

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

Thirteenth meeting of the Conference of the Parties
Bangkok (Thailand), 2-14 October 2004

Interpretation and implementation of the Convention

Review of Resolutions and Decisions

REVIEW OF RESOLUTIONS

1. This document has been prepared by the Secretariat.
2. Through Notification to the Parties No. 2001/058 of 10 August 2001, with the endorsement of the Standing Committee, the Secretariat invited the Parties to inform it of the Resolutions that were considered difficult to implement at the national level or that were not implemented, and to provide an indication of the problems encountered or the reasons for non-implementation. A small number of Parties responded and the Secretariat made a list of the Resolutions that required attention.
3. At the 12th meeting of the Conference of the Parties (Santiago, 2002), the process to revise Resolutions that were difficult to implement started with the Parties adopting a substantial revision of the Resolution on Permits and certificates (now Resolution Conf. 12.3).
4. At that meeting, and again at the 50th meeting of the Standing Committee (Geneva, March 2004), the Secretariat committed itself to prepare revisions of further Resolutions for consideration at the 13th meeting of the Conference of the Parties as part of the same process. It also reported to the Committee its plans to prepare draft revisions of Resolutions where problems and inconsistencies had become apparent to the Secretariat in the course of its usual work.
5. The Secretariat undertook to do this work in consultation with the Management Authorities of Malta and the United States of America, which had identified the majority of problems in response to Notification to the Parties No. 2001/058. The Secretariat has consulted with these two Parties and has taken account of comments received in preparing the present document. It is therefore very grateful to Malta and the United States for their assistance and cooperation but this document does not necessarily represent their views and it remains the responsibility of the Secretariat.
6. The Secretariat has reviewed Resolutions which are dealt with in the following Annexes:
 - Annex 1 Resolution Conf. 4.6 (Rev. CoP12)
 - Annex 2 Resolution Conf. 5.11
 - Annex 3 Resolution Conf. 9.21
 - Annex 4 Resolutions Conf. 10.6 and Conf. 12.9
 - Annex 5 Resolutions Conf. 10.16 (Rev.) and Conf. 12.10
 - Annex 6 Resolution Conf. 11.11
 - Annex 7 Resolution Conf. 11.21.
7. In each of these Annexes there is a brief introduction, followed by a presentation of the proposed revisions.

8. The Secretariat recommends the adoption of the draft resolutions or of the amendments to resolutions proposed in the following Annexes:

- Annex 1 b
- Annex 2 a
- Annex 3 b
- Annex 4 b
- Annexes 5 a and 5 b
- Annex 6
- Annex 7 b.

REVIEW OF RESOLUTION CONF. 4.6 (REV. COP12)

Submission of draft resolutions and other documents for meetings of the Conference of the Parties

Introduction

1. The text of Resolution Conf. 4.6 (Rev. CoP12) is presented in Annex 1 a, marked with the proposed changes. Text that is proposed to be added is underlined. Text that is proposed to be deleted is marked with ~~striketrough~~.
2. A change is proposed to the title since this Resolution is no longer only about submitting documents, but also about when newly adopted resolutions enter into effect.
3. In the paragraph under AGREES the reference to "certain amendment proposals" has been deleted because the deadline for submitting amendment proposals is already specified in the text of the Convention.
4. Under RECOMMENDS, paragraphs a) and b) can be combined.
5. Regarding the paragraph under DECIDES FURTHER:

The date of entry into effect of Resolutions of the Conference of the Parties is the date on which they are sent to the Parties by the Secretariat. It would be preferable for them to enter into effect 90 days after the meeting, like amendments to the Appendices, and to be transmitted to the Parties within this time.
6. Other amendments are suggested to improve the presentation.
7. The clean version of the draft revised resolution as it would look if the amendments were adopted is presented in Annex 1 b.

DRAFT REVISION OF RESOLUTION CONF. 4.6 (REV. COP12)

[version marked with proposed amendments]

Submission of dDraft resolutions and other documents for meetings of the Conference of the Parties

CONSIDERING the volume of work involved in the preparation of documents to be submitted to the Conference of the Parties at its regular meetings;

AFFIRMING the obligation of the Parties to collaborate closely with the Secretariat in the organization of meetings of the Conference of the Parties;

RECOGNIZING the necessity that the Parties be informed in advance of the draft resolutions and other documents submitted by other Parties;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES that the term "the text of the proposed amendment" in Article XV, paragraph 1, of the Convention includes the substantially complete supporting statement accompanying it, and this interpretation is extended to ~~certain amendment proposals, draft resolutions and other documents submitted for consideration at meetings of the Conference of the Parties, for which deadlines for submission are established under Resolutions of the Conference;~~

RECOMMENDS that:

- a) the text of any draft resolutions or other document to be submitted for consideration at ~~to~~ a meeting of the Conference of the Parties be communicated to the Secretariat at least 150 days before the meeting;
- ~~b) the text of any documents submitted for consideration at a meeting of the Conference of the Parties be communicated to the Secretariat at least 150 days before the meeting;~~
- be) the Secretariat be authorized to accept draft resolutions and documents (other than proposals for amendment of Appendices I and II) after the ~~time limit of 150 days~~ deadline has expired only in exceptional circumstances, when it is established, to the satisfaction of the Secretariat, that the draft resolutions or documents could not have been communicated before the deadline ~~expiration date~~;
- ce) when drafting a resolution that is intended to be exhaustive, or to treat a subject comprehensively, or to make significant changes in the way in which a subject is dealt with, a Party ~~should~~ prepare the draft so that, if adopted, it will replace and repeal all existing Resolutions (or, as appropriate, the relevant paragraphs) on the same subject;
- de) unless practical considerations dictate otherwise, draft resolutions ~~should~~ not include:
 - i) instructions or requests to Committees, Working Groups or the Secretariat, unless they are part of a long-term procedure;
 - ii) decisions on the presentation of the Appendices; and
 - iii) recommendations (or other forms of decision) that will be implemented soon after their adoption and will then be obsolete; and
- ef) as a general rule, documents submitted for consideration at a meeting of the Conference of the Parties be no more than 12 pages in length;

DECIDES that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat must contain or be accompanied by a budget for the work involved and an indication of the source of funding; and

DECIDES FURTHER that the recommendations contained in Resolutions and Decisions adopted by the Conference of the Parties shall enter into effect 90 days after the meeting at which they are adopted~~be effective from the date on which they are sent by Notification to the Parties at the latest~~, unless otherwise specified in the recommendation concerned.

DRAFT REVISION OF RESOLUTION CONF. 4.6 (REV. COP12)

[clean version]

Draft resolutions and other documents for meetings of the Conference of the Parties

CONSIDERING the volume of work involved in the preparation of documents to be submitted to the Conference of the Parties at its regular meetings;

AFFIRMING the obligation of the Parties to collaborate closely with the Secretariat in the organization of meetings of the Conference of the Parties;

RECOGNIZING the necessity that the Parties be informed in advance of the draft resolutions and other documents submitted by other Parties;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES that the term “the text of the proposed amendment” in Article XV, paragraph 1, of the Convention includes the substantially complete supporting statement accompanying it, and this interpretation is extended to draft resolutions and other documents submitted for consideration at meetings of the Conference of the Parties;

RECOMMENDS that:

- a) the text of any draft resolution or other document to be submitted for consideration at a meeting of the Conference of the Parties be communicated to the Secretariat at least 150 days before the meeting;
- b) the Secretariat be authorized to accept draft resolutions and documents (other than proposals for amendment of Appendices I and II) after the 150-day deadline only in exceptional circumstances, when it is established, to the satisfaction of the Secretariat, that the draft resolutions or documents could not have been communicated before the deadline;
- c) when drafting a resolution that is intended to be exhaustive, or to treat a subject comprehensively, or to make significant changes in the way in which a subject is dealt with, a Party prepare the draft so that, if adopted, it will replace and repeal all existing Resolutions (or, as appropriate, the relevant paragraphs) on the same subject;
- d) unless practical considerations dictate otherwise, draft resolutions not include:
 - i) instructions or requests to Committees, Working Groups or the Secretariat, unless they are part of a long-term procedure;
 - ii) decisions on the presentation of the Appendices; and
 - iii) recommendations (or other forms of decision) that will be implemented soon after their adoption and will then be obsolete; and
- e) as a general rule, documents submitted for consideration at a meeting of the Conference of the Parties be no more than 12 pages in length;

DECIDES that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat must contain or be accompanied by a budget for the work involved and an indication of the source of funding; and

DECIDES FURTHER that the recommendations contained in Resolutions and Decisions adopted by the Conference of the Parties shall enter into effect 90 days after the meeting at which they are adopted, unless otherwise specified in the recommendation concerned.

REVIEW OF RESOLUTION CONF. 5.11

Definition of the term 'pre-Convention specimen'

Introduction

1. Article VII, paragraph 2, of the Convention addresses the issue of specimens that were acquired before the provisions of the Convention applied to them as follows:

Where a Management Authority of the State of export or re-export is satisfied that a specimen was acquired before the provisions of the present Convention applied to that specimen, the provisions of Articles III, IV and V shall not apply to that specimen where the Management Authority issues a certificate to that effect.

2. This provision looks simple enough, but many Parties have taken stricter measures in order to avoid having to allow import of pre-Convention specimens from other Parties without the provisions of Articles III, IV or V being applied. A number of other Parties only recognize the pre-Convention status of specimens if they were acquired before the date on which the Convention itself entered into force or before the date of entry into force in their own country. An important number of Parties do not accept pre-Convention certificates at all. It is therefore difficult to establish which Parties apply which criteria, and which dates, and the holding of a pre-Convention certificate issued under Article VII, paragraph 2, by no means guarantees the possibility to export or re-export specimens to another Party.
3. Resolution Conf. 5.11 addresses the implementation of Article VII, paragraph 2, but Parties still have important difficulties in applying it and its implementation is very disparate. This was clearly demonstrated in reactions to Notification No. 2001/058 of 10 August 2001, with which the Secretariat invited Parties to inform it of the Resolutions that were considered difficult to implement at the national level or that were not implemented, and to provide an indication of the problems encountered or the reasons for non-implementation.
4. In view of the comments received, the Secretariat has, instead of suggesting a revision of Resolution Conf. 5.11, prepared a draft of a new resolution on the issue. This appears in Annex 2 a to the present document.
5. The main changes proposed are as follows.
 - a) The draft resolution clarifies that the date from which the provisions of the Convention apply to a specimen is the effective date on which the species concerned was first included in one of its Appendices. This date is used in determining whether or not a specimen is pre-Convention and obviously does not change when a species is transferred from one Appendix to another.
 - b) The definition of 'acquired' is slightly changed from the one in Resolution Conf. 5.11, which appears to set different dates of acquisition for whole live and dead animals and plants than for parts and derivatives. The text has been revised to clarify that the date of removal from the wild or of production in a controlled environment is the date of acquisition, but if that date is unknown, then the date on which the specimen came into a person's possession for the first time should be used instead.
 - c) Instead of the complex puzzle that exists, to decide which of many possible dates apply, where and to what, it is proposed that all Parties use the date referred to in paragraph a) above to decide whether or not to issue a pre-Convention certificate. Since Parties may not necessarily accept such a certificate for import, it is recommended that the issuing authority advise the holder to check this with the potential importer or with the Management Authority of the intended country of destination.

DRAFT RESOLUTION

Implementation of Article VII, paragraph 2, concerning 'pre-Convention' specimens

RECALLING that Article VII, paragraph 2, of the Convention provides an exemption from the provisions of Articles III, IV and V where a Management Authority of the State of export or re-export is satisfied that a specimen was acquired before the provisions of the Convention applied to that specimen and issues a certificate to that effect;

NOTING that the implementation of this provision has given rise to a series of difficulties, both of a technical and of a more fundamental nature;

NOTING FURTHER that Resolution Conf. 5.11, on the definition of the term 'pre-Convention specimen' adopted at the fifth meeting of the Conference of the Parties (Buenos Aires, 1985), has been found to solve only partly the problems related to the implementation of Article VII, paragraph 2;

RECOGNIZING the crucial role of importing Parties in implementing Article VII, paragraph 2, and the right of Parties, under Article XIV, paragraph 1, of the Convention to apply stricter domestic measures to the import of specimens covered by pre-Convention certificates;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that, for the purposes of Article VII, paragraph 2:

- a) the date from which the provisions of the Convention apply to a specimen be the date on which the species concerned was first included in the Appendices; and
- b) the date on which a specimen is acquired be considered as the date the specimen was known to be either:
 - i) removed from the wild; or
 - ii) born in captivity or artificially propagated in a controlled environment; or
 - iii) if such date is unknown or cannot be proved, any subsequent and provable date on which it was first possessed by a person;

RECOMMENDS further that:

- a) Parties include on all pre-Convention certificates issued either the precise date of acquisition of the specimens concerned or a certification that the specimens were acquired before a specific date, in accordance with paragraph b) above, and advise the holder of such a certificate to check with potential importers or with the Management Authority of the intended country of destination whether the latter will accept the certificate for import; and
- b) Parties not accept pre-Convention certificates that have not been issued in compliance with this Resolution;

CALLS on Parties to take any necessary measures in order to prevent excessive acquisition of specimens of a species between the date at which the Conference of the Parties approves the inclusion of that species in Appendix I and the date at which the inclusion takes effect; and

REPEALS Resolution Conf. 5.11 (Buenos Aires, 1985) – Definition of the term 'pre-Convention specimen'.

REVIEW OF RESOLUTION CONF. 9.21

The interpretation and application of quotas for species included in Appendix I

Introduction

1. The text of Resolution Conf. 9.21 is presented in Annex 3 a, marked with the proposed changes. Text that is proposed to be added is underlined. Text that is proposed to be deleted is marked with ~~strikethrough~~.
2. The proposed changes are all in paragraph a):
 - a) A change is suggested to clarify that there is no need to follow the procedure indicated in this Resolution unless the Party concerned wishes the Conference of the Parties to establish an export quota for an Appendix-I species. Parties have a right to establish their own quotas without the involvement of the Conference of the Parties.
 - b) The second change is suggested to clarify that, once a quota for an Appendix-I species has been established by the Conference, any request to change the quota requires the submission of a proposal to the Secretariat 150 days before the meeting at which it is to be considered, just like all other working documents.
 - c) The third change is suggested to indicate that any proposal for the Conference to establish or amend an export quota for an Appendix-I species must include details of the scientific basis for the proposed quota.
3. The clean version of the draft revised resolution as it would look if the amendments were adopted is presented in Annex 3 b.

DRAFT REVISION OF RESOLUTION CONF. 9.21

[version marked with proposed amendments]

The interpretation and application of quotas for species included in Appendix I

RECALLING Resolution Conf. 6.7, adopted at the sixth meeting of the Conference of the Parties (Ottawa, 1987), calling on Parties to consult with range States prior to taking stricter domestic measures pursuant to Article XIV which may interfere with trade in wild animals and plants, and Resolution Conf. 8.21, adopted at the eighth meeting of the Conference of the Parties (Kyoto, 1992), requiring consultation between proposing States and range States;

RECALLING Resolution Conf. 8.3, adopted at the eighth meeting of the Conference of the Parties (Kyoto, 1992), recognizing the benefits of the use of wildlife;

RECALLING in particular the Preamble to the Convention which states that peoples and States are and should be the best protectors of their own wild fauna and flora;

RECALLING Resolution Conf. 4.6 (Rev. CoP12)[†], adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983) and amended at the 10th and 12th meetings (Harare, 1997; Santiago, 2002), which recommends that the text of any document submitted for consideration at a meeting of the Conference of the Parties be communicated to the Secretariat at least 150 days before the meeting;

RECOGNIZING the supreme importance of cooperative and mutual action as called for at the United Nations Conference on Environment and Development in 1992 at Rio de Janeiro and as embodied in the Convention on Biological Diversity;

AWARE that the Parties have set quotas for the export of specimens of the leopard, various crocodylians, and the cheetah;

AWARE that it is the understanding and practice of the majority of Parties that the establishment of quotas by the Parties satisfies the required findings that the export of a specimen will not be detrimental to the survival of the species and that the import of that specimen will not be for purposes detrimental to the survival of the species, provided that the export is within the limits set in the quota;

AWARE however that the failure of some Parties to adhere to this majority understanding has had negative consequences on the conservation of species by range States;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES that:

- a) a Party wishing the Conference of the Parties to establish ~~desiring~~ a quota for a species included in Appendix I, or to amend an existing quota, should submit to the Secretariat its proposal, with supporting information including details of the scientific basis for the proposed quota, at least 150 days before a meeting of the Conference of the Parties; and
- b) whenever the Conference of the Parties has set an export quota for a particular species included in Appendix I, this action by the Parties satisfies the requirements of Article III regarding the findings by the appropriate Scientific Authorities that the export will not be detrimental to the survival of the

[†] ~~Corrected by the Secretariat: formerly referred to Resolution Conf. 4.6 (Rev.).~~

species and that the purposes of the import will not be detrimental to the survival of the species, provided that:

- i) the quota is not exceeded; and
- ii) no new scientific or management data have emerged to indicate that the species population in the range State concerned can no longer sustain the agreed quota.

DRAFT REVISION OF RESOLUTION CONF. 9.21

[clean version]

The interpretation and application of quotas for species included in Appendix I

RECALLING Resolution Conf. 6.7, adopted at the sixth meeting of the Conference of the Parties (Ottawa, 1987), calling on Parties to consult with range States prior to taking stricter domestic measures pursuant to Article XIV which may interfere with trade in wild animals and plants, and Resolution Conf. 8.21, adopted at the eighth meeting of the Conference of the Parties (Kyoto, 1992), requiring consultation between proposing States and range States;

RECALLING Resolution Conf. 8.3, adopted at the eighth meeting of the Conference of the Parties (Kyoto, 1992), recognizing the benefits of the use of wildlife;

RECALLING in particular the Preamble to the Convention which states that peoples and States are and should be the best protectors of their own wild fauna and flora;

RECALLING Resolution Conf. 4.6 (Rev. CoP12), adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983) and amended at the 10th and 12th meetings (Harare, 1997; Santiago, 2002), which recommends that the text of any document submitted for consideration at a meeting of the Conference of the Parties be communicated to the Secretariat at least 150 days before the meeting;

RECOGNIZING the supreme importance of cooperative and mutual action as called for at the United Nations Conference on Environment and Development in 1992 at Rio de Janeiro and as embodied in the Convention on Biological Diversity;

AWARE that the Parties have set quotas for the export of specimens of the leopard, various crocodylians, and the cheetah;

AWARE that it is the understanding and practice of the majority of Parties that the establishment of quotas by the Parties satisfies the required findings that the export of a specimen will not be detrimental to the survival of the species and that the import of that specimen will not be for purposes detrimental to the survival of the species, provided that the export is within the limits set in the quota;

AWARE however that the failure of some Parties to adhere to this majority understanding has had negative consequences on the conservation of species by range States;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES that:

- a) a Party wishing the Conference of the Parties to establish a quota for a species included in Appendix I, or to amend an existing quota, should submit to the Secretariat its proposal, with supporting information including details of the scientific basis for the proposed quota, at least 150 days before a meeting of the Conference of the Parties; and
- b) whenever the Conference of the Parties has set an export quota for a particular species included in Appendix I, this action by the Parties satisfies the requirements of Article III regarding the findings by the appropriate Scientific Authorities that the export will not be detrimental to the survival of the species and that the purposes of the import will not be detrimental to the survival of the species, provided that:
 - i) the quota is not exceeded; and
 - ii) no new scientific or management data have emerged to indicate that the species population in the range State concerned can no longer sustain the agreed quota.

CONSOLIDATION OF

Resolution Conf. 10.6 on Control of trade in tourist souvenir specimens
and
Resolution Conf. 12.9 on Personal and household effects

Introduction

1. Resolution Conf. 10.6 deals with trade in tourist souvenir specimens and states that these are personal and household effects. Resolution Conf. 12.9 deals broadly with personal and household effects, and includes a number of paragraphs that were copied from or adapted from the former Resolution.
2. Consequently it seems appropriate to consolidate these two Resolutions.
3. The table in Annex 4 a contains all of the text from both Resolutions, using Resolution Conf. 12.9 as a basis for the structure with the text of Resolution Conf. 10.6 inserted into what seemed to be logical places. This text is marked with the proposed changes. Text that is proposed to be added is underlined. Text that is proposed to be deleted is marked with ~~striketrough~~.
4. Two paragraphs have been inserted into the preamble to recall the Resolutions that have already been adopted specifying certain limits on trade in personal effects.
5. The right hand column indicates the source of each paragraph and, in italics, a comment on the reason for any proposed change.
6. The clean version of the draft consolidated resolution as it would look if the amendments were adopted is presented in Annex 4 b.

CONSOLIDATION OF

Resolutions Conf. 10.6 on Control of trade in tourist souvenir specimens
and
Resolution Conf. 12.9 on Personal and household effects

[marked version showing proposed amendments]

Text	Source
Control of trade in tourist souvenir specimens personal and household effects	Titles of Conf. 10.6 & Conf. 12.9
<u>RECALLING Resolution Conf. 10.6 on Control of trade in tourist souvenir specimens, adopted at the 10th meeting of the Conference of the Parties (Harare, 1997) and Resolution Conf. 12.9 on Personal and household effects, adopted at the 12th meeting of the Conference of the Parties (Santiago, 2002);</u>	<i>new</i>
OBSERVING that Article III, paragraph 3 (c), of the Convention requires that specimens of Appendix-I species are not to be used for primarily commercial purposes in the importing country;	Conf. 10.6 second preambular para.
CONSIDERING that Article VII, paragraph 3, of the Convention lays down the conditions under which specimens that are personal or household effects are exempt from the provisions of Articles III, IV and V of the Convention;	Conf. 12.9 first preambular para.
FURTHER CONSIDERING that the Convention does not define the term 'personal or household effects';	Conf. 12.9 second preambular para.
CONSIDERING that the exemption in Article VII, paragraph 3, <u>of the Convention</u> does not apply to specimens of Appendix-I species that are souvenirs being imported by a person returning to his State of usual residence;	Conf. 10.6 third preambular para. & Conf. 12.9 third preambular para.
CONSIDERING further that the exemption in Article VII, paragraph 3, <u>of the Convention</u> does not apply to specimens of Appendix-II species that are souvenirs being imported by a person returning to his State of usual residence if the specimens were taken from the wild in a State requiring the granting of export permits before the export of such specimens;	Conf. 10.6 fourth preambular para. & Conf. 12.9 fourth preambular para.
RECOGNIZING however that export permits are frequently not required by exporting countries;	Conf. 10.6 fifth preambular para.
NOTING that for Parties other than the exporting and importing Parties such specimens of Appendix-II species are, under Article VII, exempt from CITES provisions;	Conf. 10.6 sixth preambular para.
RECOGNIZING that Parties currently implement Article VII, paragraph 3, and Resolution Conf. 10.6 in varying ways and that there should be uniform application of the exemption for personal or household effects;	Conf. 12.9 seventh preambular para.
	<i>Conf. 10.6 is included here</i>

Text	Source
<u>RECALLING Resolution Conf. 11.11, on Regulation of trade in plants, adopted by the Conference of the Parties at its 11th meeting (Gigiri, 2000), which recommends a limit on the number of rainsticks per person to be considered as personal effects;</u>	<i>new reference to the Resolution that specifies the personal effects limit for rainsticks</i>
<u>RECALLING Resolution Conf. 12.7, on Conservation of and trade in sturgeons and paddlefish, adopted by the Conference of the Parties at its 12th meeting (Santiago, 2002), which recommends a limit on the quantity of caviar per person to be considered as personal effects;</u>	<i>new reference to the Resolution that specifies the personal effects limit for caviar</i>
RECALLING that the Convention does not make special provision for airport lounges (including duty-free shops), free ports or non-Customs zones, because each Party is deemed to have sovereignty over the whole of its territory, and to apply the Convention accordingly;	Conf. 12.9 fifth preambular para
RECALLING paragraph h) of Resolution Conf. 9.7, adopted at the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994), which notes that the Convention does not make special provision for airport lounges (including duty-free shops), free ports or non-Customs zones;	Conf. 10.6 eighth preambular para. <i>already said</i>
NOTING that Resolution Conf. 10.6, adopted at the 10th meeting of the Conference of the Parties (Harare, 1997), addresses trade in tourist souvenirs in isolation from personal or household effects despite the clear relationship between the two concepts;	Conf. 12.9 sixth preambular para. <i>Conf. 10.6 is included here</i>
RECALLING Resolution Conf. 4.12 (Rev.), adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983) and amended at the ninth meeting (Fort Lauderdale, 1994);	Conf. 10.6 first preambular para. <i>Conf. 4.6 (Rev.) was already replaced by Conf. 10.6</i>
RECOGNIZING that parts and derivatives of species listed in Appendices I and II continue to be widely sold as tourist souvenir specimens and that specimens of Appendix-I species continue, in some countries, to be offered for sale at gift shops at international airports and other places (including duty-free areas) catering largely to international travellers;	Conf. 10.6 seventh preambular para.
RECOGNIZING that the sale of specimens of Appendix-I species in places of international departure may encourage, either intentionally or unintentionally, the illegal export of such items, and that such export is an issue of concern with respect to the conservation of such species;	Conf. 10.6 ninth preambular para.
ACKNOWLEDGING that sale of tourist souvenir specimens of Appendix-I species can in some cases form a substantial part of a trade which could threaten the survival of such species;	Conf. 10.6 10th preambular para.
RECOGNIZING that there is still widespread public ignorance of the purpose and requirements of the Convention and of domestic legislation relating to trade in endangered species;	Conf. 10.6 11th preambular para.
RECOGNIZING further that international airports, seaports and border crossings provide an excellent opportunity for educational displays informing travellers about the requirements of the Convention, and that sales of tourist souvenir specimens in such places may seriously detract from that educational message;	Conf. 10.6 12th preambular para.

Text	Source
THE CONFERENCE OF THE PARTIES TO THE CONVENTION	
DECIDES that the term 'personal or household effects' contained in Article VII, paragraph 3, means specimens that are:	Conf. 12.9 para. under DECIDES
<ul style="list-style-type: none"> a) personally owned or possessed for non-commercial purposes; b) legally-acquired; and c) at the time of import, export or re-export either: <ul style="list-style-type: none"> i) worn or carried or included in personal baggage; or ii) part of a household move; 	
<u>DECIDES also that, for the purposes of this Resolution,</u> the term 'tourist souvenir specimen' shall apply only to personal and household effects acquired outside the owner's State of usual residence and not be applied to live specimens;	Conf. 10.6 under RECOMMENDS d) <i>presented as a definition</i>
RECOMMENDS that Parties:	Conf. 12.9 RECOMMENDS
a) regulate the cross-border movements of legally acquired, personally owned live animals of species listed in the Appendices of CITES in accordance with Resolution Conf. 10.20;	Conf. 12.9 under RECOMMENDS a)
<ul style="list-style-type: none"> b) not require export or import permits, or re-export certificates, for personal or household effects for the following dead specimens, parts and derivatives of Appendix-II species except where the quantity exceeds the specified limits: <ul style="list-style-type: none"> i) caviar of sturgeon species (<i>Acipenseriformes</i> spp.) – up to a maximum of 250 grams per person; ii) rainsticks of <i>Cactaceae</i> spp. – up to three <u>specimens</u> per person; iii) specimens of crocodylian species – up to four specimens per person; and iv) queen conch (<i>Strombus gigas</i>) shells – up to three specimens per person; 	Conf. 12.9 under RECOMMENDS b) <i>This paragraph deals only with Appendix-II species and therefore import permits are not relevant</i>
c) advise their Customs administrations of the treatment of personal or household effects under CITES;	Conf. 12.9 under RECOMMENDS c)
d) take all necessary steps, including inspection and provision of information to merchants, to prohibit the sale of tourist souvenir specimens of Appendix-I species in places of international departure, such as international airports, seaports and border crossings and particularly in duty-free areas beyond Customs control points;	Conf. 12.9 under RECOMMENDS d) in place of Conf. 10.6 under URGES d)
e) provide information through displays and by other means, in all relevant languages, in places of international departure and arrival, informing travellers about the purpose and requirements of the Convention, and of their responsibilities with respect to international and domestic laws relating to the export and import of wildlife specimens; and	Conf. 12.9 under RECOMMENDS e) in place of Conf. 10.6 under RECOMMENDS a)

Text	Source
<p>f) in collaboration with national and international tourist agencies, carriers, hotels and other relevant bodies, take all possible steps to ensure that tourists and persons with diplomatic privileges travelling abroad are made aware of the import and export controls that are or may be in force with respect to items derived from CITES species;</p>	<p>Conf. 12.9 under RECOMMENDS f) in place of Conf. 10.6 under RECOMMENDS b)</p>
<p><u>RECOMMENDS</u> also that any a person in possession of tourist souvenir specimens of Appendix-II species covered by an export permit be afforded the exemption for personal effects given by Article VII when entering States other than the State of usual residence or when leaving States other than the State of export; and</p>	<p>Conf. 10.6 under RECOMMENDS c)</p>
<p>REQUESTS the Secretariat to develop a process for consideration of specimens of personal and household effects of Appendix-II species which may be exempted from permitting according to Article VII, paragraph 3; and</p>	<p>Conf. 12.9 under REQUESTS <i>to be transferred to the Decisions (see document CoP13 Doc. 55.2)</i></p>
<p>URGES that:</p>	<p>Conf. 10.6 under URGES</p>
<p>a) all Parties comply fully with the requirements of Article III of the Convention with respect to tourist souvenir specimens of Appendix-I species;</p>	<p>Conf. 10.6 under URGES a)</p>
<p>b) Parties take all necessary steps to prohibit the sale of tourist souvenir specimens of Appendix-I species in places of international departure, such as international airports, seaports and border crossings and particularly in duty-free areas beyond Customs control points;</p>	<p>Conf. 10.6 under URGES b)</p>
<p>c) such steps include inspection and provision of information to merchants; <u>and</u></p>	<p>Conf. 10.6 under URGES c)</p>
<p><u>de</u>) importing countries experiencing problems with imports of tourist souvenir specimens notify the relevant exporting countries and the CITES Secretariat accordingly;</p>	<p>Conf. 10.6 under URGES e)</p>
<p>DIRECTS the Standing Committee to consider ways of assisting any Party which informs the Committee of difficulties in the application of this Resolution; and</p>	<p>Conf. 10.6 under DIRECTS</p>
<p>ENCOURAGES Parties to harmonize their national legislation with regard to this Resolution; <u>and</u></p>	<p>Conf. 12.9 under ENCOURAGES</p>
<p>REPEALS Resolution Conf. 4.12 (Rev.) (Gaborone, 1983 as amended at Fort Lauderdale, 1994) – Control of Tourist Souvenir Specimens.</p>	<p>Conf. 10.6 under REPEALS</p>
<p><u>REPEALS the Resolutions listed hereunder:</u></p>	<p><i>amended to refer to Conf. 10.6 and Conf. 12.9, which are being replaced</i></p>
<p>a) <u>Resolution Conf. 10.6 (Harare, 1997) – Control of trade in tourist souvenir specimens; and</u></p>	
<p>b) <u>Resolution Conf. 12.9 (Santiago, 2002) – Personal and household effects.</u></p>	

DRAFT CONSOLIDATION OF RESOLUTIONS CONF. 10.6 AND CONF. 12.9

[clean version]

Control of trade in personal and household effects

RECALLING Resolution Conf. 10.6 on Control of trade in tourist souvenir specimens, adopted at the 10th meeting of the Conference of the Parties (Harare, 1997) and Resolution Conf. 12.9 on Personal and household effects, adopted at the 12th meeting of the Conference of the Parties (Santiago, 2002);

OBSERVING that Article III, paragraph 3 (c), of the Convention requires that specimens of Appendix-I species not be used for primarily commercial purposes in the importing country;

CONSIDERING that Article VII, paragraph 3, of the Convention lays down the conditions under which specimens that are personal or household effects are exempt from the provisions of Articles III, IV and V of the Convention;

FURTHER CONSIDERING that the Convention does not define the term 'personal or household effects';

CONSIDERING that the exemption in Article VII, paragraph 3, of the Convention does not apply to specimens of Appendix-I species that are souvenirs being imported by a person returning to his State of usual residence;

CONSIDERING further that the exemption in Article VII, paragraph 3, of the Convention does not apply to specimens of Appendix-II species that are souvenirs being imported by a person returning to his State of usual residence if the specimens were taken from the wild in a State requiring the granting of export permits before the export of such specimens;

RECOGNIZING however that export permits are frequently not required by exporting countries;

NOTING that for Parties other than the exporting and importing Parties such specimens of Appendix-II species are, under Article VII, exempt from CITES provisions;

RECOGNIZING that Parties currently implement Article VII, paragraph 3, in varying ways and that there should be uniform application of the exemption for personal or household effects;

RECALLING Resolution Conf. 11.11, on Regulation of trade in plants, adopted by the Conference of the Parties at its 11th meeting (Gigiri, 2000), which recommends a limit on the number of rainsticks per person to be considered as personal effects;

RECALLING Resolution Conf. 12.7, on Conservation of and trade in sturgeons and paddlefish, adopted by the Conference of the Parties at its 12th meeting (Santiago, 2002), which recommends a limit on the quantity of caviar per person to be considered as personal effects;

RECALLING that the Convention does not make special provision for airport lounges (including duty-free shops), free ports or non-Customs zones, because each Party is deemed to have sovereignty over the whole of its territory, and to apply the Convention accordingly;

RECOGNIZING that parts and derivatives of species listed in Appendices I and II continue to be widely sold as tourist souvenir specimens and that specimens of Appendix-I species continue, in some countries, to be offered for sale at gift shops at international airports and other places (including duty-free areas) catering largely to international travellers;

RECOGNIZING that the sale of specimens of Appendix-I species in places of international departure may encourage, either intentionally or unintentionally, the illegal export of such items, and that such export is an issue of concern with respect to the conservation of such species;

ACKNOWLEDGING that sale of tourist souvenir specimens of Appendix-I species can in some cases form a substantial part of a trade which could threaten the survival of such species;

RECOGNIZING that there is still widespread public ignorance of the purpose and requirements of the Convention and of domestic legislation relating to trade in endangered species;

RECOGNIZING further that international airports, seaports and border crossings provide an excellent opportunity for educational displays informing travellers about the requirements of the Convention, and that sales of tourist souvenir specimens in such places may seriously detract from that educational message;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DECIDES that the term 'personal or household effects' contained in Article VII, paragraph 3, means specimens that are:

- a) personally owned or possessed for non-commercial purposes;
- b) legally-acquired; and
- c) at the time of import, export or re-export either:
 - i) worn or carried or included in personal baggage; or
 - ii) part of a household move;

DECIDES also that, for the purposes of this Resolution, the term 'tourist souvenir specimen' shall apply only to personal and household effects acquired outside the owner's State of usual residence and not be applied to live specimens;

RECOMMENDS that Parties:

- a) regulate the cross-border movements of legally acquired, personally owned live animals of species listed in the Appendices of CITES in accordance with Resolution Conf. 10.20;
- b) not require export, or re-export certificates, for personal or household effects for the following dead specimens, parts and derivatives of Appendix-II species except where the quantity exceeds the specified limits:
 - i) caviar of sturgeon species (*Acipenseriformes* spp.) – up to a maximum of 250 grams per person;
 - ii) rainsticks of *Cactaceae* spp. – up to three specimens per person;
 - iii) specimens of crocodylian species – up to four specimens per person; and
 - iv) queen conch (*Strombus gigas*) shells – up to three specimens per person;
- c) advise their Customs administrations of the treatment of personal or household effects under CITES;
- d) take all necessary steps, including inspection and provision of information to merchants, to prohibit the sale of tourist souvenir specimens of Appendix-I species in places of international departure, such as international airports, seaports and border crossings and particularly in duty-free areas beyond Customs control points;
- e) provide information through displays and by other means, in all relevant languages, in places of international departure and arrival, informing travellers about the purpose and requirements of the Convention, and of their responsibilities with respect to international and domestic laws relating to the export and import of wildlife specimens; and

- f) in collaboration with national and international tourist agencies, carriers, hotels and other relevant bodies, take all possible steps to ensure that tourists and persons with diplomatic privileges travelling abroad are made aware of the import and export controls that are or may be in force with respect to items derived from CITES species;

RECOMMENDS also that any person in possession of tourist souvenir specimens of Appendix-II species covered by an export permit be afforded the exemption for personal effects given by Article VII when entering States other than the State of usual residence or when leaving States other than the State of export;

URGES that:

- a) all Parties comply fully with the requirements of Article III of the Convention with respect to tourist souvenir specimens of Appendix-I species;
- b) Parties take all necessary steps to prohibit the sale of tourist souvenir specimens of Appendix-I species in places of international departure, such as international airports, seaports and border crossings and particularly in duty-free areas beyond Customs control points;
- c) such steps include inspection and provision of information to merchants; and
- d) importing countries experiencing problems with imports of tourist souvenir specimens notify the relevant exporting countries and the CITES Secretariat accordingly;

DIRECTS the Standing Committee to consider ways of assisting any Party which informs the Committee of difficulties in the application of this Resolution;

ENCOURAGES Parties to harmonize their national legislation with regard to this Resolution; and

REPEALS the Resolutions listed hereunder:

- a) Resolution Conf. 10.6 (Harare, 1997) – Control of trade in tourist souvenir specimens; and
- b) Resolution Conf. 12.9 (Santiago, 2002) – Personal and household effects.

REVIEW OF

Resolution Conf. 10.16 (Rev.) on Specimens of animal species bred in captivity and Resolution Conf. 12.10 on Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes

Introduction

1. Article VII, paragraphs 4 and 5, of the Convention provide special exemptions from the usual provisions relating to trade as follows:
 4. *Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in Appendix I artificially propagated for commercial purposes, shall be deemed to be specimens of species included in Appendix II.*
 5. *Where a Management Authority of the State of export is satisfied that any specimen of an animal species was bred in captivity or any specimen of a plant species was artificially propagated, or is a part of such an animal or plant or was derived therefrom, a certificate by that Management Authority to that effect shall be accepted in lieu of any of the permits or certificates required under the provisions of Article III, IV or V.*
2. With regard to Article VII, paragraph 4, the Conference of the Parties has determined, in Resolution Conf. 12.10, [under "DETERMINES that", paragraph a)] that:

the term 'bred in captivity for commercial purposes', as used in Article VII, paragraph 4, shall be interpreted as referring to any specimen of an animal bred to obtain economic benefit, including profit, whether in cash or kind, where the purpose is directed toward sale, exchange or provision of a service or any other form of economic use or benefit...
3. Resolution Conf. 12.10 lays out a procedure for registering the commercial captive-breeding operations for Appendix-I species. With this Resolution, the interpretation of Article VII, paragraph 4, appears to be straightforward.
4. This is not the case with Article VII, paragraph 5. In this connection, the current review addresses two issues: a contradiction between Resolution Conf. 10.16 (Rev.) and Resolution Conf. 12.10; and a need for clarification in a paragraph of the latter.

Contradiction

5. The preamble of Conf. 10.16 (Rev.) contains the following text:

NOTING that, in accordance with Article VII, paragraph 5, the import of specimens of Appendix-I species bred in captivity not for commercial purposes that are covered by a certificate of captive breeding does not require the issuance of an import permit and may therefore be authorized whether or not the purpose is commercial;
6. The operative part of Conf. 12.10, contains the following text:

DETERMINES that: ...

 - b) *for Appendix-I species, Article VII, paragraph 5, shall be interpreted as referring to a specimen of an animal bred for non-commercial purposes where each donation, exchange or loan is not for profit and is conducted between two operations involved in a cooperative conservation programme that provides for the participation and/or support of one or more range States for the species concerned;*

7. If it is assumed that the text of Resolution Conf. 12.10, as the most recent word of the Conference of the Parties on this subject, should take precedence, then the contradictory text in Resolution Conf. 10.16 (Rev.) should be deleted. The proposed change is indicated in Annex 5 a of the present document.

Clarification

8. Resolution Conf. 12.10, in paragraph b) under "DETERMINES that" (quoted in paragraph 6 above), suggests that, for specimens of Appendix-I species that are bred for non-commercial purposes, the special provisions of Article VII, paragraph 5, should apply only in the cases that are indicated. This leaves open the question of which provisions apply to trade in the large number of such specimens if they are not being traded under these circumstances.
9. The Secretariat believes that the Conference of the Parties intended that these should be subject to the provisions of Article III of the Convention, just as if they were wild-taken specimens.
10. A proposed change to the paragraph concerned is contained in Annex 5 b of the present document.

DRAFT REVISION OF RESOLUTION CONF. 10.16 (REV.)

Specimens of animal species bred in captivity

Proposed revision of the fourth paragraph of the preamble

Marked version

NOTING that, in accordance with Article VII, paragraph 5, the import of specimens of Appendix-I species bred in captivity not for commercial purposes that are covered by a certificate of captive breeding does not require the issuance of an import permit ~~and may therefore be authorized whether or not the purpose is commercial;~~

Clean version

NOTING that, in accordance with Article VII, paragraph 5, the import of specimens of Appendix-I species bred in captivity not for commercial purposes that are covered by a certificate of captive breeding does not require the issuance of an import permit;

DRAFT REVISION OF RESOLUTION CONF. 12.10

Guidelines for a procedure to register and monitor operations that
breed Appendix-I animal species for commercial purposes

Proposed revision of paragraph b) under "DETERMINES that"

Original version

- b) for Appendix-I species, Article VII, paragraph 5, shall be interpreted as referring to a specimen of an animal bred for non-commercial purposes where each donation, exchange or loan is not for profit and is conducted between two operations involved in a cooperative conservation programme that provides for the participation and/or support of one or more range States for the species concerned;

Proposed revision

- b) for Appendix-I species, Article VII, paragraph 5, shall be interpreted such that trade in animal specimens bred in captivity for non-commercial purposes:
 - i) may be authorized in accordance with the special provisions of that paragraph only if they are being donated, exchanged or loaned not for profit and if the transaction takes place within a cooperative conservation programme that provides for the participation or support of one or more range States for the species concerned; or
 - ii) in all other cases, may be authorized only in accordance with the provisions of Article III of the Convention;

REVIEW OF RESOLUTION CONF. 11.11

Regulation of trade in plants

Introduction

1. In Resolution Conf. 11.11, in the section 'Regarding hybrids', the first paragraph under DETERMINES reads as follows:

a) hybrids shall be subject to the provisions of the Convention even though not specifically included in the Appendices if one or both of their parents are of taxa included in the Appendices, unless the hybrids are excluded from CITES controls by a specific annotation in Appendix II or III (see annotation °608 in the Interpretation of Appendices I and II);

2. The words in parentheses are no longer applicable since annotation °608 no longer exists and the relevant annotation now appears next to the name of the taxon concerned.

Recommendation

3. Consequently the Secretariat recommends the adoption of the following text to replace the words in parentheses quoted above:

(see the annotation to Orchidaceae spp. included in Appendix II)

REVIEW OF RESOLUTION CONF. 11.21

Use of annotations in Appendices I and II

Introduction

1. The new presentation of the Appendices, with annotations placed next to the name of the species as far as possible, means that references to some kinds of annotations are no longer correct. A few corrections are required as a result.
2. In paragraph b) ii) under the first AGREES, the examples are misleading and probably unnecessary.
3. A few minor corrections to the English are also proposed.

DRAFT REVISION OF RESOLUTION CONF. 11.21

[version marked with proposed amendments]

Use of annotations in Appendices I and II

RECOGNIZING that annotations are increasingly used in the Appendices for a number of purposes;

AWARE that certain types of annotations are for reference only, whereas others are substantive and are intended to define the scope of the inclusion of a species;

CONSIDERING that the Parties have developed specific procedures for transfer, reporting and review for certain special cases of amendment of the Appendices, such as those relating to ranching, quotas, certain parts and derivatives, and trade regimes;

AWARE also that certain types of annotations are an integral part of a species listing, and that any proposal to introduce, amend or delete such an annotation must follow the provisions of Resolution Conf. 9.24 (Rev. CoP12)[†];

CONSCIOUS that criteria for the submission of proposals to amend the Appendices that include annotations, and procedures for reviewing the implementation of such annotations, need to be clearly defined to avoid implementation and enforcement problems;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES that²:

- a) the following are reference annotations and are for information purposes only:
 - i) annotations to indicate that one or more geographically separate populations, subspecies or species of the annotated taxon are in another Appendix-asterisks (*/**);
 - ii) the annotations "~~p.e.~~", for 'possibly extinct'; and
 - iii) annotations relating to nomenclature (~~= 300 and = 400 series~~);
- b) the following are substantive annotations, and are integral parts of species listings:
 - i) annotations that specify relating to the inclusion or exclusion of designated geographically separate populations, subspecies, species, groups of species, or higher taxa, which may include export quotas (-100 and +200 series); and
 - ii) annotations relating to specified that specify the types of specimens (such as live animals, live plants, or specified parts or derivatives), which may include or export quotas (°600 series and # series);

[†] ~~Corrected by the Secretariat: formerly referred to Resolution Conf. 9.24.~~

² ~~Note from the Secretariat: Following the 12th meeting of the Conference of the Parties, the Secretariat amended the presentation of Appendices I, II and III, and placed most annotations against the name of the species or higher taxon concerned. As a result, the asterisks and the abbreviation 'p.e.' are no longer used. The Appendices still contain annotations of the types referred to in this Resolution in paragraphs a) iii) and b) under the first "AGREES that" although such annotations are no longer listed in the Appendices as the number series specified in parentheses in these paragraphs.~~

- c) reference annotations may be introduced, amended or deleted by the Conference of the Parties, or by the Secretariat, as required, to facilitate the understanding of the Appendices;
- d) substantive annotations relating to species in Appendix I or II may be introduced, amended or deleted only by the Conference of the Parties in accordance with Article XV of the Convention;
- e) substantive annotations relating to geographically separate populations in Appendix I or II should be in compliance with the split-listing provisions contained in Resolution Conf. 9.24 (Rev. CoP12)¹ Annex 3; and
- f) substantive annotations used in the context of transferring a species from Appendix I to Appendix II should be in compliance with the precautionary measures contained in Resolution Conf. 9.24 (Rev. CoP12)¹ Annex 4;

AGREES that no proposal for transfer of a species from Appendix I to Appendix II subject to an annotation relating to specified types of specimens shall be considered from a Party that has entered a reservation for the species in question, unless that Party has agreed to remove the reservation within 90 days of the adoption of the amendment;

RECOMMENDS that:

- a) Parties submitting proposals that contain substantive annotations ensure that the text is clear and unambiguous;
- b) if a proposed annotation relates to specified types of specimens, the applicable provisions of the Convention for import, export and re-export of each type of specimen should be specified;
- c) as a general rule, Parties avoid making proposals to adopt annotations that include live animals or trophies; and
- d) annotations ~~relating to specified~~ 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;

DIRECTS:

- a) 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
- b) 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

AGREES that, for species transferred from Appendix I to II subject to an annotation ~~relating to specified~~ that specifies the types of specimen included in the Appendix, specimens that are not specifically included in the annotation shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

¹ *Corrected by the Secretariat: formerly referred to Resolution Conf. 9.24.*

DRAFT REVISION OF RESOLUTION CONF. 11.21

[clean version]

Use of annotations in Appendices I and II

RECOGNIZING that annotations are increasingly used in the Appendices for a number of purposes;

AWARE that certain types of annotations are for reference only, whereas others are substantive and are intended to define the scope of the inclusion of a species;

CONSIDERING that the Parties have developed specific procedures for transfer, reporting and review for certain special cases of amendment of the Appendices, such as those relating to ranching, quotas, certain parts and derivatives, and trade regimes;

AWARE also that certain types of annotations are an integral part of a species listing, and that any proposal to introduce, amend or delete such an annotation must follow the provisions of Resolution Conf. 9.24 (Rev. CoP12);

CONSCIOUS that criteria for the submission of proposals to amend the Appendices that include annotations, and procedures for reviewing the implementation of such annotations, need to be clearly defined to avoid implementation and enforcement problems;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES that:

- a) the following are reference annotations and are for information purposes only:
 - i) annotations to indicate that one or more geographically separate populations, subspecies or species of the annotated taxon are in another Appendix;
 - ii) the annotations 'possibly extinct'; and
 - iii) annotations relating to nomenclature;
- b) the following are substantive annotations, and are integral parts of species listings:
 - i) annotations that specify the inclusion or exclusion of designated geographically separate populations, subspecies, species, groups of species, or higher taxa, which may include export quotas; and
 - ii) annotations that specify the types of specimens or export quotas;
- c) reference annotations may be introduced, amended or deleted by the Conference of the Parties, or by the Secretariat, as required, to facilitate the understanding of the Appendices;
- d) substantive annotations relating to species in Appendix I or II may be introduced, amended or deleted only by the Conference of the Parties in accordance with Article XV of the Convention;
- e) substantive annotations relating to geographically separate populations in Appendix I or II should be in compliance with the split-listing provisions contained in Resolution Conf. 9.24 (Rev. CoP12) Annex 3; and
- f) substantive annotations used in the context of transferring a species from Appendix I to Appendix II should be in compliance with the precautionary measures contained in Resolution Conf. 9.24 (Rev. CoP12) Annex 4;

AGREES that no proposal for transfer of a species from Appendix I to Appendix II subject to an annotation relating to specified types of specimens shall be considered from a Party that has entered a reservation for the species in question, unless that Party has agreed to remove the reservation within 90 days of the adoption of the amendment;

RECOMMENDS that:

- a) Parties submitting proposals that contain substantive annotations ensure that the text is clear and unambiguous;
- b) if a proposed annotation relates to specified types of specimens, the applicable provisions of the Convention for import, export and re-export of each type of specimen should be specified;
- c) as a general rule, Parties avoid making proposals to adopt annotations that include live animals or trophies; and
- d) 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;

DIRECTS:

- a) 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
- b) 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

AGREES that, for species transferred from Appendix I to II subject to an annotation that specifies the types of specimen included in the Appendix, specimens that are not specifically included in the annotation shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.