions were endorsed by the Plants Committee. The Committee will consider the possibility of including them in an appropriate Resolution, such as Resolution Conf. 11.11 (Rev. CoP15) on *Regulation of trade in plants*:

Powder

A dry, solid substance in the form of fine or coarse particles

Wood chip

Wood that has been reduced to small pieces

Finished product packaged and ready for retail trade

Products, shipped singly or in bulk, requiring no further processing, packaged, labelled for final use or the retail trade in a state fit for being sold to or used by the general public.

11. With respect to Decision 14.148 (*Tree species: annotations for species included in Appendices II and III*) directed to the Plants Committee, it was understood that new annotations for tree species cannot be developed in advance of the trade study referred to in Decision 15.35, to be commissioned by the Secretariat.
12. The Committee agreed that annotations for tree species are difficult to interpret. It recommended that they be amended, if necessary, after reviewing the trade study mentioned in an updated version of Decision 14.148 (Rev. CoP15), should such a decision be adopted at CoP16.
13. The Plants Committee agreed to propose at CoP16 that the Decision be revised as follows:

Directed to the Plants Committee

14.148 (Rev. CoP16)

- 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.*
 - 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.*
 - 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 for consideration at the 17th meeting of the Conference of the Parties.*
14. The Committee also agreed to recommend that Parties:
 - a) identify within their regulatory agencies those enforcement officers and regulatory experts having particular expertise in CITES processes; and
 - b) seek to include enforcement officers and regulatory experts in the review of Plants Committee documents and as regular members of CITES Plants Committee delegations.
 15. With respect to the glossary of agarwood products in Annex 3 of document PC20 Doc. 17.2.1, the Plants Committee recommended that: definitions be revised to reflect the new definitions; the finished glossary be incorporated into the CITES website in addition to publication of printed copies; and the glossary of agarwood products be considered a useful model for development of a general glossary and illustrated brochure that would provide guidance on the meaning of 'packaged and ready for retail trade' and other terms used in the CITES annotations.

Issues with the definitions of 'extract' and 'root'

16. The working group proposed to the Committee the following definition for the term 'extract':

Extract

Any substance obtained directly from plant material by physical or chemical means regardless of the manufacturing process. An extract may be solid (crystals, resin, fine or coarse particles), semi-solid (gums, waxes), or liquid (solutions, tinctures, oil and essential oils). Finished products containing such extracts as ingredients are not considered to be included in this definition.

17. The working group recommended deleting the definition of 'essential oil' contained in paragraph 11 of document PC20 Doc. 17.1.2.2, as the expanded definition of 'extract' includes essential oil. The working group noted it had been unable to agree to exclude 'complex mixtures' along with 'finished products' in the definition of 'extract'.
18. The Committee was unable to reach consensus on this term in the plenary session. It therefore agreed to refer this issue to the Standing Committee at its 62nd meeting for guidance.
19. The working group proposed the following definition for 'root':

Root

All underground organs or parts of a plant including bulbs, rhizomes, corms, caudices, and tubers

20. After discussing this term in the plenary session, the Committee was unable to reach consensus on its definition. It therefore agreed to refer this issue to the Standing Committee at its 62nd meeting for guidance.
21. The Committee noted the request of the Chair for PC20 participants to send written comments on these issues to her, so that she may take them into account in presenting the matter to the Standing Committee.
22. The Chair of the Plants Committee has received comments on the term 'extract' from Brazil, France, Germany (Scientific Authority), Italy, Switzerland and the United Kingdom of Great Britain and Northern Ireland. These comments are included in Annex 1 to this document. Annex 2 includes a few considerations of the Chair of the Plants Committee.
23. The Standing Committee is invited to:
- a) note the progress made by the Plants Committee in the tasks entrusted to it at CoP15.
 - b) establish a working group at the present meeting to provide guidance to the Plants Committee on how to proceed with the definitions of the terms 'extract' and 'root' (Annex 1), and any other matters considered relevant that are included in the present document and its Annex 2.

Comments received by email

1. Email from Claudia Correa Mello (Brazil) 10 May 2012

Draft definition for consideration:

Extract

Any substance or product obtained directly from plant material by physical or chemical means regardless of the manufacturing process. An extract may be solid (crystals, resin, fine or coarse particles), semi-solid (gums, waxes), or liquid (solutions, tinctures, oil and essential oils). Finished products containing such extracts as ingredients, and also the fragrances, are not considered to be included in this definition.

2. Email from Marco Ciambelli (France) 18 and 21 May 2012

Definition of “extract”

Comments by France, Germany (SA), Italy, Switzerland and the United Kingdom relating to item 17.1.2.2 of the agenda of the 20th Meeting of the CITES Plants Committee

On the occasion of the 20th Meeting of the CITES Plants Committee (Dublin, March 2012), the working group on annotations (WG5) did not reach a consensus on the definition of the term “extract”. This lack of agreement was due to whether fragrance and flavour compounds should be excluded from this definition, as finished products are.

As for us, we consider that, if the annotations to the *Aniba rosaeodora* and *Bulnesia sarmientoi* CITES Appendix II listings were to be interpreted as covering all the extracts, essential oils and fragrance/flavour compounds containing extracts and essential oils of these two species, this would result in the issuance of tens of thousands of CITES permits and certificates each year. During the 19th Meeting of the Plants Committee (Geneva, April 2011), the observer from the International Fragrance Association stated that approximately 25 000 fragrance and flavour compounds are produced from these two species alone. As each formula is manufactured 6 to 7 times/year on average (= 150 000 to 175 000 different batches), these products are traded through hundreds of thousands of transactions each year.

Therefore, we fear having to face again a situation similar to the candelilla (*Euphorbia antisyphilitica*) wax case that we experienced some years ago, whereas the benefit for the conservation of *Aniba rosaeodora* and *Bulnesia sarmientoi* does not clearly appear.

As a consequence, as long as these two species are concerned, we wish that the implementation of the Convention be limited to those products that first appear in international trade, so that the permit requirements and controls do not concern specimens that have already been controlled at earlier stages of the supply chain.

A few considerations of the Chair of the Plants Committee

1. As has been pointed out for years, annotations for plant species included in Appendices II and III are, in general terms, complex and difficult to interpret by enforcement authorities controlling CITES-listed specimens.
2. The wording of these annotations is not simple and, in some cases, it is clear that the Parties should agree on a definition of the terms used. This leads to a heterogeneous implementation that depends on Parties' interpretation.
3. The lack of clear, specific and concrete guidance for Parties, adapted to the types of specimens they wish to control, makes it difficult for them to choose an annotation when they submit proposals to include taxa in Appendices II and III.
4. Including exceptions in an exemption should be avoided as far as possible.
5. Annotation #9 has not had any application. The countries that proposed it should be invited to reconsider this annotation.
6. Resolution Conf. 11.21 (Rev. CoP15), section b) i) and ii), should be amended by deleting the term 'medicinal' so that the basic principles listed can apply to all plants and not only to medicinal plants.
7. Although it is necessary to review the annotations for timber species, this has not been possible because the trade study referred to in Decision 15.35 is not available yet. The Plants Committee will recommend that CoP16 adopt the updated version of Decision 14.148 (Rev. CoP15).
8. In the case of plants used for various purposes (e.g. medicine and timber), it would be good to conduct a study of specimens in trade and determine which use prevails to focus controls on specimens that first appear in international trade as exports from range States.
9. It would be good to conduct a pilot study on standard annotations addressing a single purpose and determine whether a system whereby several annotations are used when several types of specimens are controlled would facilitate their understanding.
10. The inconsistencies in annotations that sometimes occur when Parties submit species for inclusion in Appendix III should be prevented by developing specific guidelines and including them in the Resolutions on *Inclusion of species in Appendix III* [Conf. 9.25 (Rev. CoP15)] and *Use of annotations in Appendices I and II* [Conf. 11.21 (Rev. CoP15)]. Such resolutions should be amended accordingly.
11. The Conference of the Parties should consider authorizing the CITES Secretariat to make the necessary corrections when a Party that has included a species in Appendix III does not update the annotation to reflect changes adopted by the Conference of the Parties within a reasonable time frame after the entry into force of these changes.
12. The terms used in the annotations should have correct botanical definitions that match the purpose of the annotations for specific taxa.
13. Definitions of terms used in the annotations should always be simple and, as far as possible, include characteristics that enable easy identification, so that an informed non-expert may be able to make a firm identification of specimens.
14. The term 'essential oil' should be considered for inclusion under the broader term 'extract', and the annotations concerned should be harmonized accordingly.
15. As far as possible, definitions of terms should not include exemptions, which should instead be included in the annotation of the specific taxon concerned.
16. The following definition could be considered for the term 'root': *Plant organ that grows in the opposite direction to the stem. It is usually underground, but may be aerial in some groups of plants (e.g. epiphytic*

orchids). All other underground organs (rhizome, bulb, corm, tuber, caudex) could be grouped under the term 'underground parts'.

17. The following definition could be considered for the term 'underground parts': *Any underground part of a plant, such as: root (organ that grows in the opposite direction to the stem); rhizome (horizontal stem with several buds that sends out roots and grass shoots from its nodes); bulb (nutrient storage organ); tuber (modified enlarged stem in which storage nutrients accumulate); corm (enlarged stem with a swollen base that grows vertically and contains nodes and knobs that bear buds); caudex (short, thick, fleshy stem that grows underground or close to the ground and produces leaves clustered toward its tip).*
18. The terms used in the annotations should be defined and included in a glossary that should be regularly adopted and updated by the Conference of the Parties; this would require that the CoP adopt a decision on this matter.
19. A glossary with definitions illustrated with photographs would greatly facilitate the implementation of annotations by enforcement authorities. Parties should contribute to its development providing examples and original photographs and involving enforcement authorities in this task.
20. Once reviewed and refined, the glossary of agarwood products in Annex 3 of document PC20 Doc. 17.2.1 can be a useful model for the development of a general glossary and an illustrated brochure. A Master's thesis submitted in March at the International University of Andalusia, Spain, included a prototype of a general glossary illustrated with materials obtained from the Internet. If it is considered appropriate, it could be provided as an initial example to be discussed and improved.
21. It would be good to establish a permanent email working group on the annotations and the glossary with representatives of the Standing Committee, the Plants Committee and the Secretariat. Its mandate could include developing a glossary for adoption by the CoP, regularly updating the glossary and clarifying any annotation-related problems that may arise between sessions of the Conference of the Parties.