

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



Seventy-third meeting of the Standing Committee
Online, 5-7 May 2021

Species specific matters

Maintenance of the Appendices

ANNOTATIONS: REPORT OF THE WORKING GROUP

1. This document has been submitted by Canada, as Chair of the Standing Committee Working group on Annotations.*

Background

2. At its 18th meeting (Geneva, 2019), the Conference of the Parties adopted Decision 16.162 (Rev. CoP18) which directs the Standing Committee to re-establish the Working Group on Annotations, in close collaboration with the Animals and Plants Committees. At the 72nd meeting, the Standing Committee re-established the working group and adopted terms of reference.

Terms of Reference

3. The Standing Committee re-established the Working Group on Annotations with the following terms of reference:
 - a) *in close collaboration with ongoing efforts in the Plants Committee, to continue reviewing the appropriateness and practical challenges resulting from the implementation of the annotations to the Appendices, including but not limited to those on the tree species, of the agarwood-producing taxa (Aquilaria spp. and Gyrinops spp.), Aniba rosaeodora, Bulnesia sarmientoi and orchids, and to identify options to streamline these annotations taking into account the guidance provided by Resolution Conf. 11.21 (Rev. CoP18) on Use of annotations in Appendices I and II;*
 - b) *to develop or refine definitions of terms used in current annotations as appropriate, including but not limited to the terms “musical instruments” and “transformed wood”, and submit them for adoption by the Conference of the Parties and subsequent inclusion in the Interpretation section of the Appendices;*
 - c) *to conduct any work related to annotations directed to it by the Conference of the Parties, the Standing, Animals or Plants Committee; and*
 - d) *to prepare reports on progress made in addressing the issues tasked to it and submit them for consideration at the 73rd and 74th meetings of the Standing Committee.*

* 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 composition of the working group, comprising Parties and Non-Party observers is as follows:

Chair: Canada.

SC Member: Chair of the Standing Committee (Ms. Caceres).

AC Members: Europe (Ms. Zíková), North America (Ms. Lougheed).

PC Members: China (Ms. Yan Zeng), Europe (Ms. Moser), North America (Ms. Gnam).

Parties: Austria, Australia, Belgium, Canada (Chair), China, the Democratic Republic of the Congo, the European Union, France, Gabon, Germany, Indonesia, Kenya, Malaysia, the Netherlands, Switzerland, Thailand, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zimbabwe;

IGOs and NGOs: The United Nations Environment Programme-World Conservation Monitoring Centre, the International Union for Conservation of Nature; Center for International Environmental Law, Environmental Investigation Agency UK, Forest-Based Solutions, International Association of Violin and Bow Makers, International Fragrance Association, International Wood Products Association, IWMC-World Conservation Trust, Jonathan Barzdo, League of American Orchestras, Lewis and Clark – International Environmental Law Project, Madinter Trade, Pearle, Species Survival Network, Taylor Guitars, TRAFFIC, World Resources Institute and the World Wildlife Fund.

Working Group Discussions

5. Following final confirmation by the Standing Committee of working group members in January 2020, the working group began discussions by email. Members of the working group identified a range of challenges pertaining to the implementation and interpretation of current annotations, including annotations for which development of definitions or interpretive text would increase comprehension, and annotations for which amendments to existing text are being discussed.

6. The initial focus of the working group has been on annotations where implementation would benefit from clarification or amendment. These include considering:

i) Annotation #4:

Amendment of paragraph b) to better reflect current techniques with respect to seedling or tissue cultures obtained in vitro; and consideration of the proposed amendment to Annotation #4 outlined in document PC25 Doc. 38 *Annotations for Appendix II Orchids*, submitted to the Plants Committee by the Management Authority of Switzerland and Liechtenstein.

ii) Annotations #11 and #12:

Drafting of new guidance, definitions and/or amendment of the annotations to provide clarification as to when an “extract” can be considered to have been altered sufficiently to become an ingredient contained in a finished product and consequently not subject to CITES controls.¹

iii) Annotation #14:

Amendment of the punctuation of the English text of paragraph f) of the annotation to align with the French and Spanish text; and amendment of the French text of paragraph f) to provide greater clarity as to the commodities cited therein.

¹ Annotation #11 and #12 each include “extracts.” Each annotation also excludes “Finished products containing such extracts as ingredients,” as follows: “Finished products containing such extracts as ingredients, including fragrances, are not considered to be covered by this annotation.”

7. Additional specific actions discussed by the working group include considering:
 - i) Amendment of paragraph 7 of the Interpretation Section of the Appendices to further clarify that the whole, live or dead, animal or plant is always included in the listing when a species is listed in Appendix I, II or III pursuant to the definition of “specimen” in Article I (b);
 - ii) Provision of guidance concerning the interpretation of the term “Ten (10) kg per shipment”, included in Annotation #15, paragraph b), and for the definition in paragraph 8 of the Interpretation Section of the Appendices;
 - iii) Amendment of Paragraph 8 of the Interpretation Section of the Appendices by revising the definition of “Transformed Wood” to align the English text with that in the French and Spanish versions, and with the text of Harmonized System Code subchapter heading 4409.
8. Noting the annotations work directed by the Conference of the Parties at CoP18 (Geneva, 2019), in particular, the process to improve clarity and predictability in the presentation of the Appendices (Decisions 18.331 and 18.332) and the Plants Committee Informal Intersessional Working Groups on Orchid Annotations and on Annotation #15, the Working Group on Annotations will continue to seek opportunities, consistent with its Terms of Reference, to share and receive information and perspectives.
9. The working group anticipates concluding its work on the proposed actions outlined in paragraphs 6 and 7 of the present document and submitting any proposed text, definitions, or guidance on those actions for consideration by the Standing Committee at its 74th meeting as well as any additional actions within its Terms of Reference on which it may be able to reach consensus in time for consideration at SC74.

Recommendations

10. The Standing Committee is invited to take note of this interim report, and to offer comments or guidance to the working group regarding the tasks included in the Terms of Reference contained in paragraph 3, subparagraph c) of the present document.