

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORAEighteenth meeting of the Conference of the Parties
Colombo (Sri Lanka), 23 May – 3 June 2019

CONSIDERATION OF PROPOSALS FOR AMENDMENT OF APPENDICES I AND II

A. Proposal

Amend Annotation #15 to read as follows:

Annotation #15

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 of 500g per item;
- 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;
- e) Parts and derivatives of *Dalbergia* spp. originating and exported from Mexico, which are covered by Annotation # 6.

This proposal is made in accordance with the consensus recommendation made by the Standing Committee at its 70th meeting (SC70, Sochi, October 2018).B. Proponent

Canada, the European Union, [insert other proponents here] *

C. Supporting Statement1. Overview

1.1 As a result of listing decisions at the 17th meeting of the Conference of the Parties (CoP17, Johannesburg, 2016), Appendix II now contains all *Dalbergia* species (except *Dalbergia nigra*, which is listed in Appendix I¹)², and three *Guibourtia* species (*Guibourtia demeusei*, *Guibourtia pellegriniana* and *Guibourtia tessmannii*). CoP17 adopted a new annotation for the resulting Appendix II listing, Annotation #15, which is shown below. The listing entered into force on 2 January 2017.

Annotation #15

All parts and derivatives are included, except:

- a) Leaves, flowers, pollen, fruits, and seeds;

* 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.

¹ *Dalbergia nigra* was listed in Appendix I at the 8th Meeting of the Conference of the Parties (CoP8, Kyoto, March 1992).

² Note that several *Dalbergia* species were previously listed in Appendices II and III prior to CoP17: in Appendix II, *Dalbergia cochinchinensis*, *Dalbergia retusa*, *Dalbergia granadillo*, *Dalbergia stevensonii*, and *Dalbergia* spp. (populations of Madagascar), and in Appendix III, *Dalbergia darienensis*, *Dalbergia calycina*, *Dalbergia cubilquitzensis*, *Dalbergia glomerata* and *Dalbergia tucurensis*.

- b) Non-commercial exports of a maximum total weight of 10 kg per shipment;
- c) Parts and derivatives of *Dalbergia cochinchinensis*, which are covered by Annotation # 4;
- d) Parts and derivatives of *Dalbergia* spp. originating and exported from Mexico, which are covered by Annotation # 6.

- 1.2 The annotation presented challenges, particularly concerning its interpretation and implementation. There were also concerns that the scope of commodities covered by the listing (including finished musical instruments) was inconsistent with the guidance adopted by the Parties in Resolution Conf. 11.21 (Rev. CoP17) on *Use of annotations in Appendices I and II*, whereby the Parties agreed on standard guidance when drafting annotations for plants that “controls should concentrate on those commodities that first appear in international trade as exports from range States.”
- 1.3 At its 69th meeting (SC69, Geneva, November/December 2017), the Standing Committee agreed to interim definitions of certain terms in Annotation #15, based on discussions of the Plants Committee at its 23rd meeting (PC23, Geneva, July 2017) (see Document SC69 Doc. 69.3 for a summary). The interim definitions covered the terms “non-commercial”, “10 kg per shipment”, and paragraph b) of Annotation #15 in the case of orchestras, music ensembles and similar groups that travel with all instruments in the form of a “consolidated shipment”. Per the Standing Committee’s instructions, on 21 December 2017, the Secretariat issued Notification to the Parties No. 2017/078, communicating the interim definitions and encouraging all Parties to use them during the intersessional period between CoP17 and CoP18.
- 1.4 At their 69th and 70th meetings the Standing Committee also reviewed Annotation #15, with a view to exploring options for amending or replacing it (Document SC69 Doc. 69.1; Document SC70 Doc. 67.1). The intersessional working group that was established at SC69 and that worked between SC69 and SC70, discussed at length the annotation and its challenges. The working group included representation by 30 Parties, 10 members of the Plants Committee, 1 member of the Standing Committee, and 19 representatives from observer organizations.
- 1.5 At its 70th meeting the Standing Committee considered the two options presented by the intersessional working group in Document SC70 Doc. 67.1 for the revision or replacement of Annotation #15, taking into account changes to option 1 proposed during the plenary session by Peru on behalf of Central and South America and the Caribbean. Document SC70 Com. 17 presents the consensus conclusions of an in-session working group of the Standing Committee and recommends revision of the Annotation #15, as follows (deletions shown in ~~strikeout text~~; additions shown as underlined text):

All parts and derivatives ~~are included~~, except:

- a) Leaves, flowers, pollen, fruits, and seeds;
- b) Finished products to a maximum weight of wood of the listed species of 500g per item; ~~Non-commercial exports of a maximum total weight of 10 kg. per shipment;~~
- b)bis Finished musical instruments, finished musical instrument parts and finished musical instrument accessories.

- 1.6 The Standing Committee agreed to recommend the approach included in Document SC70 Com. 17 for revision of Annotation #15. The revision maintains an exemption for small finished products, while addressing elements of the existing annotation considered most problematic. In particular, it eliminates the implementation challenge associated with differentiating commercial and non-commercial exports, and it applies the maximum weight of wood for small finished products to single items rather than to shipments, reducing the maximum weight limit for exemption accordingly. The revised annotation also exempts from CITES controls finished musical instruments, finished musical instrument parts, and finished musical instrument accessories, reflecting the consensus view that the regulation of these items imparts little conservation value while increasing greatly the permit and compliance burdens. Of note, the revised annotation no longer includes the terms associated with paragraph b) of the existing annotation #15 that required interim definitions for the intersessional period between the CoP17 and CoP18.
- 1.7 The 70th meeting of the Standing Committee did not decide on a definition for the term “musical instruments,” but recommended re-establishment of the working group on annotations after the 18th meeting of the Conference of the Parties with terms of reference to (*inter alia*) consider the preparation of clear definitions of terms used in annotations, including the term “musical instruments” (SC70 Sum. 12 (Rev.1), page 14).

1.8 At SC70, neither the Standing Committee's working group nor the Standing Committee addressed paragraphs c) and d) of Annotation #15 in their recommendation. These two paragraphs are reproduced again below.

- c) Parts and derivatives of *Dalbergia cochinchinensis*, which are covered by Annotation # 4;
- d) Parts and derivatives of *Dalbergia* spp. originating and exported from Mexico, which are covered by Annotation # 6.

These paragraphs have been appended as paragraphs d and e in the revised annotation that is presented in paragraph A of the present document.

D. Consultations

The amendment to the annotation is proposed in accordance with the outcome of the discussions in the Standing Committee Working Group on Annotations and was supported by the Standing Committee at its 70th meeting in October 2018.

E. Conclusion

The proponents submit this consensus recommendation of the Standing Committee for consideration by the 18th meeting of the Conference of the Parties.