

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



Seventy-fourth meeting of the Standing Committee
Lyon (France), 7 - 11 March 2022

ANNOTATION #15 – IMPLEMENTATION

This document has been submitted by the European Union and its Member States in relation to agenda item 81 on Annotations: Report of the working group.*

* *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*

Supporting document on the practical implementation of Annotation #15 in line with changes proposed to SC74

1) Legal background

Annotation #15 (CoP18):

"All parts and derivatives, except:

- a) Leaves, flowers, pollen, fruits, and seeds;
- b) Finished products to a maximum weight of wood of the listed species^[1] of up to 10 kg per shipment;
- c) Finished musical instruments, finished musical instrument parts and finished musical instrument accessories;
- d) Parts and derivatives of *Dalbergia cochinchinensis*, which are covered by Annotation # 4; and
- e) Parts and derivatives of *Dalbergia* spp. originating and exported from Mexico, which are covered by Annotation # 6."

The Annotation applies to the listing in CITES Appendix II of *Dalbergia* spp. (all species except those listed in App. I, i.e. currently only *D. nigra*) and of *Guibourtia demeusei*, *G. pellegriniana*, and *G. tessmannii*.

Paragraph b) of Annotation #15 needs to be read in conjunction with the definition of "shipment" and the interpretation of "10 kg per shipment" (including changes proposed to SC74):

"Shipment

Cargo transported under the terms of a single bill of lading or air waybill, irrespective of the quantity or number of containers or packages; or pieces worn, carried or included in personal baggage.

10 kg per shipment (as proposed to SC74)

For the term "10 kg per shipment", the 10 kg limit should be interpreted as referring to the weight of wood of the individual portions of each item in the shipment made of wood of the species concerned each individual annotated species of *Dalbergia* or *Guibourtia* present in the items in the shipment. In other words, the 10 kg limit is to be assessed only against the individual weights of the individual portions of wood of *Dalbergia/Guibourtia* each individual annotated species contained in each item of the shipment, and not against rather than against the total weight of the shipment. The total weights present of each individual annotated species are considered individually to determine whether a CITES permit or certificate is required for each individual annotated species, and weights of different individual annotated species are not added together for this purpose.

Paragraph b) is understood to exclude from the CITES listing all finished products of up to 10 kg, both if they are traded individually and as part of a *shipment*. So individual items of less than 10 kg which are not part of a shipment are also understood to be excluded from the CITES listing.

2) Suggested interpretation for international trade

a) Shipment containing only one species of the listed genera

- Suggested interpretation and rationale: the intention at the CoP was that the number of specimens in the shipment should not matter, only the total weight of material from the listed species in the shipment, measured against the 10 kg threshold. The reason for keeping the definition of "10 kg per shipment" was an attempt to make it clear that you need to look at the weight of listed species (*Dalbergia/Guibourtia*) rather than at the weight of the item in total (for example a wooden box made partly out of *Dalbergia* and partly out of non-listed timber).

¹ The French and Spanish versions of the annotation suggest that „species“ here is in the singular (FR: de l'espèce inscrite; ES: de la especie incluida). However, it is not clear whether this was indeed the intention of the drafters of the Annotation, or if mistake was made in the translation from the English species, which could be singular or plural.

Example 1

A shipment, consisting of 50 pieces, has a total weight of 100 kg (so each individual piece weighs 2 kg). Each piece contains 50 g (= 0.05 kg) of *Dalbergia* timber. In the shipment, you then have a total of 2.5 kg of *Dalbergia* timber (distributed over 50 pieces). This is less than the 10 kg threshold, so this shipment falls outside the scope of CITES and does not require CITES permits.

Example 2

A shipment, consisting of 50 pieces, has a total weight of 100 kg (so each individual piece weighs 2 kg). Each piece contains 1 kg of *Dalbergia* timber. In the shipment, you then have a total of 50 kg of *Dalbergia* timber (distributed over 50 pieces). This is more than the 10 kg threshold, so this shipment falls inside the scope of CITES and requires CITES permits.

b) Shipment containing several species of the listed genera (*Dalbergia* and/or *Guibourtia*)

- Suggested interpretation: to assess whether or not a permit is needed for a mixed shipment containing more than one species of the genus *Dalbergia* and/or the genus *Guibourtia*, the weight of listed species is added up per species and the sum per species is assessed against the 10 kg threshold.

Example 3

A shipment, consisting of 50 pieces, has a total weight of 100 kg (so each individual piece weighs 2 kg). 20 pieces of timber contain each 100 g (= 0.1 kg) of *Dalbergia sissoo*. The remaining 30 pieces of timber contain each 300 gr (= 0.3 kg) of *Dalbergia latifolia*. In the shipment, you then have 2 kg of *Dalbergia sissoo* and 9 kg of *Dalbergia latifolia*, so the total shipment contains 11 kg of the listed species. However, each species is less than the 10 kg threshold, so this shipment falls outside the scope of CITES and does not require CITES permits.

Example 4

A shipment, consisting of 50 pieces, has a total weight of 100 kg (so each individual piece weighs 2 kg). 20 pieces of timber contain each 100 g (= 0.1 kg) of *Dalbergia sissoo*. The remaining 30 pieces of timber contain each 500 g (= 0.5 kg) of *Guibourtia demeusei*. In the shipment, you then have 2 kg of *Dalbergia sissoo* and 15 kg of *Guibourtia demeusei*. For *Guibourtia demeusei*, this is more than the 10 kg threshold, so the part of the shipment containing *Guibourtia demeusei* falls inside the scope of CITES and requires CITES permits. For *Dalbergia sissoo*, the 10 kg threshold is not exceeded, so these pieces fall outside the scope of CITES, therefore they do not need to be mentioned on the permits.

When a permit needs to be issued, the quantities per species will need to be mentioned (as foreseen in Res. Conf. 12.3 (Rev. CoP18) on Permits and certificates) and a non-detriment finding needs to be performed per species, but only for those species that fall within the scope of CITES.