

To amend the annotation for Brazilian Rosewood *Aniba rosaeodora* #12 to “Logs, sawn wood, veneer sheets, plywood and extracts”

Proponent: Brazil

Summary: *Aniba rosaeodora* is a tree species occurring in Brazil, Colombia, Ecuador, French Guiana, Guyana, Peru, Suriname and Venezuela. It was included in Appendix II in 2010 largely because of concerns regarding harvest for export of the oil and associated products. The listing has annotation #12 ~~“Logs, sawn wood, veneer sheets, plywood and essential oil (excluding finished products packaged and ready for retail trade).”~~

At the Twentieth meeting of the Plants Committee (March 2012), a working group on annotations discussed definitions of terms used in annotations #2, #7, #11 and #12 which cover various parts and derivatives of various plant species included in the Appendices. The term “essential oil” only occurs in annotation #12, which only applies to *Aniba rosaeodora*. The working group proposed subsuming the term “essential oil” into a wider definition of “extract”. However, as noted in document CoP16 Doc. 75, the definition for “extract” originally put forward by the working group included the caveat: “finished products containing such extracts as ingredients are not considered to be included in this definition.” The working group could not reach agreement on whether this should be included in the definition or not, and referred the matter to the Standing Committee. On the basis of Standing Committee deliberations, the definition proposed for adoption at CoP16 does not include this exclusionary language and is as follows:

Extract: Any substance or product obtained directly from plant material by physical or chemical means regardless of the manufacturing process. An extract may be solid (crystals, resin, fine or coarse particles), semi-solid (gums, waxes), or liquid (solutions, tinctures, oil and essential oils).

This definition is proposed for adoption under Agenda item 75 (Development and application of annotations) as paragraph 10 of document CoP16 Doc. 75.

If this definition and the current proposal were adopted, the listing for *Aniba rosaeodora* would use a defined term (“extracts”) rather than an undefined term (“essential oils”).

As reported in document CoP16 Doc. 75, paragraph 11, the working group understood that Brazil would submit a proposal for consideration at CoP16 to revise the annotation for *Aniba rosaeodora*; they also understood that Brazil intended to include the exclusionary language in the proposal. However, Brazil indicated in an email sent to the Chair of the Plants Committee in May 2012 that they considered finished products containing such extracts as ingredients, and also fragrances, not to be included in the definition of extracts proposed for adoption. They have therefore not included this exclusionary language in the proposed amendment.

Analysis: The proposed amendment would be in line with the adoption of a definition of “extract” as proposed in paragraph 10 of document CoP16 Doc. 75. The proposed new version of annotation #12 does not include the wording “excluding finished products packaged and ready for retail trade” currently present in the annotation. The general understanding of the new definition proposed for adoption is that it does include finished products. That is, if the proposed amendment were adopted, finished products would no longer be exempted from the provisions of the Convention. This would not appear to be the intent of the proponents. Retaining this language, so that the amended annotation read: “logs, sawn wood, veneer sheets, plywoods and extracts (excluding finished products packaged and ready for retail trade)” would resolve this.