

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



Fourteenth meeting of the Conference of the Parties
The Hague (Netherlands), 3-15 June 2007

Interpretation and implementation of the Convention

Amendment of the Appendices

PROPOSALS TO AMEND APPENDICES I AND II

1. This document has been prepared by the Secretariat.
2. In accordance with the provisions of Article XV, paragraph 1 (a), of the Convention, any Party may propose an amendment to Appendix I or II for consideration at the next meeting of the Conference of the Parties. The text of the proposed (dixit Article XV) amendment shall be communicated to the Secretariat at least 150 days before the meeting.
3. By 4 January 2007, i.e. 150 days before the opening date of the 14th meeting of the Conference of the Parties, 16 Parties had communicated to the Secretariat their proposals for amendment of Appendices I and II, for consideration at that meeting. These were Algeria, Argentina, Bolivia, Botswana, Brazil, Cambodia, Germany, on behalf of the European Community Member States acting in the interest of the European Community, Guatemala, Kenya, Mali, Mexico, Namibia, Switzerland, Uganda, the United Republic of Tanzania and the United States of America. Most of the proposals were accompanied by supporting statements presented in accordance with the format recommended by the Conference of the Parties [Annex 6 of Resolution Conf. 9.24 (Rev. CoP13)]. The proposal submitted by the United Republic of Tanzania was subsequently withdrawn.
4. The list of the proposals for amendment of Appendices I and II is provided in Annex 1.
5. The Secretariat consulted the Parties on the proposed amendments in accordance with the provisions of Article XV, paragraphs 1 (a), 2 (b) and (c), through a Notification sent to the contracting and signatory States of the Convention through the diplomatic channel on 19 February 2007, as well as with Notification to the Parties No. 2007/008 of the same date. The proposals were also made available on the Secretariat's website. The Secretariat's provisional assessment of the proposals was provided to the Parties through Notification to the Parties No. 2007/010 of 5 March 2007, and is also included in Annex 2.
6. In accordance with the provisions of Article XV, paragraphs 1 (a) and 2 (b), of the Convention, the Secretariat has consulted intergovernmental bodies having a function in relation to marine species. These organizations were: the Convention on the Conservation of Migratory Species of Wild Animals (CMS), the International Council for the Exploration of the Sea (ICES) and the Food and Agriculture Organization of the United Nations (FAO). FAO provided considerable assistance with this task, in seeking additional comments from the following regional fisheries management and related organizations: Asia Pacific Fisheries Commission (APFIC), Bay of Bengal Programme Inter-Governmental Organisation (BOBP-IGO), Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), Commission for the Conservation of Southern Bluefin Tuna (CCSBT), Coordinating Working Party on Fishery Statistics (CWP), European Inland Fisheries Advisory Commission (EIFAC), Fishery Committee for the Eastern Central Atlantic (CECAF), Forum Fisheries Agency (FFA), General Fisheries Commission for the Mediterranean (GFCM), Inter-American Tropical

Tuna Commission (IATTC), International Commission for the Conservation of Atlantic Tunas (ICCAT), ICES, Indian Ocean Tuna Commission (IOTC), Latin American Organization for Fisheries Development (OLDEPESCA), Ministerial Conference on Fisheries Cooperation between the Countries bordering the Atlantic Ocean/African Atlantic Fisheries Conference (ATLAFCO), Network of Aquaculture Centres in Asia-Pacific (NACA), North Pacific Marine Science Organization (PICES), Northwest Atlantic Fisheries Organization (NAFO), Permanent Commission for the South Pacific (CPPS), Regional Commission for Fisheries (RECOFI), Regional Fisheries Committee for the Gulf Of Guinea (COREP), Secretariat of the Pacific Community (SPC), Southeast Asian Fisheries Development Center (SEAFDEC) Southeast Atlantic Fisheries Organization (SEAFO), South West Indian Ocean Fisheries Commission (SWIOFC), Sub-regional Commission on Fisheries (SRCF) and Western Central Pacific Fisheries Commission (WCPFC).

7. In accordance with the provisions of Resolution Conf. 10.13 (Rev. CoP13), on Implementation of the Convention for timber species, paragraph b), of the section entitled *Regarding international organizations*, the Secretariat has sought the views of the International Tropical Timber Organization (ITTO), FAO and the World Conservation Union (IUCN) regarding the amendment proposal for timber species.
8. On the basis of the above consultation procedures and comments received, as well as the information contained in the assessment of the amendment proposals prepared by IUCN and TRAFFIC (*The IUCN/TRAFFIC Analyses of Proposals to Amend the CITES Appendices*, <http://www.cites.org/eng/cop/14/inf/index.shtml>), the Secretariat has finalized its recommendations to the Parties.
9. The comments that are relevant to the amendment proposals which have been received from Parties and from intergovernmental bodies having a function in relation to marine species or to timber species, as well as the Secretariat's final recommendations are presented in Annex 2 to this document.
10. The full texts of the comments received from intergovernmental bodies can be found in Annex 3 in the language in which they were provided.

List of proposals

Higher taxa	Species covered by the proposal	Proposal number and proponent	Proposal
F A U N A			
CHORDATA			
<u>MAMMALIA</u>			
PRIMATES			
Loridae	<i>Nycticebus</i> spp.	CoP14 Prop. 1 Cambodia	Transfer from Appendix II to Appendix I
CARNIVORA			
Felidae	<i>Lynx rufus</i>	CoP14 Prop. 2 United States of America	Deletion from Appendix II
	<i>Panthera pardus</i>	CoP14 Prop. 3 Uganda	Transfer of the population of Uganda from Appendix I to Appendix II with an annotation that reads as follows: "1) for the exclusive purpose of sport hunting for trophies and skins for personal use, to be exported as personal effects; and 2) with an annual export quota of 50 leopards for the whole country."
PROBOSCIDEA			
Elephantidae	<i>Loxodonta africana</i>	CoP14 Prop. 4 Botswana and Namibia	Maintenance of the populations of Botswana, Namibia, South Africa and Zimbabwe in Appendix II in terms of Article II, paragraph 2 (b), with the replacement of all existing annotations with the following annotation: "1) The establishment of annual export quotas for trade in raw ivory is determined in accordance with Resolution Conf. 10.10 (Rev. CoP12); 2) Trade in raw ivory is restricted to trading partners that have been certified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with the requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning manufacturing and trade; and 3) The proceeds of the trade in raw ivory are to be used exclusively for elephant conservation and community development programmes."

Higher taxa	Species covered by the proposal	Proposal number and proponent	Proposal
	<i>Loxodonta africana</i>	CoP14 Prop. 5 Botswana	<p>Amendment of the annotation to the population of Botswana to read as follows:</p> <p>"For the exclusive purpose of allowing in the case of the population of Botswana:</p> <ol style="list-style-type: none"> 1) trade in hunting trophies for non-commercial purposes; 2) trade in hides for commercial purposes; 3) trade in leather goods for commercial purposes; 4) trade in live animals for commercial purposes to appropriate and acceptable destinations (and as determined by the national legislation of the country of import); 5) trade annually in registered stocks of raw ivory (whole tusks and pieces of not more than 8 tonnes) of Botswana origin owned by the Government of Botswana for commercial purposes only with trading partners that have been certified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with the requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning manufacturing and trade; and 6) trade in registered stocks of raw ivory (whole tusks and pieces of not more than 40 tonnes) of Botswana origin owned by the Government for commercial purposes on a one-off sale immediately after the adoption of the proposal. Botswana will trade only with trading partners that have been certified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with the requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning manufacturing and trade."
	<i>Loxodonta africana</i>	CoP14 Prop. 6 Kenya and Mali	<p>A. Amendment of the annotation regarding the populations of Botswana, Namibia and South Africa to:</p> <ol style="list-style-type: none"> a) include the following provision: <p>"No trade in raw or worked ivory shall be permitted for a period of 20 years except for:</p>

Higher taxa	Species covered by the proposal	Proposal number and proponent	Proposal
			<p>1) raw ivory exported as hunting trophies for non-commercial purposes; and</p> <p>2) ivory exported pursuant to the conditional sale of registered government-owned ivory stocks agreed at the 12th meeting of the Conference of the Parties"; and</p> <p>b) remove the following provision: "6) trade in individually marked and certified ekipas incorporated in finished jewellery for non-commercial purposes for Namibia".</p> <p>B. Amendment of the annotation regarding the population of Zimbabwe to read: "For the exclusive purpose of allowing:</p> <p>1) export of live animals to appropriate and acceptable destinations;</p> <p>2) export of hides; and</p> <p>3) export of leather goods for non-commercial purposes.</p> <p>All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.</p> <p>No trade in raw or worked ivory shall be permitted for a period of 20 years.</p> <p>To ensure that where a) destinations for live animals are to be appropriate and acceptable and/or b) the purpose of the import is to be non-commercial, export permits and re-export certificates may be issued only after the issuing Management Authority has received, from the Management Authority of the State of import, a certification to the effect that: in case a), in analogy to Article III, paragraph 3 (b) of the Convention, the holding facility has been reviewed by the competent Scientific Authority, and the proposed recipient has been found to be suitably equipped to house and care for the animals; and/or in case b), in analogy to Article III, paragraph 3 (c), the Management Authority is satisfied that the specimens will not be used for primarily commercial purposes."</p>
Withdrawn	<i>Loxodonta africana</i>	CoP14 Prop. 7 United Republic of Tanzania	<p>Transfer of the population of the United Republic of Tanzania from Appendix I to Appendix II with an annotation that reads as follows:</p> <p>"For the exclusive purpose of allowing:</p> <p>1) trade in registered stocks of raw ivory in whole tusks and pieces;</p> <p>2) trade in live specimens for non-commercial purposes to appropriate</p>

Higher taxa	Species covered by the proposal	Proposal number and proponent	Proposal
			and acceptable destinations; and 3) trade in hunting trophies for non-commercial purposes."
ARTIODACTYLA			
Camelidae	<i>Vicugna vicugna</i>	CoP14 Prop. 8 Bolivia	Amendment of the annotation to the Bolivian population to read as follows: "Population of Bolivia (listed in <u>Appendix II</u>): For the exclusive purpose of allowing international trade in wool sheared from live vicuñas, and in cloth and items made thereof, including luxury handicrafts and knitted articles. The reverse side of the cloth must bear the logotype adopted by the range States of the species, which are signatories to the <i>Convenio para la Conservación y Manejo de la Vicuña</i> , and the selvages the words 'VICUÑA-BOLIVIA'. Other products must bear a label including the logotype and the designation 'VICUÑA-BOLIVIA-ARTESANÍA'. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly."
Cervidae	<i>Cervus elaphus barbarus</i>	CoP14 Prop. 9 Algeria	Inclusion in Appendix I
Bovidae	<i>Gazella cuvieri</i>	CoP14 Prop. 10 Algeria	Inclusion in Appendix I
	<i>Gazella dorcas</i>	CoP14 Prop. 11 Algeria	Inclusion in Appendix I
	<i>Gazella leptoceros</i>	CoP14 Prop. 12 Algeria	Inclusion in Appendix I
REPTILIA CROCODYLIA			
Alligatoridae	<i>Melanosuchus niger</i>	CoP14 Prop. 13 Brazil	Transfer of the Brazilian population from Appendix I to Appendix II
SAURIA			
Helodermatidae	<i>Heloderma horridum charlesbogerti</i>	CoP14 Prop. 14 Guatemala	Transfer from Appendix II to Appendix I
ELASMOBRANCHII LAMNIFORMES			
Lamnidae	<i>Lamna nasus</i>	CoP14 Prop. 15 Germany*	Inclusion in Appendix II, with the following annotation: "The entry into effect of the inclusion of <i>Lamna nasus</i> in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve the related technical and administrative issues, such as the possible designation of an additional Management Authority."

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SQUALIFORMES			
Squalidae	<i>Squalus acanthias</i>	CoP14 Prop. 16 Germany*	Inclusion in Appendix II, with the following annotation: "The entry into effect of the inclusion of <i>Squalus acanthias</i> in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve the related technical and administrative issues, such as the possible designation of an additional Management Authority."
RAJIFORMES			
Pristidae	Pristidae spp.	CoP14 Prop. 17 Kenya and the United States of America	Inclusion in Appendix I
ACTINOPTERYGII			
ANGUILLIFORMES			
Anguillidae	<i>Anguilla anguilla</i>	CoP14 Prop. 18 Germany*	Inclusion in Appendix II
PERCIFORMES			
Apogonidae	<i>Pterapogon kauderni</i>	CoP14 Prop. 19 United States of America	Inclusion in Appendix II
ARTHROPODA			
CRUSTACEAE			
DECAPODA			
Palinuridae	<i>Panulirus argus</i> and <i>Panulirus laeviscauda</i>	CoP14 Prop. 20 Brazil	Inclusion of the Brazilian populations in Appendix II
CNIDARIA			
ANTHOZOA			
GORGONACEAE			
Corallidae	<i>Corallium</i> spp.	CoP14 Prop. 21 United States of America	Inclusion in Appendix II
F L O R A			
AGAVACEAE	<i>Agave arizonica</i>	CoP14 Prop. 22 United States of America	Deletion from Appendix I
	<i>Nolina interrata</i>	CoP14 Prop. 23 United States of America	Transfer from Appendix I to Appendix II, including all parts and derivatives
CACTACEAE	<i>Pereskia</i> spp. and <i>Quiabentia</i> spp.	CoP14 Prop. 24 Argentina	Deletion from Appendix II
	<i>Pereskopsis</i> spp.	CoP14 Prop. 25 Mexico	Deletion from Appendix II
CACTACEAE and ORCHIDACEAE	Cactaceae spp. (#4) and Orchidaceae spp. (#8) in Appendix II, and all taxa annotated with annotation #1	CoP14 Prop. 26 Switzerland	Merging and amendment of annotations #1, #4 and #8 to read: "Designates all parts and derivatives, except: a) seeds, spores and pollen (including pollinia), except seeds of Mexican

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			<p>Cactaceae spp. originating in Mexico;</p> <p>b) seedling or tissue cultures obtained <i>in vitro</i>, in solid or liquid media, transported in sterile containers;</p> <p>c) cut flowers and cut leaves (excluding phylloclades and other stem parts, and pseudobulbs) of artificially propagated plants;</p> <p>d) fruits and parts and derivatives thereof of naturalized or artificially propagated plants of the genera <i>Vanilla</i> (Orchidaceae), <i>Opuntia</i> subgenus <i>Opuntia</i>, <i>Hylocereus</i> and <i>Selenicereus</i> (Cactaceae);</p> <p>e) separate stem joints (pads), stem sections and flowers and parts and derivatives thereof of naturalized or artificially propagated plants of the genera <i>Opuntia</i> subgenus <i>Opuntia</i>, and <i>Selenicereus</i> (Cactaceae);</p> <p>f) finished products that are packaged and ready for retail trade (excluding whole or grafted specimens, seeds, bulbs and other propagules) of <i>Aloe</i> spp., <i>Aquilaria malaccensis</i>, Cactaceae spp., <i>Cibotium barometz</i>, <i>Cistanche deserticola</i>, <i>Cyclamen</i> spp., <i>Dionaea muscipula</i>, <i>Euphorbia</i> spp., <i>Galanthus</i> spp., Orchidaceae spp. and <i>Prunus africana</i>; and</p> <p>g) non-living herbarium specimens for non-commercial purposes."</p>
	<p><i>Adonis vernalis</i>, <i>Guaiacum</i> spp., <i>Hydrastis canadensis</i>, <i>Nardostachys grandiflora</i>, <i>Panax ginseng</i>, <i>Panax quinquefolius</i>, <i>Picrorhiza kurrooa</i>, <i>Podophyllum hexandrum</i>, <i>Pterocarpus santalinus</i>, <i>Rauvolfia serpentina</i>, <i>Taxus chinensis</i>, <i>T. fuana</i>, <i>T. cuspidata</i>, <i>T. sumatrana</i>, <i>T. wallichiana</i>, Orchidaceae spp. in Appendix II, and all Appendix-II and -III taxa annotated with annotation #1</p>	<p>CoP14 Prop. 27 Switzerland, as Depositary Government, at the request of the Plants Committee</p>	<p>Amendment of the annotations to these taxa to read as follows:</p> <ul style="list-style-type: none"> – For <i>Adonis vernalis</i>, <i>Guaiacum</i> spp., <i>Nardostachys grandiflora</i>, <i>Picrorhiza kurrooa</i>, <i>Podophyllum hexandrum</i>, <i>Rauvolfia serpentina</i>, <i>Taxus chinensis</i>, <i>T. fuana</i>, <i>T. cuspidata</i>, <i>T. sumatrana</i> and <i>T. wallichiana</i>: "Designates all parts and derivatives except: a) seeds and pollen; and b) finished products packaged and ready for retail trade." – For <i>Hydrastis canadensis</i>: "Designates underground parts (i.e. roots, rhizomes): whole, parts and powdered." – For <i>Panax ginseng</i> and <i>P. quinquefolius</i>: "Designates whole and sliced roots and parts of roots." – For <i>Pterocarpus santalinus</i>: "Designates logs, wood-chips, powder and extracts." – For Orchidaceae spp. in Appendix II and all Appendix-II taxa (<i>Agave victoriae-</i>

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			<p><i>reginae</i>, <i>Aloe</i> spp., <i>Anacampseros</i> spp., <i>Aquilaria</i> spp., <i>Avonia</i> spp., <i>Beccariophoenix madagascariensis</i>, <i>Bowenia</i> spp., <i>Caryocar costaricense</i>, <i>Cibotium barometz</i>, <i>Cistanche deserticola</i>, <i>Cyathea</i> spp., <i>Cycadaceae</i> spp., <i>Cyclamen</i> spp., <i>Dicksonia</i> spp., <i>Didiereaceae</i> spp., <i>Dionaea muscipula</i>, <i>Dioscorea deltoidea</i>, <i>Euphorbia</i> spp., <i>Fouquieria columnaris</i>, <i>Galanthus</i> spp., <i>Gonystylus</i> spp., <i>Gyrinops</i> spp., <i>Hedychium philippinense</i>, <i>Lewisia serrata</i>, <i>Neodypsis decaryi</i>, <i>Nepenthes</i> spp., <i>Oreomunnea pterocarpa</i>, <i>Orothamnus zeyheri</i>, <i>Pachypodium</i> spp., <i>Platymiscium pleiostachyum</i>, <i>Protea odorata</i>, <i>Prunus africana</i>, <i>Sarracenia</i> spp., <i>Shortia galacifolia</i>, <i>Sternbergia</i> spp., <i>Swietenia humilis</i>, <i>Tillandsia harrisii</i>, <i>T. kammii</i>, <i>T. kautskyi</i>, <i>T. mauryana</i>, <i>T. sprengeliana</i>, <i>T. sucrei</i>, <i>T. xerographica</i>, <i>Welwitschia mirabilis</i>, <i>Zamiaceae</i> spp.) and Appendix-III taxa (<i>Gnetum montanum</i>, <i>Magnolia liliifera</i> var. <i>obovata</i>, <i>Meconopsis regia</i>, <i>Podocarpus nerifolius</i>, <i>Tetracentron sinense</i>) annotated with #1:</p> <p>"Designates all parts and derivatives, except:</p> <ol style="list-style-type: none"> a) seeds, spores and pollen (including pollinia); b) seedling or tissue cultures obtained <i>in vitro</i>, in solid or liquid media, transported in sterile containers; c) cut flowers of artificially propagated plants; and d) fruits and parts and derivatives thereof of artificially propagated plants of the genus <i>Vanilla</i>."
DIAPENSIACEAE	<i>Shortia galacifolia</i>	CoP14 Prop. 28 United States of America	Deletion from Appendix II
EUPHORBIACEAE	<i>Euphorbia</i> spp. included in Appendix II	CoP14 Prop. 29 Switzerland	<p>Amendment of the annotation to <i>Euphorbia</i> spp. included in Appendix II to read as follows:</p> <p>"Succulent, non pencil-stemmed, non-coraliform, non-candelabriform species only, with shapes and dimensions as indicated, except the species included in Appendix I:</p> <ol style="list-style-type: none"> a) pencil-stemmed succulent <i>Euphorbia</i> spp.: whole plants with spineless, erect stems of up to 1 cm diameter and a length of more than 25 cm, unbranched or predominantly branching from near the base, leafless or with small leaves;

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			<p>b) coralliform succulent <i>Euphorbia</i> spp.: whole plants with spineless, multiply branched, occasionally sharply pointed stems with a diameter of up to 3 cm and more than 50 cm length, leafless or with inconspicuous or ephemeral leaves; and</p> <p>c) candelabriform succulent <i>Euphorbia</i> spp.: whole plants with angled or winged stems and paired spines, confined to the edges, at least 3 cm diameter and more than 50 cm length, unbranched or branching."</p>
LEGUMINOSAE	<i>Caesalpinia echinata</i>	CoP14 Prop. 30 Brazil	Inclusion in Appendix II, including all parts and derivatives
	<i>Dalbergia retusa</i> and <i>Dalbergia granadillo</i>	CoP14 Prop. 31 Germany*	Inclusion in Appendix II
	<i>Dalbergia stevensonii</i>	CoP14 Prop. 32 Germany*	Inclusion in Appendix II
MELIACEAE	<i>Cedrela</i> spp.	CoP14 Prop. 33 Germany*	Inclusion in Appendix II
ORCHIDACEAE	Orchidaceae spp. included in Appendix II	CoP14 Prop. 34 Switzerland	<p>Amendment of the annotation to Orchidaceae spp. included in Appendix II to read as follows:</p> <p>"Artificially propagated hybrids of the following genera are not subject to the provisions of the Convention, if conditions, as indicated in paragraphs a) and b) below, are met: <i>Cymbidium</i>, <i>Dendrobium</i>, <i>Miltonia</i>, <i>Odontoglossum</i>, <i>Oncidium</i>, <i>Phalaenopsis</i> and <i>Vanda</i>:</p> <p>a) Specimens are readily recognizable as artificially propagated and do not show any signs of having been collected in the wild such as mechanical damage or strong dehydration resulting from collection, irregular growth and heterogeneous size and shape within a taxon and shipment, algae or other epiphyllous organisms adhering to leaves, or damage by insects or other pest; and</p> <p>b) i) when shipped in non flowering state, the specimens must be traded in shipments consisting of individual containers (such as cartons, boxes, crates or individual shelves of CC-containers) each containing 20 or more plants of the same hybrid; the plants within each container must exhibit a high degree of uniformity and healthiness; and the shipment must be accompanied by documentation, such as an invoice, which clearly states the number of plants of</p>

Higher taxa	Species covered by the proposal	Proposal number and proponent	Proposal
			<p>each hybrid; or</p> <p>ii) when shipped in flowering state, with at least one fully open flower per specimen, no minimum number of specimens per shipment is required but specimens must be professionally processed for commercial retail sale, e.g. labelled with printed labels or packaged with printed packages indicating the name of the hybrid and the country of final processing. This should be clearly visible and allow easy verification.</p> <p>Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents."</p>
	Orchidaceae spp. included in Appendix II	CoP14 Prop. 35 Switzerland, as Depository Government, at the request of the Plants Committee	<p>Amendment of the annotation to Orchidaceae spp. included in Appendix II to read as follows:</p> <p>"Artificially propagated hybrids of the following genera are not subject to the provisions of the Convention, if conditions, as indicated under a) and b), are met: <i>Cymbidium</i>, <i>Dendrobium</i>, <i>Phalaenopsis</i> and <i>Vanda</i>:</p> <p>a) Specimens are readily recognizable as artificially propagated and do not show any signs of having been collected in the wild such as mechanical damage or strong dehydration resulting from collection, irregular growth and heterogeneous size and shape within a taxon and shipment, algae or other epiphyllous organisms adhering to leaves, or damage by insects or other pest; and</p> <p>b) i) when shipped in non flowering state, the specimens must be traded in shipments consisting of individual containers (such as cartons, boxes, crates or individual shelves of CC-containers) each containing 20 or more plants of the same hybrid; the plants within each container must exhibit a high degree of uniformity and healthiness; and the shipment must be accompanied by documentation, such as an invoice, which clearly states the number of plants of each hybrid; or</p> <p>ii) when shipped in flowering state, with at least one fully open flower per specimen, no minimum number of specimens per shipment is required but specimens must be</p>

Higher taxa	Species covered by the proposal	Proposal number and proponent	Proposal
			<p>professionally processed for commercial retail sale, e.g. labelled with printed labels or packaged with printed packages indicating the name of the hybrid and the country of final processing. This should be clearly visible and allow easy verification.</p> <p>Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents."</p>
TAXACEAE	<i>Taxus cuspidata</i>	CoP14 Prop. 36 United States of America	<p>Amendment of the listing in Appendix II by:</p> <ol style="list-style-type: none"> 1. Deleting the phrase "and infraspecific taxa of this species"; and 2. Annotating to read as follows: "Specimens of hybrids and cultivars are not subject to the provisions of the Convention."
	<i>Taxus chinensis</i> , <i>T. cuspidata</i> , <i>T. fuana</i> and <i>T. sumatrana</i>	CoP14 Prop. 37 Switzerland, as Depositary Government, at the request of the Standing Committee	<p>A. Deletion of the annotation to <i>Taxus chinensis</i>, <i>Taxus fuana</i> and <i>Taxus sumatrana</i> in Appendix II that reads: "Whole artificially propagated plants in pots or other small containers, each consignment being accompanied by a label or document stating the name of the taxon or taxa and the text 'artificially propagated', are not subject to the provisions of the Convention"; and</p> <p>B. Amendment of the annotation to <i>Taxus cuspidata</i> to read: "Artificially propagated hybrids and cultivars of <i>Taxus cuspidata</i> in pots or other small containers, each consignment being accompanied by a label or document stating the name of the taxon or taxa and the text 'artificially propagated', are not subject to the provisions of the Convention."</p>

* on behalf of the European Community Member States acting in the interest of the European Community.

Comments from the Parties and comments and recommendations from the Secretariat

Proposal 1

***Nycticebus* spp. – Transfer from Appendix II to Appendix I.**

Proponent: Cambodia

Provisional assessment by the Secretariat

According to the currently adopted CITES reference, this genus comprises two species (*Nycticebus coucang* and *N. pygmaeus*). The supporting statement also refers to *N. bengalensis* which is currently treated as a subspecies of *N. coucang* by CITES. Although the Nomenclature Committee proposes recognizing *N. bengalensis* as a full species (see document CoP14 Doc. 8.5), this has yet to be adopted by the Conference of the Parties.

The two species in this genus have a wide distribution in Southeast Asia. The current IUCN Red List rates *N. pygmaeus* as 'Vulnerable' and *N. coucang* as either 'data deficient' or 'lower risk/least concern', depending on the population involved.

The proponent states that the wild populations of *N. pygmaeus* and *N. c. bengalensis* are small and have a high vulnerability to either intrinsic or extrinsic factors and have undergone a marked decline. As the supporting statement notes, these animals are nocturnal and arboreal, and thus very difficult to study. Consequently published population estimates have varied widely. Given the wide range of the species it seems unlikely that the populations are small in the sense of Resolution Conf. 9.24 (Rev. CoP13). Evidence for a marked decline is largely anecdotal but has been reported for several range States.

The proponent argues that wild populations of *N. coucang* have undergone a marked decline but the species has a wide range and the supporting statement only gives indications of population declines in one part of Indonesia, in Malaysia (due to deforestation) and in Singapore.

According to the supporting statement, trade in these species for medicinal purposes, food and particularly for pets. However the Secretariat notes that records from the CITES trade database show very little international trade reported by CITES Parties, particularly in recent years. Consequently, recommendations related to the implementation of Article IV of the Convention with respect to these species have never been formulated under the Review of Significant Trade. The gross reported exports from range States since the year 2000 show that seven live specimens have been legally exported, although some specimens have also been seized at borders have also been observed. The species are said to be protected in a number of their range States but local trade continues to be widely documented.

The proponent requested the Secretariat to seek comments from range States and this was done via Notification to the Parties No. 2006/052 on 6 October 2006. If any comments were received from range States it does not appear that they were incorporated into the proposal.

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

According to the evidence, which is largely anecdotal, it can be considered that this genus meets criteria C i) and ii) of Resolution Conf. 9.24 (Rev. CoP13), Annex 1.

On the basis of the information available prior to the discussion at the CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 2

Lynx rufus – Deletion from Appendix II.

Proponent: United States of America

Provisional assessment by the Secretariat

The purpose of this proposal is identical to that of the one submitted at the 13th meeting of the Conference of the Parties (CoP13, Bangkok, 2004). At that time, the proponent acknowledged the concerns of some Parties and observers regarding enforcement, arising out of similarity in appearance between *Lynx rufus* and other spotted cats, and agreed to withdraw the proposal in favour of Decision 13.93 directed to the Animals Committee.

The status and management of the species has changed little since CoP13. The Secretariat previously considered that the species did not meet the criteria for an Appendix-II listing under Article II paragraph 2 (a).

Concerning the look-alike aspects of an Appendix-II listing, the Animals Committee was unable to conclude its review of the *Lynx* species complex requested under Decision 13.93 and is proposing that the Parties re-establish this decision for the period CoP14-CoP15 (see document CoP14 Doc. 8.2). This would include an assessment of the management and enforcement measures available to achieve effective control of trade in specimens of these species so as to resolve the continued need for look-alike listings.

Since the proposal submitted at CoP13, the proponent has ascertained that although pieces of *Lynx rufus* skins cannot be distinguished from other *Lynx* species using forensic techniques, data in the CITES trade database from 1980 to 2004 show that 78 % of trade (presumably this refers to specimens rather than shipments) in *Lynx* species consists of skins. The proponent explains that since skins are almost always auctioned in a dry, untanned form with fur out, and are almost always complete, including the ears and tail, no look-alike problem will exist because such skins can be identified using guides which they have produced such as "How to Avoid Incidental Take of Lynx While Trapping or Hunting Bobcats and Other Furbearers." (<http://www.fws.gov/international/animals/lynx.htm>).

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

Lynx rufus does not meet the criteria of Resolution Conf. 9.24 (Rev. CoP13), Annex 2 a. It is unlikely that deleting *Lynx rufus* from the Appendices would result in the species qualifying for inclusion in the Appendices in the near future under the conservation criteria in Annex 4, paragraph 4, of that same Resolution as wild populations are healthy, not threatened and well managed. Regarding the issue of look-alike species, the proponent states that distinguishing *L. rufus* parts and derivatives from those of *L. canadensis* (the most similar felid) is not difficult and can be accomplished with limited experience and/or training.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 3

Panthera pardus – Transfer of the population of Uganda from Appendix I to Appendix II with an annotation that reads as follows:

- "1) for the exclusive purpose of sport hunting for trophies and skins for personal use, to be exported as personal effects; and
- 2) with an annual export quota of 50 leopards for the whole country."

Proponent: Uganda

Provisional assessment by the Secretariat

This proposal is slightly contradictory in citing both Resolution Conf. 10.14 (Rev. CoP13) and Resolution Conf. 9.24 (Rev. CoP13) for the approval of an export quota for 50 leopards to be exported as personal effects for the exclusive purpose of sport hunting for trophies and skins for personal use. The former maintains the species *Panthera pardus* in Appendix I (although allowing limited trade in whole skins or nearly whole skins, including hunting trophies) whilst the latter and the text of this proposal suggests a transfer of the Ugandan population of the species to Appendix II.

The proposal is not written in accordance with the format for proposals to amend the Appendices as set out in Annex 6 to Resolution Conf. 9.24 (Rev. CoP13) and although some sections of the text state a desire for the Ugandan population of the species to be transferred to Appendix II, other parts, such as section 6, refer to the maintenance of the species in Appendix I.

The supporting statement consequently does not try to demonstrate that the biological criteria for Appendix-I listing are no longer fulfilled, nor does it explicitly indicate which precautionary measure will be in place, although it might be supposed that this is paragraph A. 2. c) of Annex 4 to Resolution Conf. 9.24 (Rev. CoP13).

Under these circumstances, the Secretariat suggests that Uganda request consideration of this proposal under agenda item 37 (Appendix-I species subject to export quotas) rather than item 68 (Proposals to amend the Appendices).

Comments from Parties and intergovernmental bodies

Algeria: expresses reservations and will wait for the arguments presented at the 14th meeting of the Conference of the Parties to determine its position.

Recommendation by the Secretariat

On the basis of the information available prior to the discussion at CoP14 and the fact that the matter can be addressed under agenda item 37 (Appendix-I species subject to export quotas), the Secretariat recommends that this proposal be rejected.

Proposal 4

Loxodonta africana – Maintenance of the populations of Botswana, Namibia, South Africa and Zimbabwe in Appendix II in terms of Article II, paragraph 2 (b), with the replacement of all existing annotations with the following annotation:

- "1) The establishment of annual export quotas for trade in raw ivory is determined in accordance with Resolution Conf. 10.10 (Rev. CoP12);
- 2) Trade in raw ivory is restricted to trading partners that have been certified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with the requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning manufacturing and trade; and

- 3) The proceeds of the trade in raw ivory are to be used exclusively for elephant conservation and community development programmes."

Proponents: Botswana and Namibia

Provisional assessment by the Secretariat

General comment

Proposals to amend annotations (even where they do not affect the Appendix in which the population of the species is listed) should be judged against all the criteria specified in Resolution Conf. 9.24 (Rev. CoP13). This was clearly established when Resolution Conf. 11.21 (Rev. CoP13) on Use of annotations in Appendices I and II was first adopted by the Parties. Document Doc. 11.24, which introduced Resolution Conf. 11.21 and which was submitted by Switzerland on behalf of the Standing Committee, said that the introduction, amendment or deletion of substantive annotations to the Appendices is only possible under the procedures required for the amendment of the Appendices.

Effect of the proposal

It appears with this proposal that the proponents are seeking to bring trade in all products of *Loxodonta africana* from the populations of Botswana, Namibia, South Africa and Zimbabwe under the provisions of Article IV of the Convention. However, the Secretariat notes that Resolution Conf. 11.21 (Rev. CoP13) states 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. If this is followed, it would seem that compared with the current annotation for these populations, the proposal, if adopted, would result in all live animals, hunting trophies, hides, hair and leather goods of *L. africana* from these populations being deemed to be specimens of species included in Appendix I and trade in them regulated accordingly.

Concerning trade in raw ivory, any future trade would continue to be with partners certified by the Secretariat in consultation with the Standing Committee regarding their national legislation and domestic trade controls, and the proceeds from any sale would continue to be used for elephant conservation and community development programmes. However, whereas currently only certain existing stockpiles can be sold, it is proposed that the quantities to be exported in future be determined by the exporting States.

The proponents stipulate that although annual export quotas for raw ivory can be specified for the four countries, it is preferable to apply the existing provisions of Resolution Conf. 10.10 (Rev. CoP12) concerning the establishment of annual export quotas for trade in raw ivory. However this Resolution may be changed in future, so it may be preferable to add the words "and its successor" to provide for this eventuality.

Compliance with Resolution Conf. 9.24 (Rev. CoP13)

The supporting statement has limited references, but the information it contains seems to demonstrate that the populations of this species in Botswana, Namibia, South Africa and Zimbabwe cannot be characterized as being small and do not have a restricted area of distribution. Nor has there been any decline in the number of individuals in the wild. Regarding the precautionary measures in Annex 4 to Resolution Conf. 9.24 (Rev. CoP13), the proponents contend that the precautionary measures do not apply as it is 'specimens' rather than 'species' which are being proposed for reduced trade restrictions. Whilst in a literal sense this is true, as explained above, the Parties have made clear that Resolution Conf. 9.24 (Rev. CoP13) should be applied in full to amendments to annotations.

The proponents state that export quotas approved by the Conference of the Parties would potentially apply and cite Annex 4, paragraph B. 2 in support of this. The reference seems to be an error and should presumably have said Annex 4, paragraph A. 2. c. The proponent also note that although annual export quotas for raw ivory can be specified for the four countries, it is preferable to apply the existing provisions of Resolution Conf. 10.10 (Rev. CoP12) concerning the establishment of annual export quotas for trade in raw ivory. Resolution Conf. 9.24 (Rev. CoP13) Annex 4, paragraph A. 2. c) however stipulates that such export quotas should be an integral part of the amendment proposal.

Dialogue meeting

The Conference of the Parties has recognized that the nature of the trade in African elephant products necessitates a wider dialogue with other range States of the species. The seventh dialogue meeting of African elephant range States is scheduled to be held prior to CoP14. The Secretariat's final opinion on this proposal will be informed by the views expressed and conclusions drawn at that meeting.

Comments from Parties and intergovernmental bodies

Algeria: expresses reservations and will wait for the arguments presented at the 14th meeting of the Conference of the Parties to determine its position.

Namibia: In its provisional assessment, the Secretariat notes that Resolution Conf. 11.21 (Rev. CoP13) states that for any species transferred from Appendix I to II subject to an annotation that specifies the types of specimen included in the Appendix, any specimens 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. The Secretariat adds that if this proposal is adopted, it would result in all live animals, hunting trophies, hides, hair and leather goods of *Loxodonta africana* from these populations being deemed to be specimens of species included in Appendix I and trade in them regulated accordingly.

Namibia considers this interpretation of the Secretariat to be out of context concerning this proposal. The Resolution states that for species transferred from Appendix I to II subject to an annotation relating to specified types of specimen, 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. Namibia believes that this paragraph refers to the way in which specimens are treated at the time when the species or population is first transferred to Appendix II, and not to how they are treated if the annotation is amended or deleted subsequently. In fact, this Resolution does not specify detail concerning such amendments or deletions (except that only the Conference of the Parties being able to do so).

The proposal of Namibia was prepared and submitted with this understanding. The intention of this proposal is to seek to allow trade in elephant products for these populations under normal Appendix II trade regulations and Namibia asks the Conference of the Parties to keep this in mind.

It should be evident from the proposal that the four national elephant populations, if tested against any of the criteria for inclusion in Appendix I, or any of the applicable precautionary measures specified in Annex 4 of Resolution Conf. 9.24 (Rev. CoP13), or any other provision of this Resolution, can be included in Appendix II in the way in which this is proposed.

Concerning the reference to Annex 4, paragraph B. 2 of Resolution Conf. 9.24 (Rev. CoP13), the Secretariat is correct that the reference should be to Annex 4, paragraph A. 2.c (an error inadvertently caused by incorrect reference to an older version of the Resolution). The Secretariat concludes on the basis of Annex 4, paragraph A. 2.c, that export quotas should be an integral part of the amendment proposal. Export quotas can certainly be provided for each national population, but this is not necessarily the best option, and is not conducive to adaptive management, meaning that quotas may need to change from year to year in accordance with the dynamic nature of populations, environmental conditions and management, something which is not possible in a static numerical quota included in an annotation. Annex 4, paragraph A. 2.c also provides that the Conference of the Parties can approve another special measure other than export quotas, and Namibia contends that the use of the quota setting provisions of Resolution Conf. 10.10 (Rev. CoP12) should be seen as such a measure, and the most relevant one at that, as it allows for the establishment of annual quotas accompanied by other requirements previously approved by the Conference of the Parties precisely for the purpose of establishing quotas for trade in raw ivory.

Recommendation by the Secretariat

The Secretariat understands that Namibia's intent was to maintain regulation of trade in live animals, hunting trophies, hides, hair and leather goods of *L. africana* from these populations under the existing Appendix-II provisions, however it does not consider that this is the effect of the proposal as it is written.

If, as suggested by Namibia, the provisions of the third AGREES in Resolution Conf. 11.21 (Rev. CoP13) only applied at the time when a species or population was first transferred to Appendix II, one consequence of this would be that after subsequent amendment to some of the annotations so agreed it would be impossible to tell by examination of the Appendices whether specimens not mentioned in annotations should be treated as included in Appendix I or Appendix II.

The Secretariat's recommendation to the Parties on this proposal will be made after the seventh dialogue meeting of African elephant range States.

Proposal 5

Loxodonta africana – Amendment of the annotation to the population of Botswana to read as follows:

"For the exclusive purpose of allowing in the case of the population of Botswana:

- 1) trade in hunting trophies for non-commercial purposes;
- 2) trade in hides for commercial purposes;
- 3) trade in leather goods for commercial purposes;
- 4) trade in live animals for commercial purposes to appropriate and acceptable destinations (and as determined by the national legislation of the country of import);
- 5) trade annually in registered stocks of raw ivory (whole tusks and pieces of not more than 8 tonnes) of Botswana origin owned by the Government of Botswana for commercial purposes only with trading partners that have been certified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with the requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning manufacturing and trade; and
- 6) trade in registered stocks of raw ivory (whole tusks and pieces of not more than 40 tonnes) of Botswana origin owned by the Government for commercial purposes on a one-off sale immediately after the adoption of the proposal. Botswana will trade only with trading partners that have been certified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with the requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning manufacturing and trade."

Proponent: Botswana

Provisional assessment by the Secretariat

General comment

Proposals to amend annotations (even where they do not affect the Appendix in which the population of the species is listed) should be judged against all the criteria specified in Resolution Conf. 9.24 (Rev. CoP13). This was clearly established when Resolution Conf. 11.21 (Rev. CoP13) on Use of annotations in Appendices I and II was first adopted by the Parties. Document Doc. 11.24, which introduced Resolution Conf. 11.21 and which was submitted by Switzerland on behalf of the Standing Committee, said that the introduction, amendment or deletion of substantive annotations to the Appendices is only possible under the procedures required for the amendment of the Appendices.

Effect of the proposal

With this proposal, Botswana requests that the current annotation to its Appendix-II listed population of *L. africana* be amended to provide for the annual exportation of registered, government-owned stocks of raw ivory and pieces of up to 8,000 kg; the one-off sale and exportation of a registered, government-owned stockpile of raw ivory and pieces of no more than 40,000 kg immediately after the adoption of the proposal; and the trade in hides, leather goods and live animals for commercial purposes. The proposed annotation would specify that trade in live animals may be only to appropriate and acceptable destinations (and as determined by the national legislation of the country of import).

Under the present annotation, Botswana is already allowed to trade in hunting trophies for non-commercial purposes, and this would remain unchanged. Another aspect of the current annotation that would be retained is that registered stocks of raw ivory would only be traded with trading partners that

have been 'certified' ('verified' in the current annotation) by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with the requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning manufacturing and trade.

The current annotation of Botswana's *L. africana* population states that proceeds of trade in raw ivory are used exclusively for elephant conservation and community conservation and development programmes within or adjacent to the elephant range. While Botswana proposes to remove this element from the annotation, it includes a unilateral statement in its proposal to the same effect, i.e. indicating that all revenue accruing from ivory sales will be used for conservation (monitoring, research, law enforcement, etc.) activities, and for development activities of communities living adjacent to the elephant ranges. It indicates that a Trust Fund account has been opened to this effect.

With the adoption of this annotation, trade would be eased in the following specimens of *L. africana* from Botswana: live animals (currently only for *in situ* conservation programmes); leather goods (currently for non-commercial purposes only); and registered, government-owned stocks of raw ivory and ivory pieces (currently: not before the Secretariat has verified the prospective importing countries, and the MIKE programme has reported to the Secretariat on the baseline information such as elephant population numbers, incidence of illegal killing; limited to a maximum of 20,000 kg dispatched in a single shipment under strict supervision of the Secretariat; and only after the approval of the Standing Committee). Furthermore, the proposed annotation would eliminate the possibility for the Standing Committee, on a proposal from the Secretariat, to cause trade in raw ivory to cease partially or completely in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations.

Although the proposed revised annotation begins "For the exclusive purpose of allowing...", the proponent proposes deleting the final paragraph of the current annotation for the listing of *L. africana* which says that all other specimens (not mentioned in the annotation) shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly. The Secretariat notes however that Resolution Conf. 11.21 (Rev. CoP13) states that for any 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.

Compliance with Resolution Conf. 9.24 (Rev. CoP13)

According to the supporting statement the elephant population in Botswana is large (over 150,000 individuals), increasing and expanding its range. It does not appear therefore that this population meets the biological criteria in Annex 1 to Resolution Conf. 9.24 (Rev. CoP13).

With respect to the precautionary measures, the proponent describes the management of the species to ensure satisfactory implementation of the Convention, particularly Article IV, and of appropriate enforcement controls. The proponent stipulates that the provisions of Resolution Conf. 10.10 (Rev. CoP12) will apply to annual export quotas for raw ivory. However this Resolution may be changed in future, so it may be preferable to add the words "and its successors" to provide for this eventuality.

Additionally, with respect to raw ivory, they propose that an export quota of no more than 8,000 kg per year be an integral part of the proposal. In a population of 150,000 elephants subjected to a natural mortality rate of 1 to 5 % per annum, and assuming a low crude average combined tusk weight of 10 kg per individual that dies, an annual theoretical production of between 15,000 and 75,000 kg of ivory per year could be envisaged. Not all ivory from natural mortalities is recovered, and mortality rates may vary considerably from year to year, but this calculation indicates that the proposed annual quota of maximum 8,000 kg appears realistic.

Dialogue meeting

The Conference of the Parties has recognized that the nature of the trade in African elephant products necessitates a wider dialogue with other range States of the species. The seventh dialogue meeting of African elephant range States is scheduled to be held prior to CoP14. The Secretariat's final opinion on this proposal will be informed by the views expressed and conclusions drawn at that meeting.

Comments from Parties and intergovernmental bodies

Algeria: expresses reservations and will wait for the arguments presented at the 14th meeting of the Conference of the Parties to determine its position.

Recommendation by the Secretariat

The Secretariat's recommendation to the Parties on this proposal will be made after the seventh dialogue meeting of African elephant range States.

Proposal 6

Loxodonta africana

- A. Amendment of the annotation regarding the populations of Botswana, Namibia and South Africa to:
- a) include the following provision:
"No trade in raw or worked ivory shall be permitted for a period of 20 years except for:
 - 1) raw ivory exported as hunting trophies for non-commercial purposes; and
 - 2) ivory exported pursuant to the conditional sale of registered government-owned ivory stocks agreed at the 12th meeting of the Conference of the Parties"; and
 - b) remove the following provision:
"6) trade in individually marked and certified ekipas incorporated in finished jewellery for non-commercial purposes for Namibia".
- B. Amendment of the annotation regarding the population of Zimbabwe to read:
"For the exclusive purpose of allowing:
- 1) export of live animals to appropriate and acceptable destinations;
 - 2) export of hides; and
 - 3) export of leather goods for non-commercial purposes.

All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

No trade in raw or worked ivory shall be permitted for a period of 20 years.

To ensure that where a) destinations for live animals are to be appropriate and acceptable and/or b) the purpose of the import is to be non-commercial, export permits and re-export certificates may be issued only after the issuing Management Authority has received, from the Management Authority of the State of import, a certification to the effect that: in case a), in analogy to Article III, paragraph 3 (b) of the Convention, the holding facility has been reviewed by the competent Scientific Authority, and the proposed recipient has been found to be suitably equipped to house and care for the animals; and/or in case b), in analogy to Article III, paragraph 3 (c), the Management Authority is satisfied that the specimens will not be used for primarily commercial purposes."

Proponents: Kenya and Mali

Provisional assessment by the Secretariat

General comment

Proposals to amend annotations (even where they do not affect the Appendix in which the population of the species is listed) should be judged against all the criteria specified in Resolution Conf. 9.24 (Rev. CoP13). This was clearly established when Resolution Conf. 11.21 (Rev. CoP13) on Use of annotations in Appendices I and II was first adopted by the Parties. Document Doc. 11.24, which introduced Resolution Conf. 11.21 and which was submitted by Switzerland on behalf of the Standing Committee, said that the introduction, amendment or deletion of substantive annotations to the Appendices is only possible under the procedures required for the amendment of the Appendices.

Effect of the proposal

In relation to the populations concerned, (listed in Appendix II) the proposal argues for an increase in the kind of specimens of *Loxodonta africana* which are deemed to be specimens of species included in

Appendix I and for trade in them to be regulated accordingly. In particular trade in individually marked and certified ekipas incorporated in finished jewellery for non-commercial purposes from Namibia, and in hunting trophies and ivory carvings for non-commercial purposes from Zimbabwe under the provision of Article IV of the Convention would no longer be permitted. The proposal suggests replacing the current text in paragraph 7 of the annotation relating to the listing the *L. africana* populations of Botswana, Namibia and South Africa with the text: "ivory exported pursuant to the conditional sale of registered government-owned ivory stocks agreed at the 12th meeting of the Conference of the Parties".

Finally the proposal seeks to prohibit any trade in raw or worked ivory for a period of 20 years except for the exceptions described in the proposal. Such a suggestion is impossible to guarantee because Article XV of the Convention permits any Party to propose an amendment proposal at or between the meetings of the Conference of the Parties, and the Secretariat believes that the Parties should be ready to apply the criteria for including species in or deleting them from Appendix I or Appendix II at any time in the light of changing circumstances in order to act in the best interest of the conservation of the species concerned, and to adopt measures that are proportionate to the anticipated risks to the species.

Compliance with Resolution Conf. 9.24 (Rev. CoP13)

The supporting statement is thorough and well referenced. It demonstrates that the species is affected by trade. With respect to the biological criteria in Annex 1 to the Resolution, the proposal does not demonstrate that the wild populations in question are small. The supporting statement notes that the distribution of the population of South Africa covers only 2 % of the surface of the country, thus implying that it could be considered restricted in terms of paragraph B of Annex 1 to the Resolution. However it does not appear that this population is characterized by any of the aggravating factors mentioned in sub-paragraphs i) to iv) of that paragraph. Finally there has not been a marked decline in the population size in the wild, indeed populations are said to be increasing or relatively stable, even though the proposal states that this situation may no longer apply in Zimbabwe.

Dialogue meeting

The Conference of the Parties has recognized that the nature of the trade in African elephant products necessitates a wider dialogue with other range States of the species. The seventh dialogue meeting of African elephant range States is scheduled to be held prior to CoP14. The Secretariat's final opinion on this proposal will be informed by the views expressed and conclusions drawn at that meeting.

Comments from Parties and intergovernmental bodies

Kenya: Regarding comments in relation to the 20-year moratorium, the Secretariat notes that "*the 20-year moratorium is impossible to guarantee because Article XV of the Convention permits any Party to propose an amendment proposal at any time whether at or between the meetings of the Conference of the Parties, and the Secretariat believes that the Parties should be ready to apply the criteria for including species in or deleting them from Appendix I or Appendix II at any time in the light of changing circumstances in order to act in the best interest of the conservation of the species concerned, and to adopt measures that are proportionate to the anticipated risks to the species*".

We would like to point out that, any proposal under Article XV to amend the Appendices would be scrutinised in terms of the existing annotations. A provision in the annotations for a 20-year moratorium has the same legal status as the other provisions of the Convention, and will therefore make it less likely for Parties to accept a proposal to reopen trade as long as the moratorium is operative.

We recall that, at CoP10 (Harare, 1997), three elephant populations were transferred to Appendix II, subject to certain conditions, including that no international trade in ivory would be permitted before 18 months after the transfer to Appendix II had come into effect. Although strictly speaking, such a provision is inconsistent with Article XV, the CoP accepted it as an agreed multilateral understanding of the need to refrain from international trade in ivory for 18 months, and that Parties would limit the exercise of their Article XV rights accordingly. A moratorium on international trade in ivory for 20 years would have the same legal effect. The only difference between our proposal (Kenya/Mali) and the CoP10 Proposals is the period the proposal will be in effect. The effect of the moratorium is simply to ban ivory trade until *either* it expires (after 20 years) *or* it is subsequently amended upon the submission of a proposal by a Party under Article XV.

Regarding compliance with Resolution Conf. 9.24 (Rev. CoP13), the Secretariat notes, "*the supporting statement is thorough and well referenced, and that it demonstrates that the African elephant is affected by trade. The Secretariat states, however, that with respect to the biological criteria in Annex 1 to the Resolution Conf. 9.24 (Rev. CoP13), the proposal does not demonstrate that the wild populations in Botswana, Namibia, South Africa, and Zimbabwe are small. It concedes that the supporting statement notes that the distribution of the population of South Africa covers only 2 % of the surface of the country, thus implying that it could be considered restricted in terms of paragraph B of Annex 1 to the Resolution. However it does not appear that this population is characterized by any of the aggravating factors mentioned in subparagraphs i) to iv) of that paragraph*".

Then, the Secretariat expresses the view that "*there has not been a marked decline in the population size in the wild, indeed populations are said to be increasing or relatively stable, even though the proposal states that this situation may no longer apply in Zimbabwe*".

We would like to believe that we have interpreted the entire text of the Convention and the Resolution Conf. 9.24 (Rev. CoP13) accurately and considers that, proposals to amend annotations should be judged against all relevant criteria specified in the Resolution Conf. 9.24 (Rev.CoP13). It is very clear that our (Kenya and Mali) proposal is not a proposal to list new populations on Appendix I. What the proposal seeks is to change the annotation for trade in certain parts and derivatives. As this proposal would maintain the subject populations of the species on the Appendix II, we strongly believe that there is no need to evaluate the proposal against these criteria again as it was the case when the populations were first being considered for down- listing. Instead, the evaluation of the proposal should be on the trade factors that warrant the change to the annotation and more so the targeted parts and derivatives. It should be noted that this proposal addresses the issues of enforcement, levels of illegal trade and poaching. We would like it noted that, while focusing on these factors, we have ensured the proposal is consistent with the precautionary measures contained in Annex 4 of the Resolution Conf. 9.24 which state "When considering proposals to amend Appendix I or II, the Parties shall, by virtue of the precautionary approach and in case of uncertainty either as regards the status of a species or the impact of trade on the conservation of a species, act in the best interest of the conservation of the species concerned and adopt measures that are proportionate to the anticipated risks to the species".

Namibia: Namibia does not support this proposal.

It is not evident how the proposal will benefit elephant conservation in any of the countries where elephants are included in Appendix I. It is already illegal for elephants to be killed or their products to be traded by such countries, and it is not clear what a proposed 20 year moratorium will add. Previous periods over which no legal international trade in ivory occurred and Appendix I listings in general have had little effect over the longer term, if judged by the many similar reports of illegal killing and trade over the years. There is also a high risk that the removal of the option to trade will also remove incentives to combat illegal killing and trade.

The proposal, if adopted, will in the short to medium term only impact on the four southern African countries with elephant populations in Appendix II. This impact will be negative. The proposal if adopted would directly undermine elephant conservation achievements also in Namibia, as a country where elephant range is expanding, where the national elephant population is steadily increasing, and where there is a functional system of involving rural communities in conservation. The proposal perpetuates the unjustifiable assumption that something has to be done concerning the four elephant populations included in Appendix II, while in fact no evidence has been presented that anything concerning these populations ever had an impact on the conservation of other populations.

The proposal does not explain what will follow from the end of the moratorium, or whether that would result in a resumption of trade by any means. It is also not evident how the success of such a proposal if approved can be judged, given the compounding of factors that determine elephant conservation outcomes.

In addition, the proposal is based on selective information, it reflects almost exclusively only "worst case scenarios", and contains errors concerning Namibia that could have been corrected if an opportunity for this had been granted. An important error of omission is not to have placed the problems and deficiencies reported in this proposal in context, or to have reflected what responses or corrective measures have

been taken, or to have assessed whether such problems or deficiencies are significant, unmanageable by any other means than proposed by Kenya and Mali, or even sufficient to have justified a proposal of this nature.

Some additional information is provided here concerning Namibia, and will also be provided at CoP14. Regarding trade in ekipas, Namibia has not yet authorized any exports in terms of the current annotation regarding trade in ekipas. The proposal approved at CoP 13 only includes trade in ekipas produced in partnership with the Ministry of Environment and Tourism, local communities and the Namibian Jewelers Association. This production has not yet commenced. Hence, without the production of any ekipa as per the current annotation, there are currently no individually marked ekipa. Measures are being put in place for the implementation of this trade. Amongst others, these measures include new legislation on the implementation of CITES and control of elephant and rhinoceros products.

According to this proposal, during their survey in 2006, Reeve and Pope found about 700 ekipas displayed for sale in Namibia. This number cannot be verified. It should also be noted that items made from substitute materials such as warthog teeth, hippopotamus teeth, bone and even plastic have been passed off as ekipas. Nevertheless, ekipas currently offered for sale are not intended for export, and export permits will not be granted. Namibia has on its own accord refrained from authorizing exports of ekipas until its domestic trade control system has been strengthened through the adoption of new legislation, which is currently under consideration, and until it is ready to launch the trade in ekipa jewelry items for which it obtained approval at CoP13.

Namibia has noted reports of ekipas being traded in neighbouring countries and has requested neighbouring countries not to allow such trade, and that every effort be made to determine the origin of these items. Information provided to the Management Authority indicates that these items invariably originate outside Namibia and are imitations of Namibian ekipas, but more research is needed in this regard.

Concerns are raised in this proposal on the definition and sizes of ekipas. Ekipas are well defined as they are unique and easily recognizable products that will not create difficulties for law enforcement. Their sizes vary but as they have to be mounted in jewelry, this in itself limits their sizes.

Namibia has allowed limited exports of pre-Convention ekipas in the past, and the details are tabulated below.

Year	Amount	Doc issued	Country of import	Remarks
1998	26	Pre-con.	DE	
1999	1	Pre-con.	US	Mounted in a necklace
2000	10	Pre-con.	UK	
2001	103	Pre-con.	AU	Owner relocated to AU – referred to in this proposal as ivory carvings in Section 6.2
2002	5	Pre-con.	NL	
2003	3	Pre-con.	DE	
2004	6	Pre-con.	DE	On a belt
2005	8	Pre-con.	DE	

The proposal refers to other items of carved ivory on trade, which the Management Authority is well aware of, but occurs in limited quantities. An amendment to national legislation which is currently under consideration is intended to strengthen existing measures, and to facilitate law enforcement.

Concerning illegal killing of elephants in Namibia, during the period of 1990-2006, a total of 97 elephants were illegally killed, as tabulated below.

Reporting period	Total no. elephants killed illegally
1990	6
1991	1
1992	6
1993	10
1994	7
1995	6
1996	11
1997	4
1998	4
1999	13
2000	2
2001	2
2002	5
2003	7
2004	6
2005	1
2006	6

It is alleged in this proposal that it is not known how many elephants have been killed as problem animals by farmers in Namibia. This is not true, as all elephants that were found to have been killed illegally are included in the data provided above. In the great majority of cases no attempts were made to recover the ivory. Such cases are included in the database of illegal killing when they were not reported to the authorities within 24 hours as provided for in national legislation.

Namibia still maintains that no elephant has been hunted illegally within the Etosha National Park boundaries for over two decades. Out of the two cases referred to in this proposal, the Management Authority is only aware of one which was killed as a crop rider in Onanke village by communal farmers, and where the tusks were found intact and are currently in our strong room. Onanke is approximately 6 km from the northern boundary of Etosha National Park. We have records of this one case and it was reported to the MIKE programme. If this record in the MIKE database indicates that this incident took place within Etosha National Park, then it should be rectified. The reason why this has been recorded is because farmers failed to report this case to the authorities within 24 hours of the incident.

Concerning illegal trade in ivory, Namibia has reported all known cases of illegal trade in any elephant products to the Convention through the ETIS programme. All cases contained in this proposal have already been reported.

This proposal mentions a possible elephant population decline in the Etosha National Park (ENP) between 2002 and 2004. Below is a table with the summary of ENP population estimates for the period 1998 to 2005, all based on aerial surveys.

Year	Estimate
1998	2201
2000	2018
2002	2417
2004	2057
2005	2611

The figures (for 2002 and 2004) referred to in this proposal are estimates and not total counts. The 2004 estimate falls within the confidence interval range for 2002, which is 1784 – 3050 (26.2%) elephants. The estimate for 2005 is higher than the 2002 and 2004 estimates. These population estimates are derived from the number of animals seen within each sample stratum during aerial surveys and not on total number of animals seen during aerial surveys. The figures above suggest that this population is rather stable.

Where possible Namibia together with its neighbouring countries conduct aerial surveys, the last one was conducted in 2000.

The statement made in this proposal that elephants were just temporary visitors in the Etosha National Park as they used to migrate to Botswana and Zimbabwe is completely groundless. The history and biology of this population is well-known, and no information has ever come to light of any connection between this population and elephants in neighbouring countries.

Anthrax has been cited in this proposal as a possible threat to the Etosha National Park elephant population. Anthrax has been part of Etosha National Park for a very long time, the first case was diagnosed in 1964. Since 2000, not even in a single year has anthrax accounted for more than 50% of all recorded natural mortalities. The table below shows the details of Etosha National Park annual elephant mortalities (2000-2006).

Year	Total mortalities recorded	Anthrax positive cases	Suspected anthrax cases
2000	21	4	6
2001	21	4	1
2002	28	5	1
2003	29	0 (most carcasses were too old to be tested for anthrax)	29
2004	12	2	3
2005	19	5	3
2006	9	0	1

Namibia disagrees with the statement that tourism in the Kunene region is as "uncontrolled" as categorized by Reeve and Pope 2006 and therefore a possible threat to the Kunene elephant population. Tourism related activities in Kunene are monitored by the Ministry of Environment and Tourism and no impacts on elephants are evident. This population is increasing and is expanding its range, and is one of the great conservation success stories in Namibia.

Concerns have been raised in this proposal about Namibia's annual sport hunting quota. The current level of sport hunting is largely determined by the 0.5% of standing population guideline. This implies that the maximum adult male off-takes through sport hunting at present should not exceed approximately 80 per year at current population size. MET has established a national annual export quota through CITES of 90 trophy hunted elephants per year (180 tusks per year). This quota level was necessary to allow for the possibility that the tusks of elephants hunted in one year may only be exported the following year, as could result from delays in importing countries or the processing of specimens by taxidermists. The actual number exported amounted to 23 (46 tusks) in 1997, 48 (96 tusks) in 1998, 38 (76 tusks) in 1999, 43 (86 tusks) in 2000, 34 (68 tusks) in 2001, 33 (66 tusks) in 2002, 47 (94 tusks) in 2003, 43 (86 tusks) in 2004, 47 (94 tusks) in 2005 and 32 (64 tusks) in 2006. On average, considerably less tusks are exported per year than the annual quota.

This proposal also refers to the Ministry of Environment and Tourism's hearing before the Standing Committee on Public Accounts against charges of failing to properly administer and control the hunting industry. This hearing related to the monitoring of compliance with the declaration of taxes from hunting and coordination between different agencies, a matter which has since been corrected.

Reference is also made to alleged problems in the management of Etosha NP, based on perceptions of the capacity of the management authority to respond to (virtually non-existing) poaching threats. Detailed comments on these issues will be given in relation to the document from Kenya on the black rhinoceros hunting quota of Namibia, but suffice to mention here that problems of insufficient resources have largely been addressed, that a new management plan is being developed, and that other appropriate measures are or have been taken.

As an additional remark, the proposal questions the economics of ivory trade and whether revenues from ivory trade have made any contribution to elephant conservation. The funding of elephant surveys and monitoring, the provision of vehicles for law enforcement and conservation management, the establishment of alternative water supplies for elephant, the protection of farm infrastructure against elephants, and the upgrading of park boundary fences from revenue earned from the 1999 ivory trade in Namibia indicate the contrary.

Finally, it is disappointing that the unpublished report of Pope and Reeve 2006 on Elephants and Ivory Trade in Namibia, which has been extensively cited in this proposal, has not been provided to the Management Authority of Namibia. A copy was officially requested from the Management Authority of Kenya, but the latter KWS indicated that the report in question was still in draft form and could not be made available.

Recommendation by the Secretariat

The Secretariat does not consider previous decisions of the Conference of the Parties to defer implementation of a change in the Appendices for specific purposes to be similar to the somewhat arbitrary 20-year moratorium applying only to the populations of Botswana, Namibia, South Africa and Zimbabwe proposed by Kenya and Mali. The effect of this proposal is to amend the annotation involved in order to deem more specimens of the species to be included in Appendix I and trade in them regulated accordingly. For reasons explained in its provisional assessment, the Secretariat believes that proposals such as this one must be assessed against all the provisions of Resolution Conf. 9.24 (Rev. CoP13).

The Secretariat's recommendation to the Parties on this proposal will be made after the seventh dialogue meeting of African elephant range States.

Proposal 7

***Loxodonta africana* – Transfer of the population of the United Republic of Tanzania from Appendix I to Appendix II with an annotation that reads as follows:**

"For the exclusive purpose of allowing:

- 1) trade in registered stocks of raw ivory in whole tusks and pieces;
- 2) trade in live specimens for non-commercial purposes to appropriate and acceptable destinations;
- and
- 3) trade in hunting trophies for non-commercial purposes."

Proponent: United Republic of Tanzania

Withdrawn

Proposal 8

Vicugna vicugna – Amendment of the annotation to the Bolivian population to read as follows:

"Population of Bolivia (listed in Appendix II):

For the exclusive purpose of allowing international trade in wool sheared from live vicuñas, and in cloth and items made thereof, including luxury handicrafts and knitted articles.

The reverse side of the cloth must bear the logotype adopted by the range States of the species, which are signatories to the *Convenio para la Conservación y Manejo de la Vicuña*, and the selvages the words 'VICUÑA-BOLIVIA'. Other products must bear a label including the logotype and the designation 'VICUÑA-BOLIVIA-ARTESANÍA'.

All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly."

Proponent: Bolivia

Provisional assessment by the Secretariat

Proposals to amend annotations (even where they do not affect the Appendix in which the population of the species is listed) should be judged against all the criteria specified in Resolution Conf. 9.24 (Rev. CoP13). This was clearly established when Resolution Conf. 11.21 (Rev. CoP13) on Use of annotations in Appendices I and II was first adopted by the Parties. Document Doc. 11.24, which introduced Resolution Conf. 11.21 and which was submitted by Switzerland on behalf of the Standing Committee, said that the introduction, amendment or deletion of substantive annotations to the Appendices is only possible under the procedures required for the amendment of the Appendices.

If adopted, the principle effect of this proposal would be to extend the scope of the current annotation for the *Vicugna vicugna* population in Bolivia to allow international trade in wool sheared from live vicuñas of the whole national territory. The current annotation only allows international trade in wool derived from sheared live animals of the populations of the Conservation Units of Mauri-Desaguadero, Ulla Ulla and Lípez-Chichas.

Although the populations of *V. vicugna* affected by this proposal have a restricted range, decisions at previous meetings of Conference of the Parties show that the Parties have agreed that these populations do not meet the biological criteria for inclusion in Appendix I. The proponent argues that this is still the case.

Concerning the precautionary measures in Annex 4 to Resolution Conf. 9.24 (Rev. CoP13) the proponent seems to rely on paragraph A. 2. b. However, information presented on the application of management and enforcement measures already in place to control trade in wool from sheared live animals in the populations of the Conservation Units of Mauri-Desaguadero, Ulla Ulla and Lípez-Chichas indicates that there have been some difficulties. The supporting statement stresses the problems of illegal activities that take place throughout the whole country and it is not clear how this matter will be addressed by the Bolivian authorities to allow the implementation of an amended annotation covering the whole country.

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

The suggested change to the annotation is small and the populations of the species in Bolivia which are concerned by it have all been stable or increasing in number in recent years. Nevertheless, the Secretariat seeks assurances from the Bolivian authorities that they will take further steps to stem the illegal trade described in the supporting statement.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 9

Cervus elaphus barbarus – Inclusion in Appendix I.

Proponent: Algeria

Provisional assessment by the Secretariat

This subspecies has a limited distribution in Algeria and Tunisia. It has been included in Appendix III at the request of Tunisia since 1976. The supporting statement gives little specific information and does not contain any references. It does not indicate under which criteria of Resolution Conf. 24 (Rev. CoP13) the species would qualify for inclusion in Appendix I. However, the wild population does appear to be small and may be concentrated geographically during the rutting period. The wild population is likely to have a restricted area of distribution and historically at least, this is reported to have decreased. Although not mentioned in the supporting statement, the taxon is rated 'lower risk/not threatened' in the current IUCN Red List.

According to the supporting statement, no trade is either known or suspected and no demonstrable potential international demand for the species is noted. There is also no information to indicate how to identify any specimens of this subspecies which could be in trade.

The Secretariat notes that, according to the CITES trade database, the only export from range States of specimens of this taxon in the last 10 years was of eight live specimens sent from Tunisia to Algeria in 2005 for introduction/reintroduction purposes.

The opinion of the other range State for this subspecies (Tunisia) is not indicated.

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

It does not appear that this taxon meets the biological criteria for inclusion in Appendix I and it is unlikely that international trade has a significant impact on its conservation. The proposal is also not in conformity with the criteria concerning split-listing in Annex 3 of Resolution Conf. 9.24 (Rev. CoP13).

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be rejected.

Proposal 10

Gazella cuvieri – Inclusion in Appendix I.

Proponent: Algeria

Provisional assessment by the Secretariat

This species has a patchy distribution in Algeria, Morocco and Tunisia. It has been included in Appendix III at the request of Tunisia since 1976. The supporting statement gives little specific information and few references. It does not indicate under which criteria of Resolution Conf. 24 (Rev. CoP13) the species would qualify for inclusion in Appendix I. However, the wild population does appear to be small and may be divided into small subpopulations. It is not clear whether the species has a restricted area of distribution, although it seems to be adaptable in terms of its habitat requirements. Populations are reported to be more or less stable. Although not mentioned in the supporting statement, the taxon is rated 'endangered' in the current IUCN Red List.

No trade is either known or suspected and no demonstrable potential international demand for the species is noted. There is also no information to indicate how to identify any specimens of this species

which could be in trade. The Secretariat notes that, according to the CITES trade database, no trade in wild specimens of this species has been reported by CITES Parties in the last 10 years.

The opinion of the other range States for this species is not indicated.

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

This species may qualify for inclusion in Appendix I under paragraph A. ii) of Annex 1 to Resolution Conf. 9.24 (Rev. CoP13), but the case is not a strong one. There does not appear to be any evidence of international trade in wild specimens of this species, nor does there appear to be any international demand for such specimens.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be rejected.

Proposal 11

***Gazella dorcas* – Inclusion in Appendix I.**

Proponent: Algeria

Provisional assessment by the Secretariat

The species has been included in Appendix-III at the request of Tunisia since 1976.

The supporting statement contains few references and remains very general. The proposal does not indicate under which criteria of Resolution Conf. 9.24 (Rev. CoP13) the species would qualify for inclusion in Appendix I.

The supporting statement contains little or no information on the current distribution, population sizes and trends, species management or legislation in the different range States of the species, with the exception of the situation in Algeria where research on its status and distribution was initiated in 2005, but results will only be available in 2008. The species has a very wide if patchy distribution across North Africa and the Sahara. It has reportedly disappeared from Senegal, but remains otherwise distributed all over its extensive historic range. Population numbers appear to have declined significantly, possibly halved according to the supporting statement. Causes for these declines are mentioned to be habitat degradation and overhunting in 1950-1970s. Current threats are stated to be principally poaching and overgrazing by cattle, presumably indicating competition with livestock.

The proposal does not seem to demonstrate that the wild population is small, has a restricted area of distribution or has known a marked recent decline. It is therefore questionable whether the species meets the biological criteria for inclusion in Appendix I. The proponent indicates that the species is not traded legally or illegally, and that there are no actual or potential trade impacts.

The Secretariat notes that the species is classified as 'vulnerable' by IUCN. The CITES trade database base shows very small levels of international trade, mainly in live specimens, and to a lesser extent body parts and trophies. It is unknown if any illegal international trade exists.

The opinion of the other range States for this species is not indicated.

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

The species does not meet the biological criteria for inclusion in Appendix I. There is some international trade in the species with apparently limited impact on its overall conservation status.

On the basis of the available information prior to the discussion at CoP14, the Secretariat recommends that this proposal be rejected.

Proposal 12

***Gazella leptoceros* – Inclusion in Appendix I.**

Proponent: Algeria

Provisional assessment by the Secretariat

The proposal aims to include *Gazella leptoceros* in Appendix I. The species has been included in Appendix III at the request of Tunisia since 1976.

The supporting statement contains few references and remains very general. The proposal does not indicate under which criteria of Resolution Conf. 24 (Rev. CoP13) the species would qualify for inclusion in Appendix I. It contains little or no information on the current distribution, population sizes and trends, species management or legislation in the different range States of the species, with the exception of some data on Algeria where research on the status and distribution of the species was initiated in 2005, but results will only be available in 2008.

According to the supporting statement, the species has disappeared from Morocco. It is distributed across eight or nine range States. No estimations of the wild population are given, which are reportedly very difficult to obtain, possibly due to the nocturnal habits of the species, the remote areas where it is distributed and its relative rarity. It is mentioned that the species is close to extinction, but it is not clear whether this refers to the situation in Algeria only. Threats are stated to be mainly motorized hunting and habitat degradation.

The Secretariat notes that *Gazella leptoceros* is classified as 'endangered' by IUCN and that the wild population of this species may be small, but the proposal does not show this. The species does not appear to have a restricted area of distribution, and no marked recent declines are mentioned. It is unclear whether the species meets the biological criteria for inclusion in Appendix I.

The proponent indicates that the species is not traded legally or illegally, and that there are no actual or potential trade impacts. The Secretariat observes that the CITES trade database does indeed show insignificant levels of international trade, mainly of live specimens and not involving range States. It is not clear whether any illegal trade exists.

The opinion of the other range States for this species is not indicated.

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

Owing to its population being small and declining, the species meets the biological criteria for inclusion in Appendix I under paragraph A. ii) of Annex 1 to Resolution Conf. 9.24 (Rev. CoP13). Trade in specimens of wild origin of this species has however been negligible. It is therefore rather unclear whether trade has or may have a detrimental impact on the status of the species, or whether there is potential international demand.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 13

Melanosuchus niger – Transfer of the Brazilian population from Appendix I to Appendix II.

Proponent: Brazil

Provisional assessment by the Secretariat

Melanosuchus niger has been included in Appendix I since 1975. The population of Ecuador was transferred to Appendix II in 1995, subject to a zero annual export quota until an annual export quota has been approved by the CITES Secretariat and the IUCN/SSC Crocodile Specialist Group. The information in the supporting statement shows that the population of *Melanosuchus niger* of Brazil, which accounts for 80 % of the distribution range, has recovered significantly from low levels in the 1980s following extensive harvests from the 1950s to the 1970s. Brazil's wild population is increasing and may number as many as 16 million animals. It is abundant in much of its very large, continuous range, and has healthy population structures. The population of Brazil, and possibly of other range States of the species, does therefore no longer meet the biological criteria for Appendix I. With respect to the precautionary measures, it is contended that although the species is likely to be in demand for trade, its management is such that implementation of the requirements of the Convention, in particular Article IV, by Brazil would be satisfactory and that appropriate enforcement controls and compliance with the requirements of the Convention would be undertaken.

The species is hunted illegally for its meat, which is traded throughout the Amazonian region. Skins are apparently often wasted. The proponent provides details of the planned management of the species, with objectives to enhance sustainable use, increase income for local people, create markets for skins, provide incentives for legal production to reduce illegal offtake and trade, and generate interest amongst local people to preserve the species and its habitats. Harvest would be restricted to designated areas and be subject to local quotas and other limitations. The accompanying population monitoring programmes and national and international control measures seem comprehensive. Overall, it appears that if the Brazilian population of *Melanosuchus niger* were included in Appendix II, its management would meet the requirements of the precautionary measures in paragraph A. 2. b of Annex 4 to Resolution Conf. 9.24 (Rev. CoP13).

Comments from Parties and intergovernmental bodies

Brazil: (additional information to section 8.2 on Population monitoring)

The very high densities of caimans, including black caiman sympatric species like spectacle caiman *Caiman crocodilus*, in most areas of the Amazon make it unfeasible to approach every individual seen for a positive identification. The estimate of the number of black caimans was derived from the total number of caimans (eyeshines) detected and the proportion of black caimans among the individuals approached close enough for species identification. The total number of caimans seen in each area was multiplied by the proportion of identified caimans in that area that were black caimans to estimate the number of black caimans for that area (e.g. If 1,000 eyeshines were seen and 30 of the 100 identified caimans were black caimans, the estimate of the number of black caimans for that area would be $1,000 \times 30/100 = 300$). The proportion of eyeshines that were black caimans in each area is very precise because it is generally based on several hundred caimans positively identified for that area.

Recommendation by the Secretariat

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 14

Heloderma horridum charlesbogerti – Transfer from Appendix II to Appendix I.

Proponent: Guatemala

Provisional assessment by the Secretariat

According to the supporting statement, this subspecies is critically endangered, and threatened with extinction because of the loss of habitat and over-collection of specimens: only 170 to 250 specimens of *Heloderma horridum charlesbogerti* remain in the wild. This taxon appears to meet the biological criteria for inclusion in Appendix I.

Concerning trade, the supporting statement says that the species is in demand from local and international collectors. However, no legal trade has taken place as the species is fully protected.

Annex 3 to Resolution Conf. 9.24 (Rev. CoP13) states that when split-listing occurs, this should generally be on the basis of national or regional populations, rather than subspecies. However, in this case, although other subspecies of *Heloderma horridum* occur in Guatemala, this proposal refers to an endemic subspecies easily differentiated from others of the same species, which would facilitate the implementation of the Appendix-I regulations in Guatemala.

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

Heloderma horridum charlesbogerti meets criteria A i), ii) and v), B i), ii), iii) and iv), and C ii) of Resolution Conf. 9.24 (Rev. CoP13), Annex 1. Because of similarity between juvenile specimens of *Heloderma horridum charlesbogerti* and juvenile specimens of other subspecies, Guatemala should commit not to export any juvenile specimens of *Heloderma horridum*.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 15

Lamna nasus – Inclusion in Appendix II, with the following annotation:

"The entry into effect of the inclusion of *Lamna nasus* in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve the related technical and administrative issues, such as the possible designation of an additional Management Authority."

Proponent: Germany (on behalf of the European Community Member States acting in the interest of the European Community)

Provisional assessment by the Secretariat

The order and family of this species should read Lamniformes and Lamnidae respectively. The supporting statement is comprehensive and detailed.

According to the proponent, this species occurs over a very wide oceanic area in both the northern and southern hemispheres in the marine environment not under the jurisdiction of any State as well as in the territorial waters of over 40 countries. Details of the population status are only known in detail from parts of its range – in particular the Northwest Atlantic. These estimations, anecdotal information from other parts of its range and catch trend data are used to contend that the species has experienced very substantial reductions in population size in many parts its range. On this basis, the proponent contends that North Atlantic and Mediterranean stocks of the species have already experienced a marked decline which would qualify them for inclusion in Appendix I in the near future, while other populations qualify

for an Appendix-II listing under Annex 2 a, paragraph B, to Resolution Conf. 9.24 (Rev. CoP13) as they are likely to experience similar declines because of international demand for the high-value meat of *Lamna nasus*.

The supporting statement states that although the fins, skin and liver oil of the species are commercially used, the primary product in trade is meat. However, the Secretariat notes that the amount of meat in trade is not quantified, nor the extent to which this trade is international, rather than national or within the European Union trade. This is because trade is not documented at the species level. Furthermore, while demand for fresh, frozen and processed meat is said to be sufficiently high to justify the existence of an international market, little evidence is provided to support this. Only two examples of the commercial value of the meat are given and these relate to local utilization.

An Appendix-II listing would provide incentives for adopting measures for sustainably managing and trading in *L. nasus*. Such management measures seem to be inadequate or missing in most range States, including the member States of the European Union. The proponent also indicates that CITES trade controls would complement and reinforce traditional fishery management measures, thereby contributing to the implementation of the FAO International Plan of Action for the Conservation and Management for Sharks.

The supporting statement does not indicate whether or not it is reasonable to expect an informed non-expert to be able to identify the products of this species likely to be in international trade. Potential difficulties in distinguishing specimens of *L. nasus* from those of similar species can however apparently be resolved through DNA analysis, even allowing identification of specimens from different hemispheres.

If agreed, the proponent proposes that the entry into effect of the inclusion of the species in Appendix II be delayed by 18 months, instead of the normal period of 90 days provided in Article XV of the Convention. This would mean an entry into effect on 13 March 2009. The proponent argues that this would allow Parties to resolve technical and administrative issues, including the designation of additional CITES Authorities. This would seem sensible, even though the Secretariat notes that similar provisions adopted for other species in the past do not seem to have resulted in Parties being better prepared for implementing changes to the Appendices.

Comments from Parties and intergovernmental bodies

Algeria: supports this proposal.

FAO: the FAO Ad Hoc Expert Panel concluded that the available evidence does not support the proposal to include the porbeagle shark, *Lamna nasus*, in CITES Appendix II.

Globally, the species does not meet the biological decline criteria for listing in CITES Appendix II. The decline in population abundance of the northwest Atlantic population meets the Appendix II criterion, but risk to the northwest Atlantic population is mitigated by population rebuilding and the existence of both Canadian and United States management plans designed to rebuild stocks. Porbeagles in the northeast Atlantic Ocean may meet Appendix II criteria, but the limited data that were available were not sufficient to assess the extent of the decline. In the southern hemisphere, porbeagle populations are relatively lightly exploited and Appendix II criteria are likely not met.

Though adequate management measures are in place in some regions, there are others where some form of management is urgently needed. Sustainable management requires that, where they had not done so, range States develop and implement National Plans of Action for sharks.

In the event of a CITES listing, porbeagle caught in EU waters would likely be traded within the EU, and thus avoid CITES trade limitations. In the northwest Atlantic, most porbeagles are harvested within the Exclusive Economic Zone and the basis for non-detriment findings should follow the current Canadian Total Allowable Catch (TAC) for porbeagle, which is based on results from a population model. Introduction from the Sea would only be a significant issue for high seas longline fleets, which catch porbeagle shark only as bycatch.

Recommendation by the Secretariat

The Secretariat concurs with the FAO Ad Hoc Expert Advisory Panel that marked population declines in northern hemisphere stocks have been large enough to justify an inclusion in Appendix II. The situation in the southern hemisphere is less clear-cut and the species has been lightly fished there until now. However, given that demand for meat and fins does appear to be a driver for international trade, it does not seem unreasonable to conclude that for these populations, in line with paragraph B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP13), regulation of trade in the species is required to ensure that the harvest of specimens is not reducing the wild populations to a level at which its survival might be threatened by continued harvesting or other influences.

An inclusion in Appendix II would be in the best interest of the conservation of the species and proportionate to the anticipated risks it runs.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 16

***Squalus acanthias* – Inclusion in Appendix II, with the following annotation:**

"The entry into effect of the inclusion of *Squalus acanthias* in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve the related technical and administrative issues, such as the possible designation of an additional Management Authority."

Proponent: Germany (on behalf of the European Community Member States acting in the interest of the European Community)

Provisional assessment by the Secretariat

The supporting statement is comprehensive and detailed. It indicates that *S. acanthias* is widespread in the coastal seas in the northern and southern hemispheres, occurring within the Economic Exclusive Zones of some 75 countries. Several distinct populations (or stocks) are described that are separated by deep oceans, tropical waters or polar regions. It is migratory and has aggregating habits which make it vulnerable to targeted fishing. This concerns particularly aggregation of mature, pregnant females. Furthermore, it is biologically characterized by late maturity, low reproductive capacity, longevity, long generation time and a low intrinsic rate of population increase.

The species is subject to significant commercial fishing, particularly in the Northeast and Northwest Atlantic, and the Northeast and Southwest Pacific. *S. acanthias* is mainly traded for its valuable meat, with the European Union being the major market. Trade in fins, liver oil, cartilage and skins is of less importance. Unlike *Lamna nasus* in proposal CoP14 Prop. 15, the trade is often documented at the species level. The global trade in specimens of this species probably concerns a large number of Parties in all regions, with the exception of Africa.

The proposal argues that stocks in the North Atlantic, the North Pacific, and the Mediterranean Sea and Black Sea all show marked declines as defined for commercially exploited aquatic species in Resolution Conf. 9.24 (Rev. CoP13), Annex 5, with historic declines to less than 20 % of baseline population data and rapid recent declines. On the basis of the data presented in the supporting statement, this appears correct for stocks of the Northeast Atlantic, the Iberian coast, the Northwest Atlantic and the Northwest Pacific, but less clear for those in the Mediterranean Sea, the Black Sea and the Northeast Pacific. The remaining stocks of South America, Australasia and southern Africa have not experienced similar declines or are stable, but the supporting statement indicates increasing fishing efforts driven by the international demand for meat, and the need to regulate this trade to ensure its non-detrimental nature. An Appendix-II listing would provide incentives for adopting measures for sustainably managing and trading in *S. acanthias*. Such management measures seem to be inadequate or missing in most range States, including the member States of the European Union. The proponent also indicates that CITES trade controls would complement and reinforce traditional fishery management measures, thereby contributing to the implementation of the FAO International Plan of Action for the Conservation and Management of Sharks.

Overall, it would appear that several northern hemisphere stocks of *S. acanthias* meet the criteria for inclusion in Appendix II in accordance with Article II, paragraph 2 (a), of the Convention, and Resolution Conf. 9.24 (Rev. CoP13), Annex 2 a, paragraph A and others Annex 2 a, paragraph B. It would in any case be very difficult to differentiate between specimens that come from stocks included in Appendix II and those that are not included.

Despite the assurances in the supporting statement that a DNA test could be rapidly developed to identify meat and other products, it is likely that controlling the international trade in specimens of *S. acanthias* would be challenging and would require training and identification support.

If agreed, the proponent proposes that the entry into effect of the inclusion of the species in Appendix II be delayed by 18 months, instead of the normal period of 90 days as provided in Article XV of the Convention. This would mean an entry into effect on 13 March 2009. The proponent argues that this would allow Parties to resolve technical and administrative issues, including the designation of additional CITES Authorities. This would seem sensible, even though the Secretariat notes that similar provisions adopted for other species in the past do not seem to have resulted in Parties being better prepared for implementing changes to the Appendices.

Comments from Parties and intergovernmental bodies

Algeria: supports this proposal.

FAO: the FAO Ad Hoc Expert Advisory Panel concluded that the available evidence does not support the proposal to include *Squalus acanthias* under CITES Appendix II.

Globally, the species does not meet the biological decline criteria for listing under CITES Appendix II. The northeast Atlantic population meets the decline criterion for listing on Appendix II. The northwest Atlantic population does not meet the criterion if the entire population is taken into account, although it may if mature females alone are considered. The northeast Pacific has not shown declines consistent with the Appendix II criteria, while in the northwest Pacific a decline to the threshold level was evident only in a small area believed to be at the margins of the distributional range. In the southern hemisphere, surveys in the southwest Atlantic and southwest Pacific indicate stable or increasing abundance.

International trade of *Squalus acanthias* is the key driver of exploitation in all areas, except the northeast Atlantic where most of the catch is traded internally within EU markets. The catch imported into the EU from harvests by non-EU members from the northeast Atlantic stock is, however, appreciable.

There are serious fisheries management failures for some individual populations. Catches from the northeast Atlantic stock, both internally traded in the EU and imported, need to be curtailed. Federal and state U.S. fishery management plans exist for the northwest Atlantic stock and have succeeded in reducing catches, but they are not well coordinated. All other areas in which *Squalus acanthias* is harvested need to be closely monitored to ensure that catches remain sustainable. Sustainable management requires that, where they had not done so, range States develop and implement National Plans of Action for sharks.

If *Squalus acanthias* is listed on Appendix II key implementation issues will include difficulties in differentiating *Squalus acanthias* products from other sharks in trade, and the requirement for a closer alignment between management measures and scientific advice to underpin non-detriment findings.

Recommendation by the Secretariat

The Secretariat concurs with the FAO Ad Hoc Expert Advisory Panel that marked population declines in some stocks particularly in the northern Atlantic have been large enough to justify an inclusion in Appendix II. The situation in other parts of the range of the species is less clear-cut. However, given that demand for meat and fins does appear to be a driver for international trade, it does not seem unreasonable to conclude that for these populations, in line with paragraph B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP13), regulation of trade in the species is required to ensure that the harvest of specimens is not reducing the wild populations to a level at which its survival might be threatened by continued harvesting or other influences.

An inclusion in Appendix II would be in the best interest of the conservation of the species and proportionate to the anticipated risks it runs.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 17

Pristidae spp. – Inclusion in Appendix I.

Proponents: Kenya and the United States of America

Provisional assessment by the Secretariat

According to the supporting statement, this family comprises seven species, all but one of which have, or had, a very wide range in inshore and riverine habitats in tropical and temperate regions. The proponents contend that all species have small wild populations, a restricted distribution and have experienced a marked decline in their population size, together with the necessary aggravating factors that qualify them for an inclusion in Appendix I.

Pristidae spp. appear to meet a number of the biological criteria for inclusion in Appendix I, although some uncertainty prevails as species of the family have a wide distribution and detailed information on their status is scarce.

The two main commodities found in trade are rostra and fins with a lesser trade in cockfighting spurs and live specimens for the aquarium trade. Information is presented to show that several hundred, perhaps over one thousand, rostra are in international trade every year. The quantity of fins in trade is apparently more difficult to estimate, but references are quoted to confirm that such trade exists.

The supporting statement says that an identification guide or genetic tools would be needed to enable an informed non-expert to distinguish between the fins of species in this family and those of other species. It does not however indicate whether these are likely to be made available.

Comments from Parties and intergovernmental bodies

FAO: the FAO Ad Hoc Expert Advisory Panel concluded that the available evidence did support the proposal to include all species of Pristidae in Appendix I of CITES in accordance with Article II, paragraph 1 of the Convention.

Although quantitative information on decline is sparse, declines to less than 15-20 % of historical baseline, as specified in the Annex 5 definition of "Decline" for a commercially-exploited aquatic species with low productivity, were evident for a few areas, and there are widespread indications throughout the global range of severe declines in abundance and distribution and of local extirpations, which indicate that this group meets the criterion. The proposal states that Appendix I criteria for small population and restricted distribution are also met, but based on the available information the Panel could not support this conclusion.

The Panel concluded that international trade probably is an important driver of sawfish exploitation. There is some evidence of directed harvest for trade but international trade may be driving retention of specimens taken as bycatch to a greater extent than it is driving directed harvest.

An Appendix I listing would likely contribute to conservation of this group of species, and the negative effects of such a listing would be relatively low. A CITES Appendix I listing would only be effective in combination with strengthened national management, which is generally not effective over the entire range of the group, and which generally does not address all sources of mortality. Mortality due to habitat degradation and incidental catch would not be affected by a CITES listing. Strengthening management measures where these are in force, and implementing management in other areas, would be essential to ensure conservation of this group.

Recommendation by the Secretariat

The Secretariat concurs with the FAO Ad Hoc Expert Panel that according to the evidence, which is largely anecdotal since data are not always available, the species of the family Pristidae meet biological criteria C i) and, ii) in Annex 1 of Resolution Conf. 9.24 (Rev. CoP13).

If this proposal is adopted, the Secretariat believes it will be particularly important for the proponents to comply with Resolution Conf. 11.19 and supply appropriate material for inclusion in the Identification Manual.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 18

***Anguilla anguilla* – Inclusion in Appendix II.**

Proponent: Germany (on behalf of the European Community Member States acting in the interest of the European Community)

Provisional assessment by the Secretariat

According to the supporting statement, the species is considered to be a single population (or stock), widely distributed in coastal areas and freshwater ecosystems in Europe, northern Africa and the Mediterranean parts of Asia (it would be useful if the proponent were to list all the range States of the species). It is a catadromous fish with a complex live cycle (eggs hatching in the Sargasso Sea in the Caribbean; larvae drifting for one to three years to reach European coasts, transforming subsequently into glass eels and elvers; move into estuarine areas or freshwater habitats to grow and become sexually mature; migrating back to the Sargasso Sea where they die after spawning).

The proposal does not give global, national or regional population estimations. The proponent indicates however that heavy exploitation in all life stages with high fishing mortality in combination with habitat loss, pollution, climate change affecting ocean currents and the damming of rivers, have all contributed to sharp population declines. Juvenile abundance of *A. anguilla*, for example, would have declined by 95-99 % from 1980 till now. *A. anguilla* however has naturally very high survival rates so that wild populations might recover if less young eels were caught.

It does appear that the levels of historical and recent declines in the species are such that the guidelines for commercially exploited aquatic species apply as indicated in Annex 5 to Resolution Conf. 9.24 (Rev. CoP13), consequently Annex 2 a, paragraph A, to Resolution Conf. 9.24 (Rev. CoP13) may not be fulfilled.

The fishery is stated to be small-scaled and specialized, but important throughout Europe. There is virtually no by-catch of *A. anguilla* in gear other than that targeting the species. Older *A. anguilla* are exploited directly for their meat. The youngest eel stages (glass eels and elvers) are mostly harvested live to form the basis of eel 'aquaculture' (i.e. outgrowing of wild-caught individuals) in Europe and eastern Asia. Some 90 % of the *A. anguilla* meat that is consumed globally originates from such aquaculture operations.

Meat and live eels are reportedly traded within Europe, whereas exports of *A. anguilla* from the European Union to Asia consist almost entirely of live young eels. China, Japan and the Republic of Korea are recorded as the most important destinations. These exports to Asia would now represent about 50 % of the total landings of glass eels in the European Union. Between 1995 and 2005, live *A. anguilla* exports from the European Union declined from 180 to 75 tonnes, while the declared values at export increased from EUR 70/kg to EUR 700/kg in the same period.

The proposal does not clarify whether other specimens than meat and live *A. anguilla* enter international trade. A description of the form in which meat or meat products are marketed and live *A. anguilla* transported would help assessing how recognizable these specimens are. Apparently, different species of *Anguilla* are raised and marketed in Asia. The proposal indicates that while genetic tests might help to

differentiate live *A. anguilla* from other *Anguilla* species, this would be difficult for processed products and derivatives. DNA identification techniques are said to exist, but their practicality and availability are unclear. It would in any case seem that correctly identifying and controlling the international trade in specimens of *A. anguilla* would be challenging and would require considerable training and identification support.

Comments from Parties and intergovernmental bodies

Algeria: supports this proposal.

FAO: the FAO Ad hoc Expert Advisory Panel concluded that the available evidence did support the proposal to include *Anguilla anguilla* (European eel) in Appendix II of CITES in accordance with Article II paragraph 2(a).

The Panel considered that the trends in available data did demonstrate an historical extent of decline in *Anguilla anguilla* to less than 20-30% of baseline, as specified in the Annex 5 definition of "Decline" for a commercially-exploited aquatic species with low to medium levels of productivity.

The Panel concluded that a substantial fraction of the production of *Anguilla anguilla* is in international trade.

The Panel expressed concern about the poor history of management of this species in much of its range. It emphasized that a CITES listing could only be effective in combination with strengthened fishery management measures within the European Union.

The Panel considered that there were few implementation issues that would diminish the effectiveness of a listing. While processed European eel would be difficult to distinguish from other *Anguilla* spp., the majority of the exports of European eel from range states was in a form that was readily recognizable in a CITES sense, since they would be identifiable by their origin, and control of trade at this point was the most crucial in securing conservation benefits.

Recommendation by the Secretariat

The Secretariat concurs with FAO Ad hoc Expert Advisory Panel that this proposal meets the criteria in Annex 2 a, paragraph A, and Annex 5 to Resolution Conf. 9.24 (Rev. CoP13).

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 19

***Pterapogon kauderni* – Inclusion in Appendix II.**

Proponent: United States of America

Provisional assessment by the Secretariat

This marine fish is confined to a small part of Indonesia. According to the supporting statement, the population is estimated to be 2.4 million specimens distributed in an area covering approximately 5,500 km², within which the species only occupies a limited range. The species is fragmented into 27 subpopulations which it seems are isolated from one another. Recent surveys have discovered new populations of the species. Species density is said to be greatly reduced by fishing pressure with extinction occurring at one site. The species is in demand for the aquarium trade and according to the supporting statement 700,000-900,000 (around 33 % of the total population) are believed to be removed from the wild population per year for this purpose and extinction is predicted within a decade if this trend continues.

The species appears to qualify for Appendix-II listing under criterion B of Annex 2 a to Resolution Conf. 9.24 (Rev. CoP13).

No look-alike problems are envisaged.

The supporting statement says that the range State of the species "did not express opposition to the submission of this proposal". However, in a later communication copied to the Secretariat, the Indonesian authorities said that they were not able "at the current stage, to provide strong support on the proposed listing", because they expected positive impacts from the current management programme being undertaken in the area.

Comments from Parties and intergovernmental bodies

FAO: the Panel concluded that Banggai cardinalfish did not meet the biological criteria for Appendix II listing.

The information provided in the proposal to support inclusion did not demonstrate a decline to criterion levels for population size. Although one subpopulation has been extirpated there was no evidence of decline in area of occurrence or number of subpopulations to criterion levels. Recent harvest levels are compatible with productivity although there are risk factors.

International trade is the major factor driving exploitation of this species. There would appear to be few complications associated with implementing an Appendix II listing, other than certification required for specimens coming from captive breeding. Short-term socioeconomic impacts of listing could however be significant for local communities.

The Panel is concerned that Appendix II listing will hinder national management effort for this species. The Panel emphasized that existing efforts to strengthen management should be pursued urgently to ensure that rates of exploitation do not exceed sustainable levels. The Panel noted that the Government of Indonesia and concerned NGOs are making efforts to pursue management and captive breeding in cooperation with local communities.

The Panel concluded that Banggai cardinalfish should not be listed on CITES Appendix II.

Recommendation by the Secretariat

It is unclear, and may be doubtful, whether the wild population has declined to levels which meet the criteria for an Appendix-II listing. However for a marine fish, the species has a small wild population size and a restricted area of distribution. Although it reproduces quickly, the species has a fragmented distribution and small, isolated subpopulations, some of which have declined substantially or even become extinct.

The requirement for a non-detriment finding following a CITES listing should support local management of this species which seems to be just getting underway.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 20

***Panulirus argus* and *Panulirus laeviscauda* – Inclusion of the Brazilian populations in Appendix II.**

Proponent: Brazil

Provisional assessment by the Secretariat

According to the supporting statement, these two species have been subject to intense commercial fishing in Brazil for over 40 years. The main rationale for the proposal appears to relate to the overfishing of the species in Brazilian waters, the difficulty of imposing domestic size restrictions on the specimens entering international trade, and the need for importing States to respect Brazil's export policies.

The information contained in the supporting statement is quite superficial and lacks data and references.

The distribution of the two species is described in general terms only, and their range States are not mentioned. It is not clear from the supporting statement whether the species occurs in international waters. The proposal does not contain an estimation of the populations of the two species in Brazil, but expresses their perceived declines in terms of production. Owing to overfishing, the productivity of the two species has declined by 64 % between 1979 and 1993. Information presented on the evolution of the lobster production between 1993 and 2003 suggests however that annual production has usually been higher than the low point in 1993, and appears to stabilize. An increased fishing effort has been noted, particularly in the 1970s, 1980s and 1990s.

The supporting statement expresses international trade in United States dollar value only, which is of limited utility in the context of CITES listings. The supporting statement does not indicate how specimens that enter international trade can be distinguished from specimens of *Panulirus argus* and *P. laeviscauda* originating from other range States of these species, or from other lobster products in international trade.

Overall, it is unclear whether the two species meet the criteria for inclusion in Appendix II.

Comments from Parties and intergovernmental bodies

Cuba: we agree with the assessment of the Secretariat. According to the data provided, it seems that the species do not meet the biological criteria for inclusion in Appendix II. On the other hand, the proposal has the following objectives:

... the [need for] international cooperation as a must in order to warrant pre established measures for the sustainable usage, especially of those related to the minimum sizes for catching of the two species, according to the previously agreed in the Management Plan for the Panulirus argus and P. laeviscauda Lobster 's Sustainability Usage in Brazil.

...

The necessity to reinforce the internal managing measures using the international cooperation is aimed to avoid the clandestine exemplars exit, is lower than the minimum of the allowed catch.

...

The inclusion of the Appendix II of CITES of Brazilian Panulirus argus and P. laeviscauda was a demand by the Management Board of Sustainable Lobsters Usage, with the purpose of prohibit the illegal exportations of the lower than the minimum size lobster and to warrant the Brazilian product quality.

We consider that there is little that Parties can do to assist Brazil in ensuring compliance with its domestic regulations and national legislation.

The inclusion in Appendix II of a geographically separate population of the two lobster species, which have an extensive distribution in the eastern Atlantic and are widely traded internationally (including in Brazil), could create problems in the international market and be difficult to implement, with additional costs that are not evaluated. Consequently we do not agree with the statement in the proposal that "Since the present proposal is restricted to the Brazilian populations, there will not be an impact over the international commerce."

Resolution Conf. 9.24 (Rev. CoP13), Annex 3, recommends that split-listings that place some populations of a species in the Appendices, and the rest outside the Appendices, should normally not be permitted.

FAO: the FAO Ad Hoc Expert Advisory Panel concluded that the available evidence does not support the proposal to include the Brazil populations of *Panulirus argus* and *P. laeviscauda* in CITES Appendix II.

The information provided in the proposal to support inclusion in Appendix II did not demonstrate a decline to threshold levels. More recent data and analyses based on formal stock assessment methods suggest that the *P. argus* population in Brazil has been fluctuating without a long-term trend for at least the past

30 years, albeit at high exploitation levels. Although there is no assessment for *P. laevicauda*, it is highly probable that it is being similarly impacted by the fishery.

The Panel concluded that an appreciable proportion of catch enters international trade. However, an Appendix II listing for Brazil populations of spiny lobster would probably not strengthen conservation as this proportion of the catch could be readily absorbed into national markets or diverted to illegal exports through other range states. Additionally, such action would not impact the marketing of illegal size lobsters in the national market. This coupled with implementation difficulties due to split listing, minimum size difference between the two species and product identification suggest that the proposed listing would be difficult to implement and unlikely to achieve the desired results.

Existing fishery regulations are sufficient to ensure sustainability of this fishery, however strict enforcement of management regulations is lacking.

Recommendation by the Secretariat

It is unclear whether the levels of historical and recent declines of the populations of the two species are such that the guidelines for commercially exploited aquatic species apply as indicated in Annex 5 of Resolution Conf. 9.24 (Rev. CoP13). However, split-listings that place some populations of a species in the Appendices and others outside should normally not be permitted. To address its concern about international trade in specimens of these two species that were obtained in contravention of its national laws, Brazil might consider the inclusion of the taxa in Appendix III.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be rejected.

Proposal 21

***Corallium* spp. – Inclusion in Appendix II.**

Proponent: United States of America

Provisional assessment by the Secretariat

According to the supporting statement, corals of the genus *Corallium* occur widely in tropical, subtropical and temperate waters throughout the world, although their detailed habitat requirements mean that distribution is patchy and localized. Only seven of 26 species comprised in the genus support commercial harvests. Population estimates are provided only for a small selection of sites; trends in populations are demonstrated or inferred from a number of sites from changes in the population structure and declines in harvest volumes. Evidence is presented that the demonstrable trade demand for these species has been met by exhausting stocks in one part of the range of the genus before moving to other unused populations. The supporting statement stresses the vulnerability of the species in the genus occasioned by their life history – longevity, late-maturing and low fecundity. However, in most cases, the survival itself of the exploited populations does not seem to be at risk, even though their population structure may have been altered radically – a change which alters their role in the ecosystem and takes many years to rectify. Such considerations are not well catered for in the criteria for listing in Resolution Conf. 9.24 (Rev. CoP13).

The main demand for these species is for jewellery and art objects. The reported demand for medicinal purposes is not expanded upon in the supporting statement. It might be expected that a significant part of the trade in jewellery will be as tourist souvenirs which may be exempt from controls under the Convention.

Identification of products in trade made from this genus to the species level does not appear possible. However this has long been acknowledged as a situation which exists for coral genera currently listed in the Appendices (see Notification to the Parties No. 2003/020 of 4 April 2003).

Comments from Parties and intergovernmental bodies

Algeria: supports this proposal.

FAO: the Panel concluded that the available evidence did not support the proposal to include all species in the genus *Corallium* in Appendix II of CITES in accordance with Article II paragraph 2(a).

The Panel considered that the catch declines observed did not reflect biomass declines. Taking account of available information, the Panel considered that the trends in available data did not demonstrate an historical extent of decline in *Corallium* spp. to less than 20-30 % of baseline, as specified in the Annex 5 definition of "Decline" for a commercially-exploited aquatic species with low to medium levels of productivity. The available evidence also did not demonstrate a recent rate of decline that would require consideration for listing on Appendix II.

The Panel concluded that, despite a lack of reliable statistics, it seems probable that a substantial fraction of the production of *Corallium* spp. is in international trade and that international trade was an important driver of the harvest of these species.

These long lived species require strong local management to prevent unsustainable harvesting. This is not currently the case across the full range of the species. Appropriate and effective management measures such as rotation of harvesting areas and protected areas, with effective enforcement, should be implemented by all range States to ensure sustainable harvesting of the species.

The Panel considered the difficulty of identifying products in trade and the substantial administrative burden of issuing CITES trade documents and recording for the large number of individual specimens in trade as key issues affecting the effective implementation of CITES regulations for these species.

Recommendation by the Secretariat

The Secretariat notes that the FAO Panel concluded that international trade in *Corallium* spp. is an important driver of the harvest of these species, and that strong local management of harvesting is lacking across the full range of these species. Whilst the species in the genus *Corallium* have not suffered marked population declines large enough to meet the Appendix II listing criteria throughout their range, given the demand for specimens of the species and the history of over harvesting in one area after another, it does not seem unreasonable to conclude that for these populations, in accordance with paragraph B. in Annex 2a to Resolution Conf. 9.24 (Rev. CoP13), regulation of trade in the species is required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences, or that over harvesting for international trade may affect the role of these species in the ecosystems where they occur.

In order to facilitate a more targeted application of the Convention, the Secretariat suggests that the listing could be accompanied by a quantitative limit for personal or household effects, which might be incorporated into Resolution Conf. 13.7.

On the basis of the information available prior to the discussion at CoP14 the Secretariat recommends that the proposal be adopted.

Proposal 22

***Agave arizonica* – Deletion from Appendix I.**

Proponent: United States of America

Provisional assessment by the Secretariat

The proponent of this delisting proposal does not base its arguments on whether or not the species meets the biological criteria in Annex 1 to Resolution Conf. 9.24 (Rev. CoP13), but claims that the taxon is not a valid species.

This species is said to be a first-generation hybrid of recent origin between two other species, neither of which is included in the Appendices. It has never been found away from its parental stock and was last located in 1992. It has not been known to reproduce sexually in the wild and the only reproduction is through vegetative means. The proponent claims that the species is unlikely to maintain a separate genetic identity due to intrinsic biological limitations.

Although it might be considered of interest to the horticultural trade, there is no information to suggest that the species is being collected or traded domestically and there has been no international trade in plants or seeds since the species was included in the CITES Appendices in 1987.

It should be noted that paragraph A. 1 in Annex 4 to Resolution Conf. 9.24 (Rev. CoP13) states that no species listed in Appendix I shall be removed from the Appendices unless it has been first transferred to Appendix II, with monitoring of any impact of trade on the species for at least two intervals between meetings of the Conference of the Parties, although in the circumstances this precautionary approach may not be relevant.

Comments from Parties and intergovernmental bodies

Algeria: this species may not be deleted from Appendix I without having been previously transferred to Appendix II.

Recommendation by the Secretariat

Although Resolution Conf. 11.11 (Rev. CoP13) on Regulation of trade in plants confirms that hybrids are 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, in this case it would appear that this first generation hybrid between two unlisted species is unlikely to maintain a separate genetic identity. The Secretariat consulted the Nomenclature Committee about this proposal but the Committee advised that the issues were beyond the scope of that which they could advise on.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 23

***Nolina interrata* – Transfer from Appendix I to Appendix II, including all parts and derivatives.**

Proponent: United States of America

Provisional assessment by the Secretariat

This species was included in Appendix I in 1983.

The supporting statement does not specifically address compliance with the biological criteria for Appendix-I listing and because of the restricted area of distribution of wild populations, the species might still meet these criteria.

In relation to the precautionary measures in Annex 4 to Resolution Conf. 9.24 (Rev. CoP13), the supporting statement contends that the species is not in demand for international trade, nor is its transfer to Appendix II likely to stimulate trade in, or cause enforcement problems for, any other species included in Appendix I. Evidence presented seems to indicate that this is the case.

Inclusion of the annotation "including all parts and derivatives" is superfluous as Resolution Conf. 9.6 (Rev.) states that all readily recognizable part or derivatives are included unless such part or derivatives are specifically exempted from the provisions of the Convention.

Comments from Parties and intergovernmental bodies

Algeria: this species meets the criteria to be transferred from Appendix I to Appendix II.

Recommendation by the Secretariat

The species does not meet the biological criteria for its continued inclusion in Appendix I, and its transfer to Appendix II will not cause enforcement problems or stimulate trade in other species included in Appendix I. The Secretariat reiterates its opinion that the proposed annotation "including all parts and derivatives" is unnecessary.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 24

***Pereskia* spp. and *Quiabentia* spp. – Deletion from Appendix II.**

Proponent: Argentina

Provisional assessment by the Secretariat

The proposal aims to remove from Appendix II the genera *Pereskia* spp. (17 species) and *Quiabentia* spp. (two species). These two taxa are primitive Cactaceae which have been listed since 1975 when all species of Cactaceae in the Americas were included in Appendix II.

The supporting statement shows that further regulation of trade in the species concerned is not necessary to avoid them becoming eligible for inclusion in Appendix I in the near future, or to prevent that harvest of specimens from the wild might cause threats to wild populations. With a very few exceptions, species in both genera are common, expanding their range in disturbed habitats, and introduced in many parts of the tropics. There is reportedly no targeted harvest for international trade, which CITES trade data show to be insignificant, and it is believed that there is no potential for illegal trade. The two taxa are leaf-bearing and arborescent, and can therefore be readily distinguished from other Cactaceae.

The supporting statement implies that some range States (Bolivia, Brazil and Mexico) were consulted about this proposal, but apart from some remarks by Mexico, it does not include their views on the matter. The Plants Committee agreed to include *Pereskia* spp. in its periodic review of the Appendices at its 15th meeting (Geneva, May 2005), and Argentina and Mexico undertook reviews of some of the species concerned. At its 16th meeting (Lima, July 2006), the Plants Committee encouraged Argentina and Switzerland to submit draft reviews of *Pereskia* spp. and *Quiabentia verticillata* for consideration by the Plants Committee. However, the proponent claims that the *modus operandi* of the periodic review causes problems when widespread higher taxa need to be reviewed, and that its proposal is a more pragmatic way to delete taxa from the Appendices for which listing appears unnecessary. The submission of this proposal therefore pre-empts the conclusions of the Plants Committee.

Comments from Parties and intergovernmental bodies

Algeria: these species are common, can be easily propagated and have been introduced in various regions, they may therefore be deleted from Appendix II.

Recommendation by the Secretariat

The species in the genera *Pereskia* spp. and *Quiabentia* spp. do not meet the criteria set out in Annex 2 a or Annex 2 b of Resolution Conf. 9.24 (Rev. CoP13) for inclusion in Appendix II, and it is unlikely that once deleted, they would qualify for inclusion in the Appendices in the near future.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 25

Pereskia spp. – Deletion from Appendix II.

Proponent: Mexico

Provisional assessment by the Secretariat

See remarks for proposal CoP14 Prop 24.

Comments from Parties and intergovernmental bodies

Algeria: the genus *Pereskia* is common, can be easily propagated and has been introduced in various regions, it may be deleted from Appendix II.

Recommendation by the Secretariat

The species of the genus *Pereskia* do not meet the biological criteria for inclusion in Appendix II. Moreover, this genus is unlikely to qualify for inclusion in the Appendices in the near future.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 26

Cactaceae spp. (#4) and Orchidaceae spp. (#8) in Appendix II, and all taxa annotated with annotation #1 – Merging and amendment of annotations #1, #4 and #8 to read:

"Designates all parts and derivatives, except:

- a) seeds, spores and pollen (including pollinia), except seeds of Mexican Cactaceae spp. originating in Mexico;
- b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
- c) cut flowers and cut leaves (excluding phylloclades and other stem parts, and pseudobulbs) of artificially propagated plants;
- d) fruits and parts and derivatives thereof of naturalized or artificially propagated plants of the genera *Vanilla* (Orchidaceae), *Opuntia* subgenus *Opuntia*, *Hylocereus* and *Selenicereus* (Cactaceae);
- e) separate stem joints (pads), stem sections and flowers and parts and derivatives thereof of naturalized or artificially propagated plants of the genera *Opuntia* subgenus *Opuntia*, and *Selenicereus* (Cactaceae);
- f) finished products that are packaged and ready for retail trade (excluding whole or grafted specimens, seeds, bulbs and other propagules) of *Aloe* spp., *Aquilaria malaccensis*, Cactaceae spp., *Cibotium barometz*, *Cistanche deserticola*, *Cyclamen* spp., *Dionaea muscipula*, *Euphorbia* spp., *Galanthus* spp., Orchidaceae spp. and *Prunus africana*; and
- g) non-living herbarium specimens for non-commercial purposes."

Proponent: Switzerland

Provisional assessment by the Secretariat

It is based upon the work of the Plants Committee (see comments of the Secretariat on proposal CoP14 Prop. 27).

However, the proponent goes further in proposing to modify the annotations to exclude finished products of several medicinal plants, several commodities that are not harvested from natural populations (such as fruits and cut leaves), and non-living scientific samples for non-commercial purposes.

The proposal to consolidate three current annotations into one does help to simplify the plant annotations. The Secretariat considers the exclusion of cut leaves of artificially propagated plants; fruits

and parts and derivatives of naturalized or artificially propagated plants of the genera *Hylocereus* and *Selenicereus* (Cactaceae); and separate stem joints, stem sections and flowers and parts and derivatives of *Selenicereus* to be in accordance with the text of the Convention. Such exclusions should simplify the work of CITES authorities and enforcement officers.

The proposed exclusion of "finished products that are packaged and ready for retail trade" for *Aloe* spp., *Aquilaria malaccensis*, Cactaceae spp., *Cibotium barometz*, *Cistanche deserticola*, *Cyclamen* spp., *Dionaea muscipula*, *Euphorbia* spp., *Galanthus* spp., Orchidaceae spp. and *Prunus africana* should also simplify the work of CITES authorities and enforcement officers.

The Secretariat notes, however, that all species of *Aquilaria* are included in Appendix II, and the proposed amendment would exclude finished products containing *Aquilaria malaccensis*, while finished products of other *Aquilaria* species would not be excluded. This may create confusion instead of reducing it. It is not possible to amend the proposal to exclude finished products of *Aquilaria* spp., as this would increase the scope of the proposal.

The Secretariat also notes that the exclusion of non-living herbarium specimens for non-commercial purposes is not limited to parts and derivatives and as such is contrary to the definition of 'specimen' in Article I of the Convention, namely 'any animal or plant, whether alive or dead'. A simplified procedure already exists for the exchange of herbarium specimens through Article VII, paragraph 6, of the Convention, and this procedure should be used instead of an amendment to the annotations that would conflict with Article I.

As the proposal to merge annotations #1, #4 and #8 (even with the changes suggested by the Secretariat) would have the effect of excluding a greater number of parts and derivatives (and thereby having a less restrictive effect on the trade), it should be decided upon before proposal CoP14 Prop. 27 on the same subject by Switzerland, as Depositary Government, at the request of the Plants Committee. If the present proposal is accepted, then the element of proposal CoP14 Prop. 27 relating to the amendment /merger of annotations #1 and #8 will necessarily be rejected and will not be submitted to decision.

Given the complexity of this matter, it is a pity that the proponent was not able to present a single proposal in conjunction with the Plants Committee.

Comments from Parties and intergovernmental bodies

Algeria: This proposal to regroup the three annotations helps simplifying annotations to plants. The exclusion of cut leaves of artificially propagated plants, of fruits and parts and derivatives of naturalized or artificially propagated plants of the genera *Hylocereus* and *Selenicereus* (Cactaceae), and of separate stem joints, stem sections and flowers and parts and derivatives of *Selenicereus* would be in accordance with the Convention.

The proposed exclusion of finished products that are packaged and ready for retail trade of the species that are mentioned shall simplify the work of CITES authorities and enforcement officers.

However, the exclusion of finished products of *Aquilaria malaccensis* may cause confusion, given that all products derived from *Aquilaria* species are retained in Appendix II. This would increase the scope of the proposal.

The exclusion of non-living herbarium specimens for commercial purposes is not limited to parts and derivatives, therefore it is contrary to the definition of specimen provided in Article I of the Convention. There already exists a procedure to exchange herbarium specimens.

The grouping and amendment of annotations #1, #4 and #8 would result in the exclusion of more parts and derivatives and would therefore have a less restrictive effect on trade.

Algeria rejects this proposal.

Switzerland:

	CoP14 Prop. 26	CoP14 Prop. 27
Proponent	Switzerland	Switzerland at the request of the Plants Committee
Scope	Merging and amendment of annotations #1, #4 and #8 for plants with <i>inter alia</i> medicinal use.	Amendment (and partly merging) of annotations for medicinal plants, involving annotations #1, #2, #3, #7, #8 and #10.
Rationale	Extension of the task of the Plants Committee to "multiple use" plants with <i>inter alia</i> medicinal use (all plants of Appendix II that are in trade for medicinal purposes should be treated the same way); additional exemptions of some frequently traded commodities with no obvious impact on conservation.	Mandates of CoP 12 and CoP13 (Decisions 13.50-13.52) to amend annotations of medicinal plants; annotations shall adequately reflect the current commodities in international trade and their relative impact on the wild populations.

Proposal CoP14 Prop. 26 originates from the discussion within the Working Group of the Plants Committee. As these ideas go beyond the mandate, a separate proposal was drafted by Switzerland. The two proposals are therefore not contradictory but largely complementary. If both should be adopted, this would have slight implications for CoP14 Prop. 27 in a way that the proposed merging of annotations #1 and #8 would have to be replaced by the merging and amendment of annotations # 1, #4 and #8, as proposed in CoP14 Prop. 26; all other elements of CoP14 Prop. 27 would not have to be changed.

Additional problems that are addressed in proposal CoP14 Prop. 26 include:

- Exemption of finished products not only of plant taxa that are exclusively traded for medicinal purposes (proposal CoP14 Prop. 27), but also of taxa with multiple use and non-medicinal use. Life propagules are not considered to constitute finished products and they are not proposed for exemption. Regulation of commodities of plant taxa listed in Appendix II would become more consistent.
- Regarding fruits of Cactaceae spp. listed in Appendix II, the current annotation can be interpreted in two different ways:
 - a) that all fruits of Cactaceae spp. in Appendix II are exempted, but this would render the listing of seeds of Mexican species originating from Mexico ineffective (seeds would be included but whole fruits exempted), and
 - b) that all fruits are included, but this would lead to permitting and control of frequently traded fruits of *Hylocereus* spp. and *Selenicereus* spp., in international trade as 'Pitaya' or 'Dragon Fruits' and presently traded without CITES permits. The proposed amendment clearly and exclusively excludes 'Pitaya' or 'Dragon Fruits' and includes seeds of Mexican cacti.
- Cut leaves from artificial propagation should be treated the same way as cut flowers, making enforcement in commodities for florist shops more consistent. Phylloclades and other potential propagules are outside the scope, thus avoiding creation of a loophole.
- At CoP12 (Santiago, 2002) the United States of America expressed concerns about the limited implementation of the Convention for non-commercial loan, donation or exchange of herbarium specimens (document CoP12 Doc. 56). Herbarium specimens are deemed here to constitute parts and derivatives rather than whole, non-living specimens according to Article I of the Convention, although in certain cases they are prepared from whole individuals. Herbarium specimens for scientific purposes are processed, i.e. for example dried, mounted and labeled and they thus significantly differ from dead specimens.

Unfortunately, an error occurred in proposal CoP14 Prop. 26, as pointed out in the provisional assessment of the Secretariat. In paragraph f) of the proposed annotation, only *Aquilaria malaccensis* is mentioned, although all *Aquilaria* spp. (and *Gyrinops* spp.) are included in Appendix II with annotation #1. This mistake can not be corrected in a way that would exempt finished products of *Aquilaria* spp. (and *Gyrinops* spp.) and this would lead to an inconsistency. However, this can be corrected at CoP15 and thus would only be transitional. Alternatively, to avoid inconsistent regulation of agar trade, *Aquilaria malaccensis* could be deleted from paragraph f). Further, if grafted specimens are considered to constitute whole plants (as pointed out by IWMC), although they lack roots and lower stem parts, these words could be deleted in paragraph f). Switzerland proposes to resolve these and possibly other aspects in a working group.

Recommendation by the Secretariat

The Secretariat recommends that this proposal be amended to remove finished products of *Aquilaria malaccensis* from subparagraph f), and to remove reference to non-living herbarium specimens for non-commercial purposes [subparagraph g)].

If so amended, and on the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 27

Adonis vernalis, *Guaiacum* spp., *Hydrastis canadensis*, *Nardostachys grandiflora*, *Panax ginseng*, *Panax quinquefolius*, *Picrorhiza kurrooa*, *Podophyllum hexandrum*, *Pterocarpus santalinus*, *Rauvolfia serpentina*, *Taxus chinensis*, *T. fuana*, *T. cuspidata*, *T. sumatrana*, *T. wallichiana*, Orchidaceae spp. in Appendix II, and all Appendix-II and -III taxa annotated with annotation #1 – Amendment of the annotations to these taxa to read as follows:

- For *Adonis vernalis*, *Guaiacum* spp., *Nardostachys grandiflora*, *Picrorhiza kurrooa*, *Podophyllum hexandrum*, *Rauvolfia serpentina*, *Taxus chinensis*, *T. fuana*, *T. cuspidata*, *T. sumatrana* and *T. wallichiana*:
 - "Designates all parts and derivatives except:
 - a) seeds and pollen; and
 - b) finished products packaged and ready for retail trade."
- For *Hydrastis canadensis*:
 - "Designates underground parts (i.e. roots, rhizomes): whole, parts and powdered."
- For *Panax ginseng* and *P. quinquefolius*:
 - "Designates whole and sliced roots and parts of roots."
- For *Pterocarpus santalinus*:
 - "Designates logs, wood-chips, powder and extracts."
- For Orchidaceae spp. in Appendix II and all Appendix-II taxa (*Agave victoriae-reginae*, *Aloe* spp., *Anacampseros* spp., *Aquilaria* spp., *Avonia* spp., *Beccariophoenix madagascariensis*, *Bowenia* spp., *Caryocar costaricense*, *Cibotium barometz*, *Cistanche deserticola*, *Cyathea* spp., *Cycadaceae* spp., *Cyclamen* spp., *Dicksonia* spp., *Didiereaceae* spp., *Dionaea muscipula*, *Dioscorea deltoidea*, *Euphorbia* spp., *Fouquieria columnaris*, *Galanthus* spp., *Gonystylus* spp., *Gyrinops* spp., *Hedychium philippinense*, *Lewisia serrata*, *Neodypsis decaryi*, *Nepenthes* spp., *Oreomunnea pterocarpa*, *Orothamnus zeyheri*, *Pachypodium* spp., *Platymiscium pleiostachyum*, *Protea odorata*, *Prunus africana*, *Sarracenia* spp., *Shortia galacifolia*, *Sternbergia* spp., *Swietenia humilis*, *Tillandsia harrisii*, *T. kammii*, *T. kautskyi*, *T. mauryana*, *T. sprengeliana*, *T. sucrei*, *T. xerographica*, *Welwitschia mirabilis*, *Zamiaceae* spp.) and Appendix-III taxa (*Gnetum montanum*, *Magnolia liliifera* var. *obovata*, *Meconopsis regia*, *Podocarpus neriifolius*, *Tetracentron sinense*) annotated with #1:
 - "Designates all parts and derivatives, except:
 - a) seeds, spores and pollen (including pollinia);
 - b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
 - c) cut flowers of artificially propagated plants; and
 - d) fruits and parts and derivatives thereof of artificially propagated plants of the genus *Vanilla*."

Proponent: Switzerland (as Depositary Government, at the request of the Plants Committee)

Provisional assessment by the Secretariat

This proposal is the result of instructions to the Plants Committee under Decisions 13.50 to 13.52. Rather than seeking to increase or decrease controls on trade in these species *per se*, its primary purpose is to adequately reflect the current commodities in international trade, focusing on those that first appear in international trade as exports from range States and on those that dominate the trade. The Secretariat believes that its consideration by the Conference in relation to the provisions of Resolution Conf. 9.24 (Rev. CoP13) should be judged in this light.

The proposal seeks to amend the annotations for a large number of taxa currently using annotations #1, #2, #3, #7, #8 and #10 to better describe the products in trade that are excluded from the provisions of the Convention, by using the term "finished products packaged and ready for retail trade" instead of the currently used "manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery" or "chemical derivatives and finished pharmaceutical products", and the term "powder and extracts" instead of "unprocessed broken material". The proposed amended annotations would mean that current annotation #1 would be combined with annotation #8; annotation #2 would become redundant as the term "chemical derivatives and finished pharmaceutical products" would be replaced with "finished products packaged and ready for retail trade" in a revised annotation #10; annotation #3 would be split into two new annotations and the revised #10; and in annotation #7 the term "unprocessed broken material: would be replaced by "powder and extracts".

This proposal represents the consensus of much work by the Plants Committee, to which the Secretariat has contributed, in response to the Decisions mentioned above.

Comments from Parties and intergovernmental bodies

Algeria: the proposal provides a better description of the products in trade that are exempted from the provisions of the Convention by using the expression "finished products packaged and ready for retail trade".

Switzerland: see comments under proposal 26 above.

Recommendation by the Secretariat

The Secretariat notes that if Proposal 26 is adopted, then this necessarily implies the rejection of the elements of Proposal 27 related to current annotations #1 and # 8 which will not be submitted to decision in accordance with Rule 23.6 of the Rules of Procedure.

The Secretariat points out that the species *Beccariophoenix madagascariensis* does not currently have the annotation #1 and the proponent should therefore clarify if its inclusion in the proposal is an error or if it is proposed that in future this species should be annotated in the way suggested. Additionally it should be noted that amendments to annotations for species included in Appendix-III can only be made by the Party requesting the inclusion of the species in that Appendix and not by the Conference of the Parties. Consequently that part of this proposal relating to Appendix-III species cannot be adopted by the Conference.

However, those parts of Proposal 27 related to the application of annotations #2, #3, #7 or #10 for *Adonis vernalis*, *Guaiacum* spp., *Hydrastis canadensis*, *Nardostachys grandiflora*, *Panax ginseng*, *P. quinquefolius*, *Picrorhiza kurrooa*, *Podophyllum hexandrum*, *Pterocarpus santalinus*, *Rauvolfia serpentina*, *Taxus chinensis*, *T. fuana*, *T. cuspidata*, *T. sumatrana* and *T. wallachiana* still need to be considered and are a helpful clarification of the application of the Convention to the taxa concerned. On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that these be adopted.

Proposal 28

Shortia galacifolia – Deletion from Appendix II.

Proponent: United States of America

Provisional assessment by the Secretariat

At the 11th meeting of the Conference of the Parties the delegation of Switzerland withdrew proposal Prop. 11.9, to delete *Shortia galacifolia* from Appendix II, noting that further data would be gathered by the United States of America as a continuing part of the review of the Appendices by the Plants Committee. It does not appear however that further action was taken by the Plants Committee.

Although the species has a naturally limited range, the supporting statement describes its status as abundant where it does occur and says that international trade is not a factor affecting its status.

The present proposal appears to demonstrate that *Shortia galacifolia* does not meet the biological criteria to be included in Appendix II. The proposal is complete and provides detailed information on the current conservation and commercial status of these species. Most of the trade in this species is believed to be horticultural and no international trade has been recorded in the CITES trade database.

Comments from Parties and intergovernmental bodies

Algeria: does not meet the biological criteria for inclusion in Appendix II. Its deletion from Appendix II causes no problem.

Recommendation by the Secretariat

Shortia galacifolia does not meet the biological criteria for inclusion in Appendix II defined in Resolution Conf. 9.24 (Rev. CoP13), Annex 2. Moreover, this species is unlikely to qualify for inclusion in the Appendices in the near future.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 29

Euphorbia spp. included in Appendix II – Amendment of the annotation to *Euphorbia* spp. included in Appendix II to read as follows:

"Succulent, non pencil-stemmed, non-coralliform, non-candelabriform species only, with shapes and dimensions as indicated, except the species included in Appendix I:

- a) pencil-stemmed succulent *Euphorbia* spp.: whole plants with spineless, erect stems of up to 1 cm diameter and a length of more than 25 cm, unbranched or predominantly branching from near the base, leafless or with small leaves;
- b) coralliform succulent *Euphorbia* spp.: whole plants with spineless, multiply branched, occasionally sharply pointed stems with a diameter of up to 3 cm and more than 50 cm length, leafless or with inconspicuous or ephemeral leaves; and
- c) candelabriform succulent *Euphorbia* spp.: whole plants with angled or winged stems and paired spines, confined to the edges, at least 3 cm diameter and more than 50 cm length, unbranched or branching."

Proponent: Switzerland

Provisional assessment by the Secretariat

The listing of *Euphorbia* spp. in Appendix II includes succulent species only, though the term 'succulent' has not been defined in the context of this group. The *CITES Checklist of Succulent Euphorbia Taxa (Euphorbiaceae)* was established as the reference of names included in this listing. The listing includes

approximately 900 species regarded as succulents. Non-succulent *Euphorbia* spp. were excluded in 1997. Several artificially-propagated cultivars were excluded at CoP13.

The proponent is proposing to reduce the number of succulent *Euphorbia* spp. species included in Appendix II by refining the morphological definition of the term 'succulent' on the basis of growth forms and minimum dimensions in a way that excludes from the provisions of the Convention species in which trade is of no conservation concern. The minimum size requirement is required in order to ensure that seedlings and young specimens of species that require control are not falsely declared as species whose forms would be excluded.

It is not clear whether the elements of the annotation referring to excluded cultivars would remain part of the annotation (Artificially propagated specimens of cultivars of *Euphorbia trigona*, artificially propagated specimens of crested, fan-shaped or colour mutants of *Euphorbia lactea*, when grafted on artificially propagated root stock of *Euphorbia neriiifolia*, and artificially propagated specimens of cultivars of *Euphorbia* 'Milii' when they are traded in shipments of 100 or more plants and readily recognizable as artificially propagated specimens, are not subject to the provisions of the Convention).

The precedent has been made with respect to the inclusion of *Euphorbia* species on the basis of whether they are regarded as 'succulent' or not. However the proposal describes morphological characteristics (pencil-stemmed, coralliform and candelabriform) which would exclude succulent forms above certain dimensions in which trade does not need to be regulated. The minimum size restriction would have the effect of excluding whole specimens of species whose dimensions exceed the proposed minimums, which is contrary to the definition of 'specimen' in Article I.

The Secretariat agrees that a reduction in the number of *Euphorbia* species included in Appendix II would reduce the work of CITES authorities, Customs and enforcement agencies in ways that would allow resources to be better utilized for species in need of regulation. However, the approach proposed by the proponent is not in accordance with the text of the Convention.

Comments from Parties and intergovernmental bodies

Algeria: the proposal to amend the annotation to *Euphorbia* species included in Appendix II seems to us to be contrary to the text of the Convention.

Switzerland: as pointed out in the provisional assessment of the Secretariat, this proposal contains an element that is in contradiction with Article I of the Convention. A minimum size restriction, as proposed, would have the effect of excluding whole specimens of listed species. In order to meet formal requirements, indications of minimum dimensions have to be replaced; deleting them would lead to an expansion of the scope and is therefore not an option. We think that length/diameter relations are appropriate, as they may be considered to constitute a purely morphological criterion, just the same as "succulent", "pencil-stemmed", "coralliform" and "candelabriform". They cover all specimens of a species that is known to science to attain the given length/diameter relation. Switzerland therefore intends to amend the proposal as follows:

"Succulent, non pencil-stemmed, non-coralliform, non-candelabriform species only, with shapes ~~and dimensions~~ as indicated, except the species included in Appendix I:

- a) pencil-stemmed succulent *Euphorbia* spp.: whole plants with spineless, erect stems **that attain a length/diameter relation of 25:1 up to 1 cm diameter and a length of more than 25 cm**, unbranched or predominantly branching from near the base, leafless or with small leaves;
- b) coralliform succulent *Euphorbia* spp.: whole plants with spineless, multiply branched, occasionally sharply pointed stems **that attain a length/diameter relation of 17:1 with a diameter of up to 3 cm and more than 50 cm length**, leafless or with inconspicuous or ephemeral leaves; and
- c) candelabriform succulent *Euphorbia* spp.: whole plants with angled or winged stems **that attain a length/diameter relation of 17:1**, unbranched or branching, **with paired spines, confined to the edges, at least 3 cm diameter and more than 50 cm length,**."

If this proposal is adopted, we suggest for practical reasons that the CITES Checklist is adapted by excluding taxa that meet the proposed criteria for exemption. This has to be done the same way like the elimination of non-succulent species from *Euphorbia* spp., preferably under the supervision of the Plants Committee. We further would like to clarify that it is our intention that the elements of the current annotation referring to excluded cultivars shall remain in place. Redundant elements could be identified after the revised edition of the Checklist is available and appropriate action taken by the Plants Committee.

Recommendation by the Secretariat

The Secretariat does not believe that the amendment suggested by the proponent resolves the problem of excluding whole specimens, which is not in accordance with the Convention.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be rejected, and that the matter be further discussed in the Plants Committee.

Proposal 30

***Caesalpinia echinata* – Inclusion in Appendix II, including all parts and derivatives.**

Proponent: Brazil

Provisional assessment by the Secretariat

The proponent contends that *Caesalpinia echinata* meets the biological criteria for inclusion in Appendix II under both paragraphs A and B of Annex 2 a to Resolution Conf. 9.24 (Rev. CoP13).

Much of the information presented is rather dated but Brazil states that it is working to obtain more recent information. Information on biological status in the State of Rio de Janeiro is provided and it is explained that population monitoring will be undertaken once accurate information on the inventories that are currently being carried out in the State of Bahia have been concluded. Brazil also states that it has taken some measures to ensure more responsible management of and sustainable trade in this species and that regulation of its trade through an Appendix-II listing would support efforts undertaken by the national authorities. Brazil is not currently allowing the use of *C. echinata* other than in exceptional circumstances.

C. echinata could meet criteria A of Annex 2 a to Resolution Conf. 9.24 (Rev. CoP13): regulation of trade in this species is necessary to avoid it becoming eligible for inclusion in Appendix I in the near future.

The proponent states that this endemic taxon is not similar to any other species so identification should not be a problem for enforcement officers.

Inclusion of the annotation 'including all parts and derivatives' is superfluous as Resolution Conf. 9.6 (Rev.) states that all readily recognizable part or derivatives are included unless such part or derivatives are specifically exempted from the provisions of the Convention. However, it should be noted that the inclusion of all parts and derivatives in this proposal may mean that international trade in many musical instruments and other items which were made from timber removed from the wild some time ago could be subject to CITES documentation.

Paragraph a) of Resolution Conf. 10.13 (Rev. CoP13) on Implementation of the Convention for timber species also recommends that proponents of amendment proposals for timber species consult at least four different international organizations from the list included in that Resolution. There is no indication in the supporting statement that such consultation has taken place.

Comments from Parties and intergovernmental bodies

Algeria: the proposal to include *Caesalpinia echinata* in Appendix II, including all parts and derivatives, is unnecessary. This proposal could mean that international trade in numerous music instruments and other items made from timber harvested in the wild a long time ago would require a CITES permit.

Switzerland: a number of timber species are proposed for inclusion in Appendix II. The proposal of Brazil to include *Caesalpinia echinata* (CoP14 Prop. 30) explicitly refers to all parts and derivatives. The remaining proposals don't refer to parts and derivatives. Germany, on behalf of the European Community, proposes inclusion of the genus *Cedrela* (*Cedrela* spp.) (CoP14 Prop. 33) and three species of *Dalbergia* (CoP14 Prop. 31 and 32) for inclusion in Appendix II.

Following the text of the Convention [Article I, paragraph (b) (iii)] inclusion of a plant species in Appendix II covers 'any readily recognizable part or derivative thereof specified in Appendix II in relation to the species'. Resolution Conf. 9.6 (Rev.) gives an interpretation of 'readily recognizable part or derivative'. This shall be interpreted to include any specimen that can be identified, based on accompanying information, to be derived from a plant species included in the Appendices, unless the specimen is specifically exempted from the provisions of the Convention. This leaves us with the interpretation of 'specified in Appendix II in relation to the species'. Traditionally this was interpreted as signifying: Specified in an annotation. Consequently, if there is no annotation, the listing would cover 'any plant, whether alive or dead', but no parts and derivatives. At the moment, guidelines other than Article I of the Convention, and some rather anecdotal historical background, are lacking. The United States of America now present a working document (CoP14 Doc. 67, based on document PC15 Doc. 18.1), which aims at clarifying the situation by amending Resolution Conf. 11.21 (Rev. CoP13). Adoption would lead to the only interpretation that no annotation means any readily recognizable part or derivative. This initiative is most welcome. However, it comes too late for the proposals discussed here and will be applicable only for proposals of CoP15, if adopted.

It will be the decision of this CoP, whether a listing of a plant taxon in Appendix II without an annotation that specifies parts and derivatives shall be interpreted to include any readily recognizable part or derivative thereof. CoP13 already decided this way in the case of CoP13 Prop. 49. If CoP14 should still adopt this view, it would be useful to amend the proposals, i.e. to annotate these listings; they preferably should not include *all* parts and derivatives. Parts and derivatives should preferably only be included as adequate. The Plants Committee has adopted guiding principles and made considerable efforts to improve the situation for annotations of medicinal plants (Decisions 13.50 - 52, CoP14 Prop. 27). Accordingly, listings of timber species in Appendix II should also be annotated in a way that the current commodities in international trade and their relative impact on the wild populations in range States are adequately reflected. Unnecessarily stricter, untargeted measures, i.e. including parts and derivatives with no significant impact on conservation, should be avoided in order not to frustrate this ongoing initiative.

Management of this exclusively Brazilian timber species is in progress, partly with support of an initiative involving national stakeholders as well as bows manufacturers in many countries, and appropriate legislation is in place. Plantations are developed in order to substitute harvest from the wild in the future. It can be hoped that all this will contribute significantly to the conservation of this species. Brazil now proposes to monitor and control international trade in all parts and derivatives. This however seems rather impractical and not quite proportionate to the intention to sustainably use this timber. Along with the guiding principles approved by the Plants Committee and CoP13 for medicinal plants (Decisions 13.50 - 13.52), a listing of this timber species, if adopted, should be annotated in a way that it is restricted to commodities that first appear in international trade as exports from Brazil and dominate the trade and the demand for the wild resource. Specifically finished bows, or finished products in general, should be exempted from CITES.

Recommendation by the Secretariat

C. echinata meets criterion A of Annex 2 a to Resolution Conf. 9.24 (Rev. CoP13), i.e. regulation of trade in this species is necessary to avoid it becoming eligible for inclusion in Appendix I in the near future.

In order to facilitate a more targeted application of the Convention, the Secretariat recommends that any listing be restricted to logs, sawn wood and veneer sheets (annotation #5) rather than include all parts and derivatives.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 31

Dalbergia retusa and *Dalbergia granadillo* – Inclusion in Appendix II.

Proponent: Germany (on behalf of the European Community Member States acting in the interest of the European Community)

Provisional assessment by the Secretariat

The proponent contends that *Dalbergia retusa* meets the criteria for inclusion in Appendix II under paragraph B in Annex 2 a to Resolution Conf. 9.24 (Rev. CoP13): it is known, or can be inferred or projected, that regulation of trade in the species is required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences and that *Dalbergia granadillo* needs to be included as a look-alike for the first mentioned species.

Both species have been recorded widely from Central America. Little specific information on the status of *Dalbergia retusa* is given but large scale declines in populations are inferred from loss of forest cover in the region and the absence of the timber from international trade. Areas where the species was formerly widespread and cut for timber are now exhausted. The species is rated 'vulnerable' in the IUCN Red List.

The species are used for the production of musical instruments and other artefacts. The wood of the two species is indistinguishable and traded under the same name 'cocobolo'.

Comments from range States are said to be included in the supporting statement, but their views on the merits of the proposal are not clear.

Paragraph a) of Resolution Conf. 10.13 (Rev. CoP13) on Implementation of the Convention for timber species also recommends that proponents of amendment proposals for timber species consult at least four different international organizations from the list included in that Resolution. There is no indication in the supporting statement that such consultation has taken place.

Comments from Parties and intergovernmental bodies

Algeria: can be included in Appendix II.

Switzerland: see also comments under proposal 30 above concerning parts and derivatives.

Both proposals raise a number of questions. *Dalbergia* is a large genus (100-600 spp.) and is distributed in Africa, Asia and America. The use of various *Dalbergia* spp. is generally similar and trade in timber is partly of conservation concern. Some species are used more significantly and regularly found in international trade, e.g. *D. melanoxylon* (African blackwood, Grenadillo), *D. latifolia* (East Indian Rosewood), *D. bariensis* (Siam Rosewood) and others. *D. nigra* (Bahia Rosewood) from Brazil was included in Appendix I in 1992 (CoP8), *D. melanoxylon* was proposed for inclusion in Appendix II in 1994 (CoP9). The new proposals only partly address identification problems with *Dalbergia* timber (proposing inclusion of *D. granadillo* as a look-alike of *D. retusa*). Opinions of range States or their support of the proposals are not clear and data on populations, stocks, conservation status, harvest from natural populations, the impact of international trade, etc. are partly only inferred or rather anecdotal. Further, CITES acknowledges a limited effect of the control of certain tourist souvenirs that are targeted with the proposals, by allowing an increasing number of exemptions for non-living Appendix II-specimens, e.g. for rain sticks, caviar, seahorses, crocodile leather and other specimens (Resolution Conf. 13.7). The proposal is not in line with this tendency. It is stated that *D. retusa* is protected in Costa Rica and export of *D. stevensonii* has some restrictions in Belize, but still it is not fully clear how harvest and export are regulated in range States. For these aspects, it is not quite clear to what an extent a listing in Appendix II could have a positive effect.

Recommendation by the Secretariat

Dalbergia retusa meets criterion A of Annex 2 a to Resolution Conf. 9.24 (Rev. CoP13): regulation of trade in this species is necessary to avoid it becoming eligible for inclusion in Appendix I in the near future. If the Conference of the Parties decides to list *D. retusa* in Appendix II, *Dalbergia granadillo* needs to be listed in the same Appendix because of look-alike reasons.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 32

***Dalbergia stevensonii* – Inclusion in Appendix II.**

Proponent: Germany (on behalf of the European Community Member States acting in the interest of the European Community)

Provisional assessment by the Secretariat

This species has a limited distribution in Belize and in neighbouring Guatemala, Mexico and possibly Honduras. Biological information about the species is scarce. The species is apparently confined to seasonally or permanently water-logged tropical evergreen broadleaf lowland swamp habitat, but there is no indication of the extent of such habitat in the range area.

Referenced information on the status of the species is contradictory: "all accessible stands" [of the genus] "having long since been logged out" or "reported to occur in fairly large patches within its habitat". Specific indications of the scarcity of the species come mainly from trade sources that may be tempted to describe the species as rare in order to increase the price of their products. The unfavourable status of the species is inferred from overall changes in forest cover which in the range States concerned have declined by -1.1 to -2.3% per year according to recent references.

The supporting statement shows a clear demand for this species for making musical instruments and a variety of other small wooden items, however the scale of this trade is difficult to assess.

The supporting statement says that the species can be confused with *D. tilarana*, but does not indicate how the two species can be told apart or whether this similarity might present any practical problems if *D. stevensonii* were included in Appendix II.

CITES authorities in the range States are said to have been consulted but their opinions are not reported. Paragraph a) of Resolution Conf. 10.13 (Rev. CoP13) on Implementation of the Convention for timber species also recommends that proponents of amendment proposals for timber species consult at least four different international organizations from the list included in that Resolution. There is no indication in the supporting statement that such consultation has taken place.

Comments from Parties and intergovernmental bodies

Algeria: can be included in Appendix II.

Switzerland: see comments under proposal 30 above concerning parts and derivatives and comments on proposal 32 above.

Recommendation by the Secretariat

Insufficient information is available to demonstrate that the listing criteria for inclusion in Appendix II have been met.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be rejected.

Proposal 33

Cedrela spp. – Inclusion in Appendix II.

Proponent: Germany (on behalf of the European Community Member States acting in the interest of the European Community)

Provisional assessment by the Secretariat

The populations of Colombia and Peru of *Cedrela odorata* were included in Appendix III in 2001 by Colombia and Peru respectively. These listings were subject to annotation #5, "Designates logs, sawn wood and veneer sheets". The current proposal does not include an annotation and therefore all specimens of *Cedrela* spp. would be included in Appendix II if it were adopted.

Cedrela spp. are trees from the neotropics which are harvested and traded mainly for their valuable timber. The supporting statement provides comprehensive information on *Cedrela odorata* only. The exact number of species in the genus is not entirely clear, nor is it indicated which species other than *C. odorata* appear in international trade.

The supporting statement shows that excessive selective logging of *C. odorata* in combination with habitat loss is now threatening certain populations of this species. International trade in timber appears significant, but the extent of trade in parts and derivatives is unclear. Plantations of *C. odorata* have been established both within and outside the native range of the species.

The supporting statement shows that *Cedrela odorata* meets the criteria for inclusion in Appendix II because the regulation of its international trade is necessary to prevent it from becoming eligible for inclusion in Appendix I in the near future. The other species of *Cedrela*, mentioned in an Annex to the proposal, are proposed to be included for look-alike reasons.

Paragraph a) of Resolution Conf. 10.13 (Rev. CoP13) on Implementation of the Convention for timber species also recommends that proponents of amendment proposals for timber species consult at least four different international organizations from the list included in that Resolution. There is no indication in the supporting statement that such consultation has taken place.

Comments from Parties and intergovernmental bodies

Algeria: this species meets the criteria for inclusion in Appendix II.

Cuba: *Cedrela odorata* is not considered a threatened species in Cuba. The species is widely cultivated and there exist forest management and sustainable-use plans. The wood is used locally to make furniture, handcraft items, doors and window frames, and also for boxes in the tobacco industry (pure Havana), in the latter case for both domestic and international trade. Cuba is self-sufficient with regard to this species even though it has imported small quantities.

Cuba produces more than a million tobacco (Havana) boxes annually. The boxes are exclusively made from cedar wood and some companies, particularly those that package the cigars in individual aluminium containers, cover each cigar in a thin layer of cedar in order to keep its aroma and qualities. This would mean the control of million of specimens annually, an effort we do not consider justified.

Switzerland: see also comments under proposal 30 above concerning parts and derivatives.

The proposal indicates that production outside the natural range is of no importance. If supply of the international trade with such timber (from the Paleotropics) would be significant, which is not quite clear from the provided data, then it should be considered to restrict the listing to 'Populations of the Neotropics', as for *Swietenia macrophylla*. An annotation should restrict the scope of such a listing to relevant parts and derivatives. It would be helpful to better know the position of range States and their national regulations of harvest and export.

Recommendation by the Secretariat

Cedrela odorata meets the criteria for inclusion in Appendix II defined in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP13). The remaining species of the genus *Cedrela* meet the criteria contained in Annex 2 b of that Resolution for inclusion in Appendix II.

In order to facilitate a more targeted application of the Convention, the Secretariat recommends that any listing be restricted to logs, sawn wood, veneer sheets and plywood (annotation #6) rather than include all parts and derivatives.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 34

Orchidaceae spp. included in Appendix II – Amendment of the annotation to Orchidaceae spp. included in Appendix II to read as follows:

"Artificially propagated hybrids of the following genera are not subject to the provisions of the Convention, if conditions, as indicated in paragraphs a) and b) below, are met: *Cymbidium*, *Dendrobium*, *Miltonia*, *Odontoglossum*, *Oncidium*, *Phalaenopsis* and *Vanda*:

- a) Specimens are readily recognizable as artificially propagated and do not show any signs of having been collected in the wild such as mechanical damage or strong dehydration resulting from collection, irregular growth and heterogeneous size and shape within a taxon and shipment, algae or other epiphyllous organisms adhering to leaves, or damage by insects or other pest; and
- b)
 - i) when shipped in non flowering state, the specimens must be traded in shipments consisting of individual containers (such as cartons, boxes, crates or individual shelves of CC-containers) each containing 20 or more plants of the same hybrid; the plants within each container must exhibit a high degree of uniformity and healthiness; and the shipment must be accompanied by documentation, such as an invoice, which clearly states the number of plants of each hybrid; or
 - ii) when shipped in flowering state, with at least one fully open flower per specimen, no minimum number of specimens per shipment is required but specimens must be professionally processed for commercial retail sale, e.g. labelled with printed labels or packaged with printed packages indicating the name of the hybrid and the country of final processing. This should be clearly visible and allow easy verification.

Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents."

Proponent: Switzerland

Provisional assessment by the Secretariat

This proposal seeks to simplify the annotation for Orchidaceae spp. included in Appendix II.

It is the same as that submitted by Switzerland, as Depositary Government, at the request of the Plants Committee (see provisional assessment of proposal CoP14 Prop. 35) with the exception that it proposes to extend the new annotation provisions to hybrids of the genera *Miltonia*, *Odontoglossum* and *Oncidium*.

When a similar suggestion was made at CoP13, some range States of these additional genera were not in favour of extending the exemption because they believed that this would create enforcement problems. In this context it does not appear from the supporting statement that the proponent has consulted the affected range States in accordance with Resolution Conf. 8.21.

Comments from Parties and intergovernmental bodies

Algeria: the proposal to amend the annotation to Orchidaceae species included in Appendix II is not acceptable.

Switzerland:

	CoP14 Prop. 34	CoP14 Prop. 35
Proponent	Switzerland	Switzerland at the request of the Plants Committee
Scope	Amendment of the annotation to Orchidaceae spp. included in Appendix II and exemption of additional hybrids.	Amendment of the annotation to Orchidaceae spp. included in Appendix II.
Rationale	a) simplifying the wording, and b) implementation of the recommendations of the Working Group of PC16, i.e. adding hybrids of the genera <i>Miltonia</i> , <i>Odontoglossum</i> and <i>Oncidium</i> .	Mandate to simplify the wording.

At PC16 it was decided that a proposal shall be submitted to CoP14. Switzerland submits proposals that come out of the Committees for formal reasons. However, Switzerland did not receive any proposal from the Plants Committee for submission, even after having made the Committee aware of this. In the absence of a mandate to draft a proposal for the Plants Committee, Switzerland drafted an independent proposal that considers the recommendations of the Working Group at PC16 as well as the outcome of the monitoring of the impact of the exemptions for artificially propagated orchid hybrids that were adopted at CoP13. This proposal goes beyond the decision of PC16 by proposing hybrids of 3 additional genera that are frequently traded. Only after submission of this proposal, the PC asked whether Switzerland could draft a proposal that reflects the decision of PC16. Switzerland drafted and submitted such a proposal and this led to two very similar proposals on the issue of artificially propagated orchid hybrids. In its provisional assessment, the Secretariat pointed out that range States of the genera concerned in CoP14 Prop. 34 have not been consulted. However, this is in line with previous practice. There was no formal consultation in earlier proposals for exemption of artificially propagated orchid hybrids, as they were considered to constitute non-natural entities, different from their wild ancestors (proposals CoP12 Prop. 51, CoP13 Prop. 40-42). We understand that certain range States of orchids have concerns and we hope that these concerns can be addressed at the CoP.

Recommendation by the Secretariat

On the basis of the information available prior to the discussions at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 35

Orchidaceae spp. included in Appendix II – Amendment of the annotation to Orchidaceae spp. included in Appendix II to read as follows:

"Artificially propagated hybrids of the following genera are not subject to the provisions of the Convention, if conditions, as indicated under a) and b), are met: *Cymbidium*, *Dendrobium*, *Phalaenopsis* and *Vanda*:

- a) Specimens are readily recognizable as artificially propagated and do not show any signs of having been collected in the wild such as mechanical damage or strong dehydration resulting from collection, irregular growth and heterogeneous size and shape within a taxon and shipment, algae or other epiphyllous organisms adhering to leaves, or damage by insects or other pest; and
- b) i) when shipped in non flowering state, the specimens must be traded in shipments consisting of individual containers (such as cartons, boxes, crates or individual shelves of CC-containers) each containing 20 or more plants of the same hybrid; the plants within each container must exhibit a high degree of uniformity and healthiness; and the shipment must

- be accompanied by documentation, such as an invoice, which clearly states the number of plants of each hybrid; or
- ii) when shipped in flowering state, with at least one fully open flower per specimen, no minimum number of specimens per shipment is required but specimens must be professionally processed for commercial retail sale, e.g. labelled with printed labels or packaged with printed packages indicating the name of the hybrid and the country of final processing. This should be clearly visible and allow easy verification.

Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents."

Proponent: Switzerland (as Depositary Government, at the request of the Plants Committee)

Provisional assessment by the Secretariat

This proposal is the result of instructions to the Plants Committee under Decision 13.99. Rather than seeking to increase or decrease controls on trade in these species *per se*, its primary purpose is to clarify the annotations applicable to species in the family Orchidaceae to make them easier to implement. The Secretariat believes that its consideration by the Conference in relation to the provisions of Resolution Conf. 9.24 (Rev. CoP13) should be judged in this light.

The current annotation for Orchidaceae (in footnote 8 of the Appendices) concerns artificially propagated hybrids of the genera *Cymbidium*, *Dendrobium*, *Phalaenopsis* and *Vanda*. As a result of adopting two slightly different annotations at CoP13 on the same subject, hybrids within the genus *Dendrobium* are excluded if traded in containers of 20 or more specimens, irrespective of whether the plants are flowering or not; or excluded for hybrids within the genus known in horticulture as "Nobile" and "Phalaenopsis" types if in quantities of less than 20 specimens and flowering. Hybrids of *Dendrobium* with other genera are excluded if in containers of 20 or more specimens, irrespective of whether the plants are flowering or not; the exclusion for flowering specimens in quantities of less than 20 does not apply to intergeneric hybrids of *Dendrobium*.

The current annotation for hybrids of *Cymbidium*, *Dendrobium*, *Phalaenopsis* and *Vanda* in quantities of 20 or more plants within each container requires the plants to be "readily recognized as artificially propagated specimens by exhibiting a high degree of uniformity and healthiness". The same annotation for interspecific hybrids within the genus and intergeneric hybrids of *Cymbidium*, *Phalaenopsis* and *Vanda*, and interspecific hybrids within the genus *Dendrobium* known in horticulture as "nobile-types" and "phalaenopsis-types", requires that they be readily recognizable as artificially propagated specimens "by exhibiting a high degree of cleanliness, undamaged inflorescences, intact root systems and a general absence of damage or injury that could be attributable to plants originating in the wild", and that the plants "not exhibit characteristics of wild origin, such as damage by insects or other animals, fungi or algae adhering to leaves, or mechanical damage to inflorescences, roots, leaves or other parts resulting from collection".

The current annotations are clearly extremely complex and difficult to implement.

The proponent is proposing to simplify the annotation for artificially propagated hybrids of *Cymbidium*, *Dendrobium*, *Phalaenopsis* and *Vanda* (without distinguishing whether intraspecific or intergeneric hybrids), by excluding non-flowering plants if traded in shipments of individual containers containing 20 or more plants of the same hybrid, and excluding flowering plants professionally processed for commercial retail trade.

The proposed amendment redrafts the visual criteria for being readily recognizable as artificially propagated as plants that "do not show any signs of having been collected in the wild such as mechanical damage or strong dehydration resulting from collection, irregular growth and heterogeneous size and shape within a taxon and shipment, algae or other epiphyllous organisms adhering to leaves, or damage by insects or other pest". These new criteria are more detailed than those included in the current annotation.

The Secretariat agrees that the proposed amendment to the annotation does eliminate the inconsistent application of the annotation for hybrids of the genus *Dendrobium*, and provides a more consistent description of visual characteristics of artificially propagated plants.

Comments from Parties and intergovernmental bodies

Algeria: this proposal is acceptable.

Switzerland: see comments under proposal 34 above.

Recommendation by the Secretariat

If proposal CoP14 Prop. 34 is adopted, then this necessarily implies the rejection of Prop. 35 which will not be submitted to decision in accordance with Rule 23, paragraph 6, of the Rules of Procedure.

However, should proposal CoP14 Prop. 34 be withdrawn or rejected, the Secretariat recommends that proposal CoP14 Prop. 35 be adopted.

Proposal 36

Taxus cuspidata – Amendment of the listing in Appendix II by:

1. Deleting the phrase "and infraspecific taxa of this species"; and
2. Annotating to read as follows:
"Specimens of hybrids and cultivars are not subject to the provisions of the Convention."

Proponent: United States of America

Provisional assessment by the Secretariat

The proponent seeks to exclude hybrids and cultivars of *Taxus cuspidata* which occur almost exclusively as artificially propagated specimens. It proposes a complete exclusion of these, and not just those "in pots or other small containers, each consignment being accompanied by a label or document stating the name of the taxon or taxa and the text 'artificially propagated'", as proposed in proposal CoP14 Prop. 37. Consequently this proposal has the least restrictive effect on the trade and should be decided upon first. If it is accepted, then proposal CoP14 Prop. 37 as it applies to *T. cuspidata* would be rejected.

Comments from Parties and intergovernmental bodies

Algeria: rejects this proposal.

Switzerland:

	CoP14 Prop. 36	CoP14 Prop. 37
Proponent	United States of America	Switzerland at the request of the Standing Committee.
Scope	Amendment of the listing of <i>Taxus cuspidata</i> in Appendix II in order to exclude hybrids and cultivars and their parts and derivatives.	a) Eliminating the exclusion of whole specimens of listed taxa, which is in contradiction with Article I of the Convention; and b) exemption of whole live, artificially propagated plants of hybrids and cultivars of <i>Taxus cuspidata</i> .
Rationale	Cultivars of <i>Taxus cuspidata</i> , originating from horticulture, are frequently observed in international trade. Further, <i>T. x media</i> , an artificial hybrid involving <i>T. cuspidata</i> and <i>T. baccata</i> , is widely traded for horticulture, and its parts and derivatives for medicinal purposes. These commodities are of no conservation concern and can be exempted.	Mandate to bring the listings of <i>Taxus</i> spp. in line with the text of the Convention.

An amendment of the current annotation to the various *Taxus* spp. in Appendix II is imperative in order to bring it in line with the text of the Convention. Proposal CoP14 Prop. 36 has the advantage of additionally exempting parts and derivatives of hybrids and cultivars of *T. cuspidata*. Enforcement faces the challenge of a split listing within *Taxus* spp., as only certain Asian species are listed. If certain hybrids and cultivars with their parts and derivatives are additionally exempted, this doesn't constitute a new element. Biomass of *T. x media* originating from plantations is commonly found in international trade and inclusion in CITES - as a hybrid of *T. cuspidata* - has caused some confusion, was not intended and is not well justified.

Recommendation by the Secretariat

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that this proposal be adopted.

Proposal 37

Taxus chinensis, T. cuspidata, T. fuana and T. sumatrana

A. Deletion of the annotation to *Taxus chinensis, Taxus fuana* and *Taxus sumatrana* in Appendix II that reads:

"Whole artificially propagated plants in pots or other small containers, each consignment being accompanied by a label or document stating the name of the taxon or taxa and the text 'artificially propagated', are not subject to the provisions of the Convention"; and

B. Amendment of the annotation to *Taxus cuspidata* to read:

"Artificially propagated hybrids and cultivars of *Taxus cuspidata* in pots or other small containers, each consignment being accompanied by a label or document stating the name of the taxon or taxa and the text 'artificially propagated', are not subject to the provisions of the Convention."

Proponent: Switzerland (as Depositary Government, at the request of the Standing Committee)

Provisional assessment by the Secretariat

This proposal seeks to rectify an error made at the 13th meeting of the Conference of the Parties, where a decision was adopted contrary to the text of the Convention. It proposes to delete the annotation (currently footnote 10) for *Taxus chinensis, T. fuana* and *T. sumatrana* that excludes artificially propagated plants in pots or other small containers. The annotation #10 remains ("Designates all parts and derivatives except: a) seeds and pollen; and b) finished pharmaceutical products").

The Secretariat explained in Notification to the Parties No. 2004/073 of 19 November 2004 that Article I, paragraph (b) (i) makes no provision for the exclusion of any live or dead plant of species that are included in the Appendices, and therefore the Secretariat agrees that the proposed deletion of the annotation that applies to *Taxus chinensis, T. fuana* and *T. sumatrana* would bring the annotations in line with the text of the Convention.

The proponent proposes to amend the annotation (currently footnote 10) so that it applies only to artificially propagated hybrids and cultivars of *Taxus cuspidata* in pots or other small containers, each consignment being accompanied by a label or document stating the name of the taxon or taxa and the text 'artificially propagated'. The proponent explains that Resolution Conf. 11.11 (Rev. CoP13) allows for the exclusion of hybrids from CITES controls by a specific annotation in Appendix II or III. Cultivars are treated in the Convention in the same way as hybrids. The proposed amendment to the annotation for *T. cuspidata* brings the annotation in line with Resolution Conf. 11.11 (Rev. CoP13).

Comments from Parties and intergovernmental bodies

Algeria: supports this proposal. It allows the correction of a mistake made at CoP13 where a decision contrary to the Convention was adopted.

Switzerland: see comments under proposal 37 above.

Recommendation by the Secretariat

If proposal CoP14 Prop. 36 is adopted, then this necessarily implies the rejection of the part of Prop. 37 referring to *Taxus cuspidata* which will not be submitted to decision in accordance with Rule 23, paragraph 6, of the Rules of Procedure.

On the basis of the information available prior to the discussion at CoP14, the Secretariat recommends that the part of this proposal relating to *Taxus chinensis*, *T. fuana* and *T. sumatrana* be adopted and if proposal CoP14 Prop. 36 is withdrawn or rejected, that the part relating to *Taxus cuspidata* also be adopted.