

## CONSIDERATION OF PROPOSALS FOR AMENDMENT OF APPENDICES I AND II

A. Proposal

Inclusion of a new paragraph after paragraph 4 in the Interpretation section of the Appendices, to read as follows (with the following paragraphs being renumbered):

5. The following are not subject to the provisions of the Convention:
  - a) *in vitro* cultivated DNA that does not contain any part of the original;
  - b) urine and faeces;
  - c) synthetically produced medicines and other pharmaceutical products such as vaccines that do not contain any part of the original genetic material from which they are derived; and
  - d) fossils.

B. Proponent

Switzerland as Depositary Government, at the request of the Standing Committee.

C. Supporting Statement

1. At its 46th meeting (Geneva, March 2002), the Standing Committee reviewed document SC46 Doc. 12, containing recommendations of a working group on time-sensitive research samples, and agreed that, on the basis of these, proposals should be prepared for consideration at the 12th meeting of the Conference of the Parties (CoP12) (Santiago, 2002). Annex 1 of that document contained a proposed annotation to the Appendices, which was then finalized and was submitted by the Depositary Government at the request of the Standing Committee.
2. The proposal that was submitted by the Depositary Government for consideration at CoP12 (document Proposal 12.1) unfortunately contained a technical error, which was the reference to annotation °607, an annotation that related only to corals, although the intention of the proposal was to refer to all species. There was a short discussion of the proposal at CoP12, where there was little opposition. It was noted that the Rules of Procedure prevented the scope of the proposal being extended to cover all species. Therefore, because of the technical error, the Depositary Government withdrew the proposal and stated that a new one would be submitted for consideration at the next meeting.
3. The representative of the Depositary Government explained this background at the 49th meeting of the Standing Committee (Geneva, April 2003) and it was agreed to reconsider the matter at the 50th meeting.
4. At the 50th meeting of the Standing Committee (Geneva, March 2004), the corrected proposal in paragraph A above was presented, with the background explained in paragraph C.2 above. It was noted that this proposal incorporated an amendment suggested at CoP12 by the Member States of the European Union, to refer to "*in vitro* cultivated DNA" rather than "synthetically derived DNA" in paragraph a) of the proposed annotation.
5. The Committee further noted that their task was only to agree on the procedure – i. e. whether the corrected proposal should be submitted at the 13th meeting of the Conference of the Parties (CoP13) – and not on substance, and that discussion of the substance, if any, would have to take place at CoP13. In conclusion the Committee requested the Depositary Government to submit the present proposal for consideration by the Conference of the Parties.
6. The correct proposal presented here does not refer to annotation ° 607 (which no longer exists with the new format of the Appendices) and does not make any specific reference to corals. It is designed to refer clearly to all species included in Appendix I and II, as originally intended by the Standing Committee.