

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



Sixteenth meeting of the Conference of the Parties  
Bangkok (Thailand), 3-14 March 2013

**Committee II**

Amendment of the Appendices

Development and application of annotations

DRAFT DECISIONS  
AND DRAFT AMENDMENTS TO RESOLUTIONS OF THE CONFERENCE OF THE PARTIES

*This document has been prepared by a working group, on the basis of documents CoP16 Doc. 75 (Rev. 1) and CoP16 Doc. 76 (Rev. 1), after discussion in the 10th session of Committee II.*

DRAFT DECISION

***Directed to the Standing Committee***

- 16.XX Acknowledging that at the 16th meeting of the Conference of the Parties, the Parties agreed to include definitions of terms in annotations in the *Interpretation* section of the Appendices, as an interim measure until a final decision is reached; the Standing Committee will examine the issue of where definitions of terms in annotations should be included permanently and make a recommendation in that regard.

DRAFT AMENDMENT OF RESOLUTION CONF. 5.20

based on document CoP16 Doc. 75 (Rev. 1), Annex 1

Resolution Conf. 5.20 on *Guidelines for the Secretariat  
when making recommendations in accordance with Article XV*

**Revise the paragraph beginning “ESTABLISHES” in the operative section of the Resolution as follows:**

- d) if the proposal includes an annotation, the recommendations should specifically cover:
- i) the appropriateness of the proposed annotation with regard to those specimens ~~primarily exported from the range States and those commodities~~ that dominate the trade and the demand for the wild resource;
  - ii) any potential problems in implementing the proposed annotation; and
  - iii) whether the proposed annotation is harmonized with existing annotations;

- e) if the species has been listed previously or proposed for listing or delisting, a brief history of such listing or proposals and their treatment under CITES may be included in the recommendations;
- f) if applicable, reference should be made to any existing Resolutions affecting the proposal or to any draft Resolutions that have been tabled and await consideration by the Parties;
- g) additional biological or trade data may be requested from the proposing or range States, or from any other source to confirm or dispute other available data; and
- h) as far as possible, the Secretariat's recommendations should be based on as wide a range of information as it can obtain recognizing that such information should not be limited to scientific data; and

DRAFT AMENDMENT OF RESOLUTION CONF. 9.24 (REV. COP15)

based on document CoP16 Doc. 75 (Rev. 1) Annex 3

Resolution Conf. 9.24 (Rev. CoP15) on *Criteria for amendment of Appendices I and II*

**Revise the fourth “RESOLVES” in the operative section of the Resolution as follows:**

RESOLVES that annotations to proposals to amend Appendix I or II should be made in accordance with the applicable Resolutions of the Conference of the Parties, be specific and accurate as to which parts and derivatives are covered by the Convention, include those parts and derivatives ~~primarily exported from the range States and those commodities~~ that dominate the trade and the demand from the wild resource, and should, to the extent possible, be harmonized with existing annotations;

**Revise the paragraph on “Annotations” in Annex 6 on *Format for proposals to amend the Appendices***

If a specific annotation to the listing in the Appendices is proposed, the proponent should:

- ensure that the proposed annotation is in compliance with the applicable Resolutions;
- indicate the practical intent of the annotation;
- be specific and accurate as to the parts and derivatives to be covered by the annotation;
- provide clear and simple definitions of any terms in the annotation that may not be easily understood by enforcement personnel and user groups (noting that definitions should be specific to CITES and scientifically and technically precise to the extent practicable for purposes of the annotation);
- ensure that the annotation covers those parts and derivatives ~~primarily exported from the range States and those commodities~~ that dominate the trade and the demand from the wild resource;
- harmonize, to the extent practicable, new annotations with existing annotations; and
- where applicable, provide identification sheets to be included in the CITES Identification Manual that illustrate the parts and derivatives covered under the annotation.

DRAFT AMENDMENT OF RESOLUTION CONF. 9.25 REV. COP15

based on document CoP16 Doc. 75 (Rev. 1) Annex 4

Resolution Conf. 9.25 (Rev. CoP15) on *Inclusion of species in Appendix III*

**Revise the second “RECOMMENDS” in the operative section of the Resolution as follows:**

- d) after due consultation, and having satisfied itself that the biological status and trade status of the species justify the action, submit to the Secretariat the name of the species it wishes to include in Appendix III;
- e) ensure that its request to include a species in Appendix III specifies which readily recognizable parts and derivatives are to be included unless it intends to include all readily recognizable parts and derivatives;
- f) ensure that any proposed annotation that is part of a request to include a species in Appendix III covers those parts and derivatives ~~primarily exported from the range States and those commodities~~ that dominate the trade and the demand for the wild resource and is, to the extent practicable, harmonized with relevant existing annotations; and
- g) consult with the Secretariat and the Standing Committee to ensure that any proposed annotation that is part of a request to include a species in Appendix III (and any definitions developed that define terms in the annotation, as appropriate) is clear and unambiguous, and likely to be understood by enforcement personnel and user groups.

DRAFT AMENDMENT OF RESOLUTION CONF. 11.21 (REV. COP15)

based on document CoP16 Doc. 75 (Rev. 1) Annex 6

Resolution Conf. 11.21 (Rev. CoP15) on *Use of annotations in Appendices I and II*

[...]

**Revise the paragraphs under “DIRECTS” and insert two new paragraphs in the operative section of the Resolution as follows:**

- ~~a) the Secretariat, when a species is included in Appendix I or II with an annotation, and definitions for certain terms in the annotation are adopted by the Conference of the Parties, to include such definitions in the *Interpretation* section of the Appendices, which may only be amended by a decision of the Conference of the Parties;~~
- a) the Standing Committee, in consultation with the Plants Committee, to agree on interim definitions between meetings of the Conference of the Parties in cases where significant differences in the interpretation of terms in annotations exist among trading countries and are causing implementation difficulties and then include these definitions in its report to the Conference of the Parties for adoption;
- b) the Secretariat to issue a Notification to the Parties on any the interim definitions of terms in annotations agreed by the Standing Committee;
- c) the Secretariat to report to the Standing Committee, for at least four years following the adoption of a proposal to transfer species from Appendix I to Appendix II subject to a substantive annotation, any credible information it receives indicating a significant increase in the illegal trade in or poaching of such species; and
- d) the Standing Committee to investigate any such reports of illegal trade and to take appropriate action to remedy the situation, which may include calling on the Parties to suspend commercial trade in the affected

species, or inviting the Depositary Government to submit a proposal to amend the annotation or to retransfer the species to Appendix I; and

## DRAFT DECISIONS

based document on CoP16 Doc. 75 (Rev. 1) Annex 8

### ***Directed to the Standing Committee, Animals Committee, and Plants Committee***

- 16.XX The Standing Committee shall form a working group on annotations, in close collaboration with the Animals and Plants Committees, recognizing that the Animals and Plants Committees are an important source of expertise and advice to Parties on such scientific and technical issues. The group shall be chaired by a Member of the Standing Committee and shall include, but not be limited to, members from the Standing Committee, Animals Committee, Plants Committee, observer Parties, CITES Management and Scientific Authorities, and enforcement authorities, including Customs, and industry representatives. The terms of reference for the working group shall be:
- a) to explore the shared understanding among Parties of annotations, both their meaning and function, and the adoption of appropriate and reasonable procedures for crafting plant annotations;
  - b) ~~to act as a clearinghouse~~ to evaluate and address issues related to the drafting, interpretation and implementation of annotations, and assist Parties in drafting future annotations, drawing on appropriate expertise from within and outside its membership;
  - c) initially, to focus its efforts on evaluating the existing annotations for plant taxa listed in Appendices II and III, with an emphasis on ensuring that such annotations are clear as to the types of specimens to be covered by a listing, can be readily implemented and focus on those parts and derivatives primarily exported from the range States and those commodities that dominate the trade and the demand for the wild resource;
  - d) based on the results of the timber trade study directed to the Secretariat in Decision 15.35 (Rev. CoP16), to review the existing annotations for tree species and, if appropriate, draft amendments to those annotations, and prepare clear definitions for the terms used in the annotations in order to facilitate their use and understanding by CITES authorities, enforcement officers, exporters and importers;
  - e) to review the appropriateness and practical implementation of the annotation(s) of the agarwood-producing taxa (*Aquilaria* spp., ~~*Gonystylus* spp.~~, and *Gyrinops* spp.), taking into consideration the previous work done by the range and consumer States of these species;
  - f) to review outstanding implementation challenges resulting from the listings of *Aniba rosaeodora* and *Bulnesia sarmientoi* in the Appendices and propose appropriate solutions to the 17th meeting of the Conference of the Parties;
  - g) to draft definitions of terms included in annotations, in cases where the terms are not easily understood or where there has been difficulty in implementing the listing as a result of confusion about what commodities are covered, and submit them to the Standing Committee for adoption by the Conference of the Parties and subsequent inclusion in the Interpretation section of the Appendices;
  - h) to consider the effectiveness of including definitions of terms in annotations in the Interpretation section of the Appendices instead of elsewhere (e.g., in Resolution) and, based on the determination, draft a proposal to include all definitions in a single location;
  - i) to conduct any work related to annotations directed to it by the Conference of the Parties, the Standing, Animals or Plants Committees; and

- j) to prepare reports on progress made in addressing the issues tasked to it and submit them for the 65th and 66th meetings of the Standing Committee.

***Directed to Parties***

- 16.XX At its 17th meeting, the Conference of the Parties shall review the outcomes of the work undertaken by the working group called for in Decision 16.XX and evaluate the need for continuing such a working group. If agreed, the Parties shall maintain Decision 16.XX and make changes to the terms of reference, as appropriate.

DRAFT DECISIONS

based on document CoP16 Doc. 75 (Rev. 1) Annex 9

Tree species: annotations for species included in Appendices II and III

***Directed to the Standing Committee and Plants Committee***

14.148 (Rev. CoP16)

- a) Based on the results of the timber trade study, the Standing Committee and Plants Committee, via the working group called for in Decision 16.XX, shall review the annotations for tree species listed in Appendices II and III and, if appropriate, draft amendments to the annotations and prepare clear definitions for the terms used in those annotations in order to facilitate their use and understanding by CITES authorities, enforcement officers, exporters and importers.
- b) The amended annotations shall focus on articles specimens that ~~initially~~ appear in international trade as exports from range States and those which dominate the trade in and demand for the wild resource.
- c) As appropriate, the Standing Committee, in close cooperation with the Plants Committee, shall draft a proposal to amend any annotation in the Appendices and any amendments to Resolution Conf. 10.13 (Rev. CoP15).
- d) The Standing Committee, in close cooperation with the Plants Committee, shall request that the Secretariat submit on its behalf any proposal to amend Resolution Conf. 10.13 (Rev. CoP15) for consideration at the 17th meeting of the Conference of the Parties (CoP17). The Plants Committee shall request that the Depositary Government submit on its behalf any proposals to amend the annotations in the Appendices for consideration at CoP17.