

NOTIFICATION TO THE PARTIES

No. 2010/042

Geneva, 17 December 2010

CONCERNING:

Implementation of the listing of species in Appendix III
where only specified national populations are included

Background

1. At the 17th and 18th meetings of the Plants Committee (Geneva, April 2008 and March 2009), and the 58th meeting of the Standing Committee (Geneva, July 2009), the United States of America drew attention to the different interpretations that Parties have of how to implement the listing of timber species in Appendix III in cases where only specified national populations are included. The Standing Committee requested the Secretariat to issue a Notification to the Parties to provide the Secretariat's views on how such listings should be implemented, in terms of both CITES documentation and annual reporting. Issuance of the Notification was delayed, pending discussion of the subject at the 15th meeting of the Conference of the Parties (Doha, 2010), where an amendment was agreed to the Resolution on *Inclusion of species in Appendix III* [now [Resolution Conf. 9.25 \(Rev. CoP15\)](#)].
2. In accordance with the request of the Standing Committee, the Secretariat provides, below, its understanding of how international trade should be regulated where either a whole species or a national population of a species is included in Appendix III.
3. Article II, paragraph 3, of the Convention, provides that:

Appendix III shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the cooperation of other Parties in the control of trade.
4. The term 'species' is defined in Article I, paragraph (a), of the Convention as meaning "any species, subspecies, or geographically separate population thereof". This definition makes it possible for Parties to include specific populations of a species in Appendix III.

Regulation of trade for whole species included in Appendix III

5. When a species is included in Appendix III, unless indicated otherwise, the listing includes **all** populations of the species. In the CITES Appendices, it is indicated in parentheses which Party included the species in Appendix III. These 'usual' listings should be implemented as follows:
 - a) Export from the country that included the species in Appendix III: requires the prior grant and presentation of an export permit that has been issued by the Management Authority of the State of export, in accordance with Article V, paragraph 2, of the Convention;
 - b) Export from all other range States of the species of specimens originating in those States: requires a certificate of origin issued by the CITES Management Authority of the range State, in accordance with Article V, paragraph 3;

- c) Export from States outside the natural range of the species of specimens originating in those States (e.g. captive-bred and artificially propagated specimens, specimens from feral populations, plantation-grown specimens, etc.) requires a certificate issued by the Management Authority of the State of export, either:
 - i) a certificate of origin issued in accordance with Article V, paragraph 3; or
 - ii) a certificate of captive breeding or artificial propagation, issued in accordance with Article VII, paragraph 5; and
- d) Re-export from any State: requires a certificate issued by the Management Authority of the State of re-export that the specimen was processed in that State or is being re-exported, in accordance with Article V, paragraph 4.

Regulation of trade in cases where a Party includes its own population in Appendix III

- 6. When one or more specified national populations of a species are included in Appendix III, all other populations of the species are excluded. The populations that are included are indicated in the CITES Appendices in brackets, next to the name of the species. The name of the Party that included each population in Appendix III is also indicated. In accordance with Article V of the Convention, these listings of individual populations should be implemented as follows:
 - a) Export from the State that included the population in Appendix III of specimens originating in that State: requires the prior grant and presentation of an export permit that has been issued by the Management Authority of the State of export, in accordance with Article V, paragraph 2, of the Convention;
 - b) Export from States whose populations are **not** listed in Appendix III of specimens originating in those States: no CITES document is required;
 - c) Re-export of specimens that originated in a population that is included in Appendix III: requires a certificate issued by the Management Authority of the State of re-export that the specimen was processed in that State or is being re-exported, in accordance with Article V, paragraph 4; and
 - d) Re-export of specimens that originated in a population that is **not** included in Appendix III: no CITES document is required.

Implementation problems

- 7. As indicated in the 'Fundamental Principles' of CITES in Article II, paragraph 3, of the Convention, the purpose of requesting the inclusion of a species in Appendix III is to seek "the cooperation of other Parties in the control of the trade". The usual listing of a species in Appendix III (the listing of whole species) means that all international trade in every specimen of the species must be authorized by a document issued by a CITES Management Authority: either an export permit or a re-export certificate, or a certificate of origin, of captive breeding or of artificial propagation.
- 8. When one or more specified national populations of a species are included in Appendix III, this can create implementation difficulties because it means that identical specimens of the same species may be either subject to CITES controls or exempt from CITES controls, depending on their origin.

Future action

- 9. The Secretariat believes that restricting the listing of species in Appendix III to specific populations can hamper the effectiveness of the Convention. In accordance with Resolution Conf. 9.25 (Rev. CoP15), it will consult with any Party that requests the inclusion of a particular population of a species in Appendix III "to

ensure that the listing will achieve the level of control and cooperation with other range States intended by the Party".