



NOTIFICATION TO THE PARTIES

No. 2012/055

Geneva, 3 September 2012

CONCERNING:

Interpretation of the annotation to *Hoodia* spp. in Appendix II

1. The species of the genus *Hoodia* are included in CITES Appendix II with annotation #9, which is as follows:

#9 All parts and derivatives except those bearing a label: "Produced from Hoodia spp. material obtained through controlled harvesting and production in collaboration with the CITES Management Authorities of Botswana/Namibia/South Africa under agreement no. BW/NA/ZA xxxxxx".
2. In Notification to the Parties No. 2006/047, of 18 August 2006, the Secretariat published the following information:
 2. *The Plants Committee, at its 15th meeting (Geneva, May 2005) discussed the difficulties that importing Parties were experiencing in interpreting and applying annotation #9 for Hoodia spp.*
 3. *At its 16th meeting (Lima, July 2006), the Committee was informed that no agreement yet existed between Botswana, Namibia and South Africa of the type mentioned in annotation #9 to the Appendices and that therefore there was no exemption from the provisions of the Convention for trade in specimens of Hoodia spp.*
 4. *Therefore, at the request of the Plants Committee, the Secretariat hereby notifies the Parties that currently all trade in specimens of Hoodia spp. requires the issuance of CITES permits or certificates.*
3. Recently, as a result of questions arising from countries of import of *Hoodia* specimens, the Secretariat has been in communication with Botswana, Namibia and South Africa to seek information on the 'agreement' referred to annotation #9 and clarification of their control of trade in specimens of *Hoodia* species.
4. These countries drew attention to the statement in paragraph 4.3.1 of the original proposal to include *Hoodia* spp. in Appendix II, document CoP13 Prop. 37, submitted by Botswana, Namibia and South Africa at the 13th meeting of the Conference of the Parties (CoP13, Bangkok, 2004), as follows:

The proponents intend to promote local processing, and the major form of exports is likely to be in the form of extracts, partially processed or finished pharmaceutical products. Such products present complications for enforcement, and have traditionally been exempted for medicinal plant species included in Appendix II. It is therefore proposed to only exempt such products bearing a label indicating that the specific manufacturer/distributor/agent responsible for marketing such product has established an agreement with the relevant Management Authority, as specified in the proposal (Section A). All other specimens and raw material would remain subject to the requirements of trade under Article IV.
5. It is clear from this statement that the 'agreement' to be referred to on each label was intended to be an agreement between the Management Authority of the country concerned and the "specific manufacturer/distributor/agent responsible for marketing". Although this was the background for the acceptance of the proposal to include the species of the genus *Hoodia* in Appendix II, unfortunately, the

text of the annotation that was presented and adopted does not clearly reflect this statement, which has been understood as referring to an agreement between the governments of the three countries.

6. Consequently, following consultation with the Management Authorities of Botswana, Namibia and South Africa, and in view of the clear intention expressed to the Conference of the Parties at CoP13, the Secretariat recommends that annotation #9 of the CITES Appendices be interpreted as referring to individual agreements between each one of these Management Authorities and the manufacturers, distributors or marketing agents within their country.
7. This means that parts and derivatives of *Hoodia* species are excluded from CITES controls if they bear a label indicating:

Produced from Hoodia spp. material obtained through controlled harvesting and production in collaboration with the CITES Management Authority of [Botswana under agreement no. BW/xxxxxx] [Namibia under agreement no. NA/xxxxxx] [South Africa under agreement no. ZA/xxxxxx].

8. At the time of issuance of the present Notification, Botswana, Namibia and South Africa have not concluded any agreement at the national level with the manufacturers, distributors or agents responsible for the marketing of *Hoodia* specimens.
 9. The CITES Management Authorities of Botswana, Namibia and South Africa have indicated that they intend to submit a proposal for consideration at the 16th meeting of the Conference of the Parties to clarify the annotation applying to the species of the genus *Hoodia*, along the lines indicated in paragraphs 6 and 7 above.
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