

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



Eighteenth meeting of the Conference of the Parties
Colombo (Sri Lanka), 23 May – 3 June 2019

Species Specific matters

Maintenance of the Appendices

GUIDANCE FOR PUBLICATION OF THE APPENDICES

1. This document has been submitted by Canada.*
2. Article XII of the Convention designates the functions of the Secretariat. One such function is *to publish periodically and distribute to the Parties current editions of Appendices I, II and III together with any information which will facilitate identification of specimens of species included in those Appendices*. The Secretariat publishes new editions of the Appendices when amendments to Appendices I and II are adopted in accordance with Article XV of the Convention and when amendments to Appendix III are submitted to the Secretariat in accordance with Article XVI of the Convention.
3. The primary purpose of this document is to propose the development of guidance to address the increasing complexity of annotations and how to present them in a standard way for publication in the Appendices. Such guidance will support the Secretariat in their publication of the Appendices and assist those Parties whose CITES implementing legislation requires them to incorporate the amendments directly into their national legislation (i.e., Parties that do not incorporate the official Appendices by reference). Although the proposed guidance focuses primarily on addressing the presentation of annotations in the Appendices, it may also be appropriate to consider other issues in the guidance that could facilitate the publication of the Appendices by the Secretariat and Parties.
4. In the CITES glossary, the Secretariat defines an annotation as “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.” Annotations are presented in three places in the CITES Appendices: they are found following the name of the taxon in the Appendices in bracketed text, as footnotes, or as footnotes preceded by a “hashtag” (#). Hashtag annotations are defined in the CITES Appendices in Paragraph 7 of the Interpretation section. There is no “official” definition for the other types of annotations. According to the CITES Virtual College presentation on *Using the Appendices and the Checklist of CITES Species* (<https://cites.unia.es/cites/mod/resource/view.php?id=58>), if the text is not too long and applies to one taxon only, it is included immediately after the name of the taxon, and if the annotation text is long, or applies to a limited number of species of the same taxa, the annotation text is included as a regular footnote.
5. In Resolution Conf. 11.21 (Rev. CoP17) on *Use of annotations in Appendices I and II*, the Parties have defined annotations as being either reference annotations or substantive annotations. Reference annotations are typically found following the name of the taxon in the Appendices in bracketed text and indicate that one or more geographically separate populations, subspecies, or species of the annotated taxon are included in another Appendix; that the taxon is “possibly extinct”; or relate to nomenclatural issues. Substantive annotations may be found in all three places in the Appendices and can specify the inclusion or

* *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.*

exclusion of designated geographically separate populations, subspecies, species, groups of species, or higher taxa, the types of specimens covered by the listing or export quotas. Complex annotations may contain multiple reference and substantive annotations.

6. Guidance for the development of substantive annotations prior to a meeting of the Conference of the Parties (CoP), particularly for plant hashtag annotations, is available in relevant CITES Resolutions. There is no equivalent guidance for the presentation of annotations in the Appendices, particularly for annotations that follow the name of the taxon in the Appendices in bracketed text and for footnote annotations. Canada has noted that these annotation types are being used more frequently by Parties. For example, at CoP17 (Johannesburg, 2016), substantive annotations of these types were adopted for *Vicugna vicugna*, Felidae spp., Crocodylidae spp. (for multiple species), *Abronia spp.*, Lanthanotidae spp., and *Siphonochilus aethiopicus*.
7. The 90 day timeline for entry into force required by the Convention is challenging for those Parties whose CITES implementing legislation requires them to incorporate the amendments directly into their national legislation. For such Parties, the increasing complexity of annotations magnifies the options for their presentation in the Appendices. As it is desirable to harmonize national lists as closely as possible with the published Appendices, greater certainty in how the Appendices will be presented will allow countries, like Canada, to implement our post-CoP regulatory changes more effectively. Currently, Canada must wait until the published Appendices are available (approximately two months after the close of a Conference of the Parties) to ensure the correct reflection of listing decisions with associated complex annotations. Guidance would be useful to facilitate timely completion of regulatory amendments by increasing the predictability of the final presentation of the Appendices.
8. In our view, given that the Appendices provide the legal basis for issuance of CITES documents and enforcement of the Convention, guidance would also be useful to increase transparency of the publication process, to support precision and consistency, and to facilitate translation into other languages.
9. Canada proposes development of practical guidance to standardize presentation of annotations, particularly those annotations that follow the name of the taxon in the Appendices in bracketed text and for footnote annotations. Such guidance could provide information on where annotations appear in the Appendices, basic structure and formatting, export quota language, and the process for preparation and circulation of draft versions of the Appendices to Parties. Further elaboration of these elements is presented in the Annex to this document.

Recommendations

10. Canada invites the Conference of the Parties to adopt the following Decisions:

Directed to the Secretariat

- 18.AA Based on its experience, in consideration of the issues raised in document CoP18 Doc. 103, its discussions with Parties (especially those that amend legislation after each Conference of the Parties), and the recommendations of CoP18 on this subject, develop guidance for improved clarity and predictability in the presentation of the Appendices. In developing the guidance, the Secretariat should focus first on elements relating to the location of an annotation in the Appendices, models for annotation structure and style, models for annotations with export quotas, and a process for preparation and circulation of draft new versions of the Appendices to Parties.
- 18.BB Distribute the draft guidance by Notification to seek comments from Parties, and consider and incorporate comments as appropriate into a revised draft.
- 18.CC Submit the guidance prepared under Decision 18.BB for consideration at the 74th meeting of the Standing Committee, incorporate comments from the Standing Committee into the guidance, and publish the guidance on the Secretariat website.

Directed to the Standing Committee

- 18.DD The Standing Committee shall review the draft guidance at its 74th meeting and provide comments and recommendations to the Secretariat for finalization of the document.

COMMENTS OF THE SECRETARIAT

- A. The Secretariat welcomes the proposal to develop guidance for improved clarity and predictability in the presentation of the Appendices and recommends the adoption of the draft decisions subject to the following comments.
- B. The Secretariat would like to ensure that the proposed process to develop guidance for the publication of the Appendices be as participative and inclusive as possible and would therefore suggest the following amendments to the draft decisions in order to avoid restricting prematurely the scope of the guidance. The Secretariat proposes the deletion of part of paragraph a) of Decision 18.AA since these elements are already contained under “issues raised in document CoP18 Doc. 103” (new text is underlined, and deleted text is in ~~strikethrough~~).

Directed to the Secretariat

- 18.AA Based on its experience, in consideration of the issues raised in document CoP18 Doc. 103, its discussions with Parties (especially those that amend legislation after each Conference of the Parties), and the recommendations of CoP18 on this subject, the Secretariat shall:
- ~~a)~~ a) develop guidance for improved clarity and predictability in the presentation of the Appendices; ~~In developing the guidance, the Secretariat should focus first on elements relating to the location of an annotation in the Appendices, models for annotation structure and style, models for annotations with export quotas, and a process for preparation and circulation of draft new versions of the Appendices to Parties.~~
- ~~18.BB.~~ b) distribute the draft guidance by Notification to seek comments from Parties, and consider and incorporate comments as appropriate into a revised draft; and
- ~~18.CC.~~ c) submit the draft guidance ~~prepared under Decision 18.BB~~ for consideration ~~at the 74th meeting of~~ by the Standing Committee, incorporate comments from the Standing Committee into the guidance, and publish the guidance on the ~~Secretariat~~ CITES website.

Directed to the Standing Committee

18. ~~DD~~—The Standing Committee shall review the draft guidance ~~at its 74th meeting~~ and provide comments BB and recommendations to the Secretariat for finalization of the document.

Examples where Guidance would be useful to facilitate
the predictable publication of the Appendices

1. These are some of the examples that have been identified by Canada during our incorporation of CoP17 amendments to the Appendices into our national legislation. We would be interested in examples that other Parties have found as the first step in developing guidance is to determine where guidance is needed.

Annotation position in the Appendices

2. For Parties whose CITES implementing legislation requires them to incorporate the amendments directly into their national legislation, it is important to be able to determine the location where an annotation will be inserted into the Appendices; that is, whether it will be placed as bracketed text next to the taxon name, or as a footnote annotation. In our experience, there is too much variability in how existing annotations are presented to use them as models for prediction of where the annotation will be inserted. For example, prior to CoP17, African population of lion was listed under the higher taxon listing for Felidae spp. Although CoP17 spent considerable time crafting the annotation that was finally adopted (CoP17 Com. I 29), there was no consideration on how the agreed annotation would be presented in the Felidae spp. annotation. The Secretariat inserted the new annotation directly into the annotation for Felidae spp. However, it could also have been presented as a footnote annotation in a similar manner as the annotation for elephant or vicuna.
3. It would be useful for ease of reference to have a standard name and a definition for annotations placed as bracketed text next to the taxon name or as a footnote annotation similar to what is available for hashtag annotations. This would include more detailed guidance on when to use annotations next to a species listing in bracketed text (i.e. when it relates to subspecies, species, populations or domestic forms), when to use footnote annotations (i.e. for specific trade or management conditions or quotas) and the format to use to link the footnote annotations to the taxon listing when required.

Annotation structure and formatting

4. It is not always obvious how an existing higher taxon annotation will be amended to accommodate an annotation resulting from the adoption of a species proposal or a nomenclature change, including the ordering of information or how a newly adopted complex annotation will be formatted.

Example 1: Over the years, populations of species of Crocodylidae spp. listed on Appendix I have been individually transferred to Appendix II, often with annotations. This has resulted in annotations that have become increasingly complex. At CoP17, three proposals for crocodile species with substantive annotations ([CoP17 Prop. 21](#), [CoP17 Prop. 22](#) and [CoP17 Prop. 24](#)) were adopted. The CoP did not consider the presentation of the new annotations in the Appendices.

Example 2: The combined proposals for *Abronia* spp. ([CoP17 Prop. 25](#) and [CoP17 Prop. 26](#)) jointly proposed listing five species in Appendix I, five species in Appendix II with a quota and the remaining species in the genus in Appendix II, without considering the presentation of the final annotation in the Appendices.

Example 3: The annotation for the Appendix-II listing of *Ovis aries*, was amended by the Animals Committee to better align CITES standard nomenclature with the Convention on Migratory Species. The annotation notes that two subspecies are included in Appendix I, four additional subspecies are not included in the Appendices, and the domesticated form of the species, *Ovis aries aries* is not subject to the provisions of the Convention. The original annotation proposed by the Animals Committee was re-arranged by the Secretariat (as allowed under Resolution Conf. 11.21 (Rev. CoP17)) in the final version of the Appendices to better harmonize with existing annotations. Note also the change in how the domesticated forms are referenced and their changed position within the annotation.

Before CoP17	Decision agreed at CoP17 (CoP17 Doc. 81.1 Annex 8)	Current listing
<i>Ovis vignei</i> (Except the subspecies included in Appendix I)	<i>Ovis aries</i> (Except for the domesticated form <i>Ovis aries aries</i> , the subspecies included on Appendix I and the subspecies <i>isphahanica</i> , <i>laristanica</i> , <i>musimon</i> , and <i>orientalis</i> which are not covered by CITES)	<i>Ovis aries</i> (Except the subspecies included in Appendix I, the subspecies <i>O. a. isphahanica</i> , <i>O. a. laristanica</i> , <i>O. a. musimon</i> and <i>O. a. orientalis</i> which are not included in the Appendices, and the domesticated form <i>Ovis aries aries</i> which is not subject to the provisions of the Convention)

5. It would be useful to have guidance that identifies components of typical annotations and provides models for the ordering of content, model language, use of brackets and parentheses and numbering of footnote annotations. Model language could be developed to refer to domesticated forms, to refer to included populations, and to refer to species that have been deleted from the Appendices, among others. Such guidance could be considered during discussions at a CoP and a decision by the Conference of the Parties recorded in the summary records on how to present an annotation in the Appendices could expedite publication of the Appendices by both the Secretariat and individual Parties.

Export quotas

6. The presentation of export quotas in the Appendices and text describing export quotas in annotations is quite variable. As a result, quotas with similar intent are presented in multiple ways in the Appendices. Much of the variability in text seems to result from a trend to increasingly detailed export quotas over time and the variability in presentation results from the incorporation of substantive text adopted by a CoP into an existing annotation. Additionally, in some cases, the same quota is written differently in the three official languages. This variation in the text adopted by a CoP or in translation between languages can result in ambiguity as to whether annotations written differently mean the same thing or something different.
7. It would be useful to have models for language associated with export quotas in annotations to reduce variability, help reduce ambiguity and to help ensure consistent interpretation in all three languages and also guidance in how to consistently present quotas in the Appendices.

Process for preparation of new editions of the Appendices

8. Regulatory schedules are critical to the timely implementation of new Appendices in order to meet the 90 day timeline for entry into force required by the Convention. Development of guidance would help make the process for preparation of the final Appendices more efficient and transparent. For example, the Appendices could be distributed by a Notification to the Parties, in track changes and/or as a list of each change made for review by Parties in advance of the preparation of the final version of the Appendices after a CoP and notifications for Appendix III species could include information on how new listings should be published in the Appendices
9. A guidance document should provide timelines and a clear process for publication of the Appendices in accordance with Articles XV and XVI of the Convention. This will allow Parties to establish regulatory schedules for implementation of national legislation in a timely manner.

TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS

According to Resolution Conf. 4.6 (Rev. CoP16) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding. The authors of this document propose the following tentative budget and source of funding.

The authors of this document suggest the proposed Decisions do not have financial resource implications and will result in modest workload implications for the Secretariat and the Standing Committee.