

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



Sixty-first meeting of the Standing Committee
Geneva (Switzerland), 15-19 August 2011

Interpretation and implementation of the Convention

CITES Appendices

DEVELOPMENT AND APPLICATION OF ANNOTATIONS

1. This document has been submitted by the United States of America, as the North American Regional Representative to the Standing Committee, in consultation with the Secretariat and at the request of the Plants Committee.*
2. Canada, Mexico, and the United States of America submitted document PC19 Doc. 11.6 on *Development and application of annotations to the listings of plant taxa in the Appendices* for consideration at the 19th meeting of the Plants Committee (Geneva, 2011). After briefly discussing the document in the context of a number of other annotation-related documents, especially document PC19 Doc. 11.1 on *Overview [Decisions 15.31, 15.34, 14.133, 14.134 (Rev. CoP15), 14.149, 15.35 and 14.148 (Rev. CoP15)]*, prepared by the Secretariat, the Committee noted document PC19 Doc. 11.6 and invited the North American region to submit it for consideration at the present meeting. The original document has been amended slightly to facilitate its consideration by the Standing Committee.
3. Resolution Conf. 9.25 (Rev. CoP15) on *Inclusion of species in Appendix III* and Resolution Conf. 11.21 (Rev. CoP15) on *Use of annotations in Appendices I and II* both make clear that, when a species is included in Appendix II or Appendix III without a substantive annotation, the listing shall be interpreted to include all readily recognizable parts and derivatives. Resolution Conf. 11.21 (Rev. CoP15) further recommends that "Parties submitting proposals that contain substantive annotations ensure that the text is clear and unambiguous," and that "annotations that specify the types of specimens included in the Appendices should be used sparingly, as their implementation is particularly challenging, especially where there are identification problems or where the purpose of trade has been specified."
4. Nevertheless, a review of the Appendices shows that fewer than 20 of the plant taxa listed in Appendices II and III are unannotated and that the Appendices contain 17 substantive, plant-specific annotations.
5. As the Secretariat noted in document PC19 Doc. 11.1, despite efforts to clarify legal and implementation issues related to annotations, and to simplify and consolidate various annotations, the number and variety of them have continued to increase.
6. We believe that it would be useful for the Parties to evaluate how annotations are developed and applied to listings in the Appendices and consider whether there is a better way to develop them to ensure that they are consistent with the Convention, value-added, and enforceable.

* 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.

7. To achieve this, we recommend that the Standing Committee, at its 61st meeting, establish a working group 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, which may include recommending that annotations be developed in consultation with the Plants Committee; revising the discussion of annotations in the listing proposal format in Annex 6 to Resolution Conf. 9.24 (Rev. CoP15) on *Criteria for amendment of Appendices I and II* to recommend, in addition to the elements already listed, that a proponent Party discuss the practical implementation of the annotated listing if adopted; and providing guidance in Resolution (e.g., Resolution Conf. 11.21 (Rev. CoP15) on *Use of annotations in Appendices I and II*) or other appropriate location, including in identification materials as appropriate.