



NOTIFICATION TO THE PARTIES

No. 2014/048

Geneva, 24 October 2014

CONCERNING:

Implementation of the Convention regarding trade in Appendix-III species

Background

1. 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.

2. The term 'species' is defined in Article I, paragraph (a), of the Convention as meaning "any species, subspecies, or geographically separate population thereof". While the majority of Appendix-III species listings include the entire species (all populations), this definition makes it possible for Parties to limit an Appendix-III listing to specific populations of a species.
3. At its 15th meeting (CoP15, Doha, 2010), the Conference of the Parties discussed the problem of inconsistent implementation of Appendix-III timber listings where only specified national populations are included. (See document CoP15 Doc. 67, submitted by the United States of America.) It was noted that such listings can cause enforcement problems because, if one population of a species is included in Appendix III and all others are excluded, it is difficult to distinguish specimens that require a CITES permit or certificate from specimens that require none. Moreover, in cases where a whole species is included in Appendix III and national populations are also included, the permit requirements vary depending on the country of export.
4. The discussion at CoP15 resulted in an amendment to Resolution Conf. 9.25 (Rev. CoP15) on *Inclusion of species in Appendix III* [now Resolution Conf. 9.25 (Rev. CoP16)], directing the Secretariat:

if a Party requests the inclusion of a species in Appendix III and requests that the listing be limited to a particular population, to consult with that Party to ensure that the listing will achieve the level of control and cooperation with other range States intended by the Party.
5. For the reasons indicated above (in paragraph 3.), the Secretariat believes that restricting the listing of species in Appendix III to specific populations can hamper the effectiveness of the Convention. Consequently, it generally discourages such listing.
6. The Secretariat has recently been informed of a continuing problem of differing interpretations by Parties of the permit requirements for specimens of species, and populations, in Appendix III. These differences have resulted in delays in shipments and in some cases in shipments having to be returned to the country of export.

7. As a result, the present Notification is issued to provide the Secretariat's interpretation of how international trade should be regulated where:
- a) a whole species is included in Appendix III; or
 - b) only one or more national populations of a species are included in Appendix III; or
 - c) a whole species plus one or more national populations of it are included in Appendix III

Regulation of trade for whole species included in Appendix III

8. 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.

For example, Appendix III includes:

<i>Antilope cervicapra</i> (Nepal, Pakistan)
<i>Dalbergia tucurensis</i> (Nicaragua)

indicating that the species *Antilope cervicapra*, the blackbuck, has been included in Appendix III by both Nepal and Pakistan, and the species *Dalbergia tucurensis*, a Central American rosewood, is included at the request of Nicaragua.

9. These 'usual' listings should be implemented as follows:
- a) Export, from the State that included the species in Appendix III, of specimens originating in that State:
 - requires the prior grant and presentation of a CITES 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 CITES certificate of origin issued by the Management Authority of the range State, in accordance with Article V, paragraph 3, of the Convention;
 - 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 CITES certificate issued by the Management Authority of the State of export, either:
 - i) a CITES certificate of origin issued in accordance with Article V, paragraph 3, of the Convention; or
 - ii) a CITES certificate of captive breeding or artificial propagation, issued in accordance with Article VII, paragraph 5, of the Convention; and
 - d) Re-export from any State:
 - requires a CITES re-export certificate issued by the Management Authority of the State of re-export (or a CITES certificate that the specimen was processed in that State), in accordance with Article V, paragraph 4, of the Convention.

Regulation of trade where a Party includes its national population of a species in Appendix III

10. 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 indicated also, in parentheses.

For example, Appendix III includes:

Dalbergia darienensis #2 [Population of Panama (Panama)]

indicating that, for the species *Dalbergia darienensis*, the Indian rosewood (or Panamanian rosewood), only the population of Panama is included in Appendix III, at the request of Panama.

The annotation #2 means that the parts and derivatives covered by the listing are: all parts and derivatives except seeds, pollen and finished products packaged and ready for retail trade.

11. 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 a CITES 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 CITES re-export certificate issued by the Management Authority of the State of re-export (or a CITES certificate that the specimen was processed in that State), in accordance with Article V, paragraph 4, of the Convention; and
- d) Re-export of specimens that originated in a population that is **not** included in Appendix III:
 - **no** CITES document is required.

Regulation of trade where a whole species is included in Appendix III and one or more Parties have also included their national populations of that species

12. When a Party includes a whole species in Appendix III, this means that all populations everywhere in the world are included. If other Parties also include their national populations, this changes the permit requirements for export from those States of specimens originating in those national populations. In the CITES Appendices, the Party that included the whole species in Appendix III is shown in parentheses. The Parties that have included their national populations of that species in Appendix III are also indicated in parentheses.

For example, Appendix III includes:

Cedrela odorata (Brazil and the Plurinational State of Bolivia. In addition, the following countries have listed their national populations: Colombia, Guatemala and Peru)

indicating that, for the species *Cedrela odorata*, Spanish cedar:

- Brazil and the Plurinational State of Bolivia have both included the whole species in Appendix III; and
- Colombia, Guatemala and Peru have included their national populations in Appendix III.

The annotation #5 means that the parts and derivatives covered by the listing are logs, sawn wood and veneer sheets.

13. These listings should be implemented in exactly the same way as for the 'usual' listings, explained in paragraph 9 above, except that subparagraph a) should read as follows:

a) Export, from any State that included the whole species or its national 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.

14. This Notification replaces Notification to the Parties No. 2010/042 of 17 December 2010.