

Summary of existing guidance, and other recommendations regarding annotations*

The following is a selection of work in regards to annotations in CITES, with focus on structure and function of annotations. It includes recommendations within Resolutions and Decisions and the Interpretation Section of the Appendices (Part A), and recommendations from the Plants Committee, Parties, Secretariat, and working groups (Part B). Part B is not a complete list of all recommendations/guidance that exists regarding annotations, and Parties or others are welcome to suggest additions. Part C contains, for reference, a summary of the types of provisions within existing CITES annotations.

The information provided could be used as a basis for continued work under paragraph (a) in Decision 16.162; that is, for the intersessional working group to explore the adoption of appropriate and reasonable procedures for crafting plant annotations. The information provided also can serve as a basis for the working group to evaluate and address issues related to the drafting, interpretation and implementation towards assisting Parties in drafting future annotations (paragraph (b) of Decision 16.162).

A. Context and Existing Guidance

Changes pertaining to annotations were made to several Resolutions at CoP16. These are marked in underlined and strikeout text below to highlight these recent changes, which are a result of the work of the Annotations Working Group prior to CoP16.

Text that is not directly from the document, such as comments or explanatory notes, is indicated in square brackets and italics [xx].

General

Document and proponent	Text from the document
Definition in the Glossary	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.

* *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.*

<p>Interpretation Section, Appendices I, II, III</p>	<p>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).</p>
<p>Res. 11.21 (Rev. CoP16)</p>	<p>AGREES that a proposal to include a plant species in Appendix II, or to transfer a plant species from Appendix I to Appendix II, shall be interpreted to include all readily recognizable parts and derivatives if the proposal does not include an annotation specifying the types of specimens to be included;</p> <p>AGREES further that, for plant species included in Appendix II, the absence of an annotation relating to that species shall indicate that all readily recognizable parts and derivatives are included;</p> <p>RECOMMENDS that:</p> <p>a) Parties submitting proposals that contain substantive annotations ensure that the text is clear and unambiguous;</p> <p>...</p> <p>c) if a proposed annotation relates to specified types of specimens, the applicable provisions of the Convention for import, export and re-export of each type of specimen should be specified;</p> <p>d) as a general rule, Parties avoid making proposals to adopt annotations that include live animals or trophies; and</p> <p>e) annotations that specify the types of specimens included in the Appendices should be used sparingly, as their implementation is particularly challenging, especially where there are identification problems or where the purpose of trade has been specified;</p> <p>AGREES that, for species transferred from Appendix I to II with an annotation specifying that only certain types of specimen are subject to the provisions relating to species in Appendix II, specimens that are not specifically included in the annotation shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.</p>

<p>Res. 5.20 (Rev. CoP16)</p>	<p>ESTABLISHES the following guidelines to be followed by the Secretariat when making recommendations in accordance with Article XV, paragraph 2 (b) and (c), of the Convention:</p> <p>...</p> <p>d) if the proposal includes an annotation, the recommendations should specifically cover:</p> <ul style="list-style-type: none"> i) <u>the appropriateness of the proposed annotation with regard to those specimens that dominate the trade and the demand for the wild resource;</u> ii) <u>any potential problems in implementing the proposed annotation; and</u> iii) <u>whether the proposed annotation is harmonized with existing annotations;</u>
<p>Res. 9.24 (Rev. CoP16)</p>	<p>RESOLVES that annotations to proposals to amend Appendix I or Appendix II should be made in accordance with the applicable Resolutions of the Conference of the Parties, be specific and accurate as to affected <u>which parts and derivatives are covered by the Convention, include those parts and derivatives that dominate the trade and the demand from the wild resource</u>, and should, to the extent possible, be harmonized with existing annotations;</p> <p><i>[Precautionary Measures (Annex 4) Paragraph D:]</i> Species that are regarded as possibly extinct should not be deleted from Appendix I if they may be affected by trade in the event of their rediscovery. These species should be annotated in the Appendices as ‘possibly extinct’.</p> <p><i>[Format for Proposals to Amend the Appendices (Annex 6) in the paragraph on “Annotations”:]</i></p> <p>If a specific annotation to the listing in the Appendices is proposed, the proponent should:</p> <ul style="list-style-type: none"> -ensure that the proposed annotation is in compliance with the applicable Resolutions; -indicate the practical intent of the annotation; -<u>be specific and accurate as to the parts and derivatives to be covered by the annotation;</u> -<u>provide clear and simple definitions of any terms in the annotation that may not be easily understood by enforcement personnel and user groups (noting that definitions should be specific to CITES and scientifically and technically precise to the extent practicable for purposes of the annotation);</u> -<u>ensure that the annotation covers those parts and derivatives that dominate the trade and the demand from the wild resource;</u> -harmonize, <u>to the extent practicable</u>, new annotations with existing annotations; and -<u>where applicable, provide identification sheets to be included in the CITES Identification Manual that illustrate</u>

	<p><u>the parts and derivatives covered under the annotation be specific and accurate as to the affected parts and derivatives</u></p> <p>[8.6: Safeguards:] In the case of proposals to transfer species from Appendix I to Appendix II or to delete species from Appendix II, or proposals involving substantive annotations, provide information on any relevant safeguards.</p>
SC54 Doc. 18	<p>[The text below was written in response to the then-active annotation for four <i>Taxus</i> species, which read: “<i>Whole artificially propagated plants in pots or other small containers, each consignment being accompanied by a label or document stating the name of the taxon or taxa and the text ‘artificially propagated’, are not subject to the provisions of the Convention</i>”]</p> <p>2.4 Although Article I, paragraph (b), of the Convention, provides the possibility to specify certain parts and derivatives of Appendix-II and Appendix-III plant species (and Appendix-III animal species) as included in the Appendices, and thus to exclude certain others, it does not provide the possibility to include certain whole animals or plants and exclude others. On the contrary, it is clear from subparagraph (i) of paragraph (b) that “any animal or plant, whether alive or dead” is considered as a ‘specimen’ and therefore subject to the provisions of the Convention.</p> <p>...</p> <p>4. Since all live plants (and dead ones) of species included in Appendix II are in fact subject to the provisions of the Convention, the text of the above annotation is clearly contrary to what is stated in the text of Convention itself and should be deleted.</p>

For Medicinal Plants

Document and proponent	Text from the document
Res. 11.21 (Rev. CoP16)	<p>RECOMMENDS that:</p> <p>b) two main principles be followed as standard guidance when drafting future annotations for medicinal plants:</p> <ul style="list-style-type: none"> i) controls should concentrate on those commodities that first appear in international trade as exports from range States; these may range from crude to processed material; and ii) controls should include only those commodities that dominate the trade and the demand for the wild resource;

For Hybrids and Cultivars

Document and proponent	Text from the document
Interpretation Section, Appendices I, II, III	As none of the species or higher taxa of FLORA included in Appendix I is annotated to the effect that its hybrids shall be treated in accordance with the provisions of Article III of the Convention, this means that artificially propagated hybrids produced from one or more of these species or taxa may be traded with a certificate of artificial propagation, and that seeds and pollen (including pollinia), cut flowers, seedling or tissue cultures obtained <i>in vitro</i> , in solid or liquid media, transported in sterile containers of these hybrids are not subject to the provisions of the Convention.
Res. 11.11 (Rev. CoP15)	<p>DETERMINES that:</p> <p>a) hybrids shall be subject to the provisions of the Convention even though not specifically included in the Appendices if one or both of their parents are of taxa included in the Appendices, unless the hybrids are excluded from CITES controls by a specific annotation in Appendix II or III;</p> <p>...</p> <p>Regarding cultivars DETERMINES that cultivars shall be subject to the provisions of the Convention unless excluded by a specific annotation in Appendix I, II or III;</p>

For Appendix III species

Document and proponent	Text from the document
Res. 9.25 (Rev. CoP16)	<p>Recommends that, when considering the inclusion of a species in Appendix III, a Party:</p> <p><u>f) ensure that any proposed annotation that is part of a request to include a species in Appendix III covers those parts and derivatives that dominate the trade and the demand for the wild resource and is, to the extent practicable, harmonized with relevant existing annotations;</u></p> <p><u>g) consult with the Secretariat and the Standing Committee to ensure that any proposed annotation that is part of a request to include a species in Appendix III (and any definitions developed that define terms in the annotation, as</u></p>

	<p><u>appropriate) is clear and unambiguous, and likely to be understood by enforcement personnel and user groups;</u></p> <p>AGREES that the inclusion of a species in Appendix III without an annotation shall indicate that all readily recognizable parts and derivatives are included in the Appendix;</p>
--	---

For Tree Species

Document and proponent	Text from the document
Res. 10.13 (Rev. CoP15)	<p>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;</p> <p>e) proposals for the inclusion of timber species in appendix II or III indicate clearly which parts and derivatives should be regulated.</p>

B. Recommendations or comments from the Plants Committee, Parties, the Secretariat and working groups.

The set of documents referenced below is provided as a reference to discussions that have already occurred. Some of these may have been debated and rejected; some may still be pending or valid.

Text that is not directly from the document, such as comments or explanatory notes, is indicated in square brackets and italics [xx].

Document and proponent	Text from Guidance/Recommendation/Opinion
Notification 2010/036 (Secretariat)	<i>[Notification 2010/036 concerns the annotations for Aniba rosaeodora (Annotation #12) and Bulnesia sarmientoi (annotation #11) in effect in 2010. The following text concerns Aniba roseadora, with generally the same comments for Bulnesia sarmientoi, insofar as they are applicable.]</i>

	<p><i>Aniba roseadora</i> (annotation #12): Logs, sawn wood, veneer sheets, plywood and essential oil (excluding finished products packaged and ready for retail trade).</p> <ul style="list-style-type: none"> • The Secretariat notes that the latter part of the annotation (“excluding finished products packaged and ready for retail trade”) is unnecessary. • The Secretariat interprets the annotation to mean that products that consist of unaltered “logs, sawn wood, veneer sheets, plywood and essential oil” (e.g., construction materials and bottles of pure essential oil) are covered by the Convention. • The Secretariat further interprets the annotation to mean that any unspecified part or derivative (i.e., other than “logs, sawn wood, veneer sheets, plywood and essential oil”) is not covered by the Convention. Accordingly, products that result from the alteration of logs, sawn wood, veneer sheets, plywood and essential oil (e.g., acetates or fragrance compounds that are mixtures of odoriferous or aromatic substances or contain traces of the extract, perfumes, cosmetic products and furniture), whether or not packaged and ready for retail trade, are excluded from CITES controls. <p><i>[What are the larger implications of this interpretation: are finished products excluded from any annotation that specifies which parts and derivatives are under CITES controls if they are not specifically mentioned as being included?]</i></p>
Decision 14.130	<p><i>[this Decision no longer in effect]</i></p> <p>14.130 The Plants Committee shall:</p> <p>a) analyse the amendments of annotations #1, #4 and #8 of proposal CoP14 Prop. 26 in order to decide whether there is merit in further developing and refining them; and</p> <p>b) if appropriate, prepare a proposal on annotations for consideration at the 15th meeting of the Conference of the Parties.</p> <p><i>[Comment: A reduction in the number of annotations was seen as a positive outcome of the analysis (see paragraph 2.3 of CoP14, Prop 26, Merging and amendment of annotations #, #4 and #8, submitted by the Depositary Government of Switzerland at the request of the Plants Committee)]</i></p>
PC19 Doc. 11.1 <i>[Overview of Decisions on Annotations]</i> (Secretariat); see also SC61 Inf. 1,	<p><i>[Conclusions]</i></p> <p>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</p>

(Secretariat)	<p>under the Convention and some of them may even be inconsistent with the provisions of the Convention.</p> <p>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.</p> <p>17. ...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.</p>
CoP11 Prop. 53, To Harmonize Exemptions Related to Medicinal Products... (Plants Committee)	<p><i>[Supporting Statement]</i></p> <p>When including a species in Appendix II, Parties should consider to make no exemptions at all (as is currently the case for <i>Prunus africana</i>), or to use a standard for formulating the exemptions, aimed at regulating trade in the interest of the conservation of the species. A good example of the latter option is the annotation to the species <i>Hydrastis canadensis</i>, <i>Nardostachys grandiflora</i>, <i>Panax quinquefolius</i> and <i>Picrorhiza kurrooa</i>. The annotations to these species were harmonized at the tenth meeting of the Conference of the Parties.</p> <p>The Plants Committee also noted another aspect that needs to be taken into consideration when Parties are considering the inclusion of species, with specific exemptions, in Appendix II. When the species concerned is, in its distribution, restricted to one country only. The Parties should carefully consider which part or derivative is entering international trade. If this is only the pharmaceutical end products, and these are exempted from CITES controls, one might wonder how a Party can adequately implement the provisions of Article IV, paragraph 2 (b) of the Convention. In that case, either all parts and derivatives should be submitted to CITES controls, or the Party concerned should consider including the species in Appendix III.</p>
CoP16, Doc. 77 Annex 1, concerning Proposal 59 and others <i>[Secretariat comments on proposals]</i>	<p>The Secretariat notes that the draft amendment to Annotation #12 contains exclusionary language in the annotation. As a matter of principle, the Secretariat believes that annotations should be 'positive' in nature and indicate only what is covered by the Convention. Annotations with exclusionary language seem more complex and potentially challenging to interpret, apply and enforce. The Secretariat recognizes, however, that annotation practice to date reflects a mix of positive annotations and annotations with exclusionary language.</p> <p>If Parties adopt the draft decision... the Standing Committee (with the assistance of an envisaged Working Group on Annotations) could review existing annotation practice and make relevant recommendations to the Conference of the Parties for improving its consistency and effectiveness. Such a review might include consideration of the relative advantages and disadvantages of 'positive' annotations compared to annotations with exclusionary language.</p>

<p>PC18 Doc. 11.3, Review of Trade in Finished Products for Certain Taxa (United States as chair of the intersessional working group examining the application to certain taxa of annotations excluding finished products)</p>	<p>3. The intersessional working group was tasked with determining whether it would be appropriate to annotate any of the taxa from the list in element f) of document PC17 Doc. 13.1 (Annex 1) with an annotation that excludes 'finished products packaged and ready for retail trade.'</p> <p>...</p> <p>11. ...Decision 13.51 directed the Plants Committee, in its earlier review of annotations for medicinal plants, to "focus on "those commodities that first appear in international trade as exports from range States and on those that dominate the trade and the demand for the wild resource." The working group views this direction to have relevance to its mandate.</p> <p>...</p> <p>16. Finally, the working group recommends that further revisions of annotations to exclude finished products only be undertaken at the level at which the taxa are listed in the Appendices (e.g., family, genus, or species). The working groups also recommends consulting with appropriate national authorities to ensure that such exclusions at higher taxonomic levels will not cause enforcement problems.</p>
<p>SC61 Doc. 54, Development and Application of Annotations (United States of America, as the North American Regional Representative to the Standing Committee, in consultation with the Secretariat and at the request of the Plants Committee)</p>	<p>7. ... we recommend that the Standing Committee, at its 61st meeting, establish a working group to explore:</p> <ul style="list-style-type: none"> - The shared understanding among Parties of annotations, both their meaning and function; and - 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 <i>Criteria for amendment of Appendices I and II</i> 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 <i>Use of annotations in Appendices I and II</i>) or other appropriate location, including in identification materials as appropriate. <p><i>[The Standing Committee subsequently formed a working group with this mandate. The report of the working group is in SC62 Doc. 54.1, which an extension of the mandate of the working group is requested]</i></p>
<p>SC62 Doc. 54.2, Development and Application of Annotations,</p>	<p><i>[Annex 2: A few considerations of the Chair of the Plants Committee]</i></p> <p>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</p>

<p>Report of the Plants Committee, Annex 2 (Chair of the Plants Committee)</p>	<p>specimens.</p> <ol style="list-style-type: none"> 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. <i>[Not included here because the consideration concerns a single annotation]</i> 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. <i>[Not included here because the consideration concerns a single Decision]</i> 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 <i>Inclusion of species in Appendix III</i> [Conf. 9.25 (Rev. CoP15)] and <i>Use of annotations in Appendices I and II</i> [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
--	---

	<p>annotations for specific taxa.</p> <p>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.</p> <p>14. <i>[Not included here because the consideration concerns a single term in the annotations]</i></p> <p>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.</p> <p>16., 17. <i>[Not included here because the consideration concerns specific definitions for terms]</i></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
CoP13 Doc. 58, Annotations for	<i>[Guidance as result of a review of medicinal plant annotations, some of which may be generally applicable for other annotations]</i>

<p>Medicinal Plants in the Appendices (Plants Committee) (see also the later document in PC14 Inf. 3, which is very similar)</p>	<p><i>[Guiding Principles]</i></p> <p>16. Decisions on controls of parts and derivatives of CITES-listed plant species must be consistent with the purpose of the Convention “to ensure that no species of wild fauna or flora becomes or remains subject to unsustainable exploitation because of international trade” and “to ensure that international trade in wild fauna and flora is increasingly and consistently conducted at sustainable levels” (The Strategic Plan for the Convention, Notification to the Parties No. 1999/76).</p> <p>17. Many years of experience with CITES implementation show that the more parts and derivatives are subject to controls the more difficult thorough and consistent trade reporting for CITES species is becoming. It is therefore advisable to restrict CITES controls to those commodities that need to be monitored in order to regulate international trade efficiently.</p> <p>...</p> <p>19. Annotations for medicinal plants in CITES need to be tailored to suit the management needs of individual species. When assessing the significance of commodities, it has to be kept in mind that commodities such as oils or extracts may seem marginal by volume but their production may still have a strong impact on the species populations and therefore should not be excluded from CITES controls.</p> <p>20. These principles provide the following advantages:</p> <ul style="list-style-type: none"> a) Commodities identified under these principles comprise the significant part of trade that is most likely to have caused the conservation concern which led to the inclusion in CITES; b) Plant parts in an early stage of processing can be identified more easily than derived products; c) The bulk trade in large quantities can more easily be controlled than retail trade in finished products; and d) Double-counting of consignments at subsequent steps in the trade chain is avoided. <p><i>[Table 2, Chemical Derivative]:</i> Explanatory note: The term ‘derivative’ is used in the Convention text in the combination of ‘parts or derivatives’ [Article I, paragraphs (b) (ii) and (iii), and XVI, paragraph 1)], and is generally interpreted broadly to refer to everything produced from the species in question, other than live or whole dead specimens. This creates confusion with the use of the term “chemical derivative” as understood in the pharmaceutical industry and trade. It is therefore proposed that annotations amended or drafted in the future should refrain from using the term ‘derivative’.</p>
--	--

--	--

Guidance for Medicinal Plants

<p>CoP11 Prop. 53, To Harmonize Exemptions Related to Medicinal Products... (Plants Committee)</p>	<p>[The Plants Committee felt it was important], in particular for enforcement purposes, to standardize annotations [of the medicinal plants <i>Podophyllum hexandrum</i> and <i>Rauvolfia serpentina</i>] to the maximum extent possible. It therefore agreed to propose to harmonize both annotations in a manner that would make them applicable to future listings as well.</p>
--	---

Guidance for Tree Species

<p>Decisions 15.35, 14.149, 14.148:</p>	<p>Based on the results of a timber trade study, the Standing Committee and Plants Committee...shall...if appropriate, draft amendments to the annotations...the amended annotations shall focus on specimens that appear in international trade as exports from range States and those which dominate the trade in and demand for the wild resource.</p>
<p>PC20 Doc. 17.1.2.4, Tree Species: Annotations... (Plants Committee Intersessional Working Group)</p>	<p>11. Regarding Part (d) of the IWG's mandate, the IWG noted that Recommendation 6 in the report of PC19 WG06 suggested focusing "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". The IWG discussed the implications of such a model, where product-based annotations would be selected from a "shopping list" with HS codes applied alone or in combination to suit the particular requirements of a species listing. While acknowledging certain advantages to the approach, the IWG also noted the complexity inherent in attempting to apply annotations not directly linked to a listing proposal and the potential to generate unintended outcomes by requiring, <i>a priori</i>, selection of an appropriate combination of exemptions that was neither overly broad nor restrictively narrow to effectively regulate international trade in the species.</p> <p>12. The IWG also considered an approach of adjusting existing timber annotations to better address the range of timber products entering trade. The model would require a series of annotations that increased stepwise in scope, starting with an annotation limited to primary timber products and progressing to an annotation addressing primary, secondary and semi-finished wood products. A separate annotation addressing non-fibre products derived from tree species might also be included. (Descriptions and relevant HS codes for primary, secondary and semi-finished wood products have been considered previously and were included in Annexes 2 and 3 of PC19 Doc. 11.5).</p> <p>13. The IWG concluded that the drafting process, the inclusion of multiple commodity types in single annotations</p>

	<p>and the use of ambiguous language has produced annotations that are often difficult to interpret and, when applied, can generate outcomes that are largely unpredictable. As such, the IWG reaffirms the recommendation of PC19 WG06 that there is a need to amend current annotations relating to tree species.</p>
<p>PC19 WG06, Tree species: Annotations... (Plants Committee Working Group)</p>	<p><i>[Recommendations]</i></p> <p>2. Regarding specimens described as “finished products packaged and ready for retail trade” and application of this distinction to timber products from species used for both purposes and listed with Annotation #2, or its exclusion from timber products of <i>Aniba rosaeodora</i> listed with Annotation #12: WG06 considered that the description for finished products was intended only for medicinal products. It should not be applied to timber products from species with Annotation #2, and should be excluded from timber products of <i>Aniba rosaeodora</i> listed with Annotation #12.</p> <p>3. WG6 recommends consideration be given to drafting annotations that clearly differentiate between timber products and medicinal products derived from species that can be used for both purposes. For example, WG6 considered that the intention of annotation #12 was to include “Essential oil (excluding finished products packaged and ready for retail trade), logs, sawn wood, veneer sheets and plywood”.</p> <p>6. ...regarding the need to amend current annotations relating to tree species...the following observations might serve to inform the process:</p> <ul style="list-style-type: none"> -Rather than focus on differentiation of primary and secondary wood products, annotations should seek to capture the first product of export, regardless of its form. The annotation of <i>Caesalpinia echinata</i> illustrates the effectiveness of such an approach; -It may 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; – Guidance from the World Customs Organization as to 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 would assist the annotation drafting process, as would increased emphasis on the responsibility of traders to accurately define and describe products in international trade. <p>7. Additionally, WG06 notes a need for greater flexibility and adaptability in the annotation drafting process, to allow the Convention to anticipate trade pattern changes and to facilitate enforcement.</p>

<p>PC19 Doc. 11.5, Tree species: Annotations... (Interim Vice-chair and the observer from Canada at the request of the interim Chair of the Plants Committee)</p>	<p>6. The focus of Decision 14.148 (Rev. CoP15) is on those articles that initially appear in international trade as exports, and which dominate the trade in and demand for the wild resource. In practice, a challenge in effectively annotating wood articles has been determining an effective approach to capturing secondary processed wood products such as window frames, doors and furniture, that are derived from and may closely resemble primary products including logs, sawn wood, plywood and veneer. As a rule, such products are not subject to CITES provisions or considered part of demand for the wild resource. However, to develop effective amendments for tree annotations as directed in paragraph c) of Decision 14.148 (Rev. CoP15), it may be helpful to assume that secondary wood products are as likely to appear initially in international trade as are primary forms.</p> <p>7. In implementing CITES regulations, it is assumed that effective trade tracking and reporting increases in difficulty as parts and derivatives become the subject of controls. It has however, become increasingly possible to circumvent CITES annotations by placing wood products in international trade that are, or are identified as minimally more processed than the primary products captured in CITES annotations. This has conservation implications and suggests that achieving an objective of practical but enforceable annotations may not be possible if the focus is exclusively on primary specimens and derivatives.</p> <p>8. It may be useful to examine experience gained to date from the implementation of the Appendix II listing for <i>Gonystylus</i> spp. (CoP13, Bangkok 2004), an example of a high-volume commercial timber species listed with Annotation #1, so as to include virtually all readily recognizable parts and derivatives comprised of wood. The annotation was specifically supported by Indonesia, on the understanding that as 90% of its <i>Gonystylus</i> spp. exports were semi-processed wood products, attempts to differentiate between types of wood products in an annotation would prove unworkable [see CoP13 Inf.56]. Experience with <i>Gonystylus</i> may suggest it is not necessarily practical to focus annotations on articles that initially appear in trade.</p>
---	---

C. Summary of content of annotations

The following provides a partial summary of the types of provisions in existing CITES annotations. It is not intended to be a complete list of all provisions but is rather provided as an overview to inform discussions.

- Include or exclude parts and derivatives in CITES controls: e.g., fossil corals, wool from live vicuna, hides of elephants, hair of elephants, leather of elephants, registered raw ivory, seeds, spores, pollen, cut flowers of artificially propagated plants, fruits parts and derivatives thereof, stems, flowers, logs, sawn wood, veneer, plywood, roots, powder, extracts, kernel, essential oil, etc.
- Exclude specimens from a particular source: artificially propagated, domestic form, specified populations, subspecies, forms (colour mutants, succulent), hybrids, cultivars, live animals, ranches, seedling or tissue cultures obtained in vitro, etc.
- Include or exclude specimens for certain purposes: hunting trophies, traded for primarily commercial purposes, traded for primarily conservation purposes, traded for commercial or non-commercial purposes, unfinished wood articles used for the fabrication of bows for stringed musical instruments, or only to certain destinations, etc.
- Trade of only certain numbers of individuals (export quotas) or quantities
- Provisions on the state of the shipment: certain sizes of shipments (e.g., 100 or more plants), only when in flowering state, only as dormant tubers, in small pots or containers with a label, in solid or liquid media transported in sterile containers, finished product packaged and ready for retail trade, except those bearing a label xxx, etc.
- Elephant annotation: Many of the provisions above, plus extensive other provisions including how the trade is to be managed.