



# **SUMMARY RECORD**

## **EIGHTEENTH MEETING OF THE PLANTS COMMITTEE**



**Buenos Aires (Argentina)**

**17-21 March 2009**



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# Summary record

## 1. Opening of the meeting

Mr David Morgan, Chief of the Scientific Support Unit of the CITES Secretariat, in the name of Mr Willem Wijnstekers, Secretary-General of the CITES Secretariat, Ms Margarita Clemente Muñoz, Chair of the Plants Committee, and Mr Homero Máximo Bibiloni, Secretary of the Argentinean Ministry for Environment and Sustainable Development, welcomed participants.

## 2. Rules of Procedure

The Secretariat introduced document Pc18 Doc. 2.

Following a discussion regarding whether amendments were needed to clarify the voting rights of the specialist on botanical nomenclature, it was agreed that any changes to the role or responsibilities of the specialist on botanical nomenclature of the Committee should be made in Resolution Conf. 11.1 (Rev. CoP14) rather than in the Rules of Procedure.

The Committee adopted the Rules of Procedure presented in document PC18 Doc. 2.

During discussion of this item, an intervention was made by the representative of North America (Mr Gabel).

## 3. Adoption of the agenda and working programme

### 3.1 Agenda

The following addition to the agenda was proposed: reporting on trade in artificially-propagated plants – Decisions 14.39 to 14.41 under *Any other business*.

With this amendment, the Committee adopted the agenda contained in document PC18 Doc. 3.1.

During discussion of this item, an intervention was made by the Secretariat.

### 3.2 Working programme

The following amendments to the working programme were proposed: agenda item 7.2 to be addressed after agenda item 17, and agenda item 11.4 to be addressed after agenda item 11.1.

With these amendments, the Committee adopted the working programme in document PC18 Doc. 3.2.

During discussion of this item, interventions were made by the representative of North America (Mr Gabel), the alternate representative of Europe (Mr Lüthy) and by Argentina.

## 4. Admission of observers

The Secretariat introduced document PC18 Doc. 4.2.

The Committee approved the admission of the observers listed in paragraph 2 of the document.

No interventions were made.

## 5. Regional reports

### 5.1 Africa

The representative of Africa (Ms Khayota) presented an oral report which was noted by the Committee. The report was subsequently made available to the Committee as document PC18 Doc. 5.1.

### 5.2 Asia

The representative of Asia (Mr Partomihardjo) introduced document PC18 Doc. 5.2 which was noted by the Committee.

### 5.3 Central and South America and the Caribbean

The representative of Central and South America and the Caribbean (Ms Rivera Luther) introduced document PC18 Doc. 5.3 and further information submitted by Chile after the deadline for the submission of her report. The report was noted by the Committee.

### 5.4 Europe

The representative of Europe (Mr Sajevo) introduced document PC18 Doc. 5.4 which was noted by the Committee.

### 5.5 North America

The representative of North America (Mr Gabel) introduced document PC18 Doc. 5.5 which was noted by the Committee.

### 5.6 Oceania

The representative of Oceania (Mr Leach) introduced document PC18 Doc. 5.6 which was noted by the Committee.

No interventions were made.

## 6. Strategic planning: Progress report on the work programme of the Plants Committee

The Chair introduced document PC18 Doc. 6. The Committee addressed this agenda item in conjunction with agenda item 17 (Preparation of the Chair's report for CoP15).

It was suggested that, at the 15th meeting of the Conference of the Parties (CoP15), proposals from the Committee for Resolutions and Decisions should be detailed in separate documents, by subject, rather than in the report of the Chair. The need to provide an estimation of the budgetary requirements for any proposal was noted, but it was recognized that this may not be easy in some cases and the Secretariat was asked to assist the Committee with this aspect of its preparation of documents for CoP15.

The Committee established a working group (WG1) to address the agenda items 6 and 17, comprising the members and alternate members present at the meeting and chaired by the representative of Oceania (Mr Leach).

The mandate of WG1 was agreed as follows:

- a) Prepare and compile reports on progress made between CoPs with regard to the tasks assigned to the Plants Committee (document PC18 Doc. 6); and
- b) Prepare the Plants Committee report for CoP15 (agenda item 17).

WG1 concluded its business out of session and did not report further during the meeting.

During discussion of this item, interventions were made by Mexico and the Secretariat.



## 7. Cooperation

### 7.1 Cooperation with other multilateral instruments

The Secretariat introduced document PC18 Doc. 7.1.

The Chair detailed her participation at the Ad-hoc intergovernmental and multi-stakeholder meeting on an Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services - IPBES (Putrajaya, Malaysia, November 2008) and referred to documents PC18 Inf. 8 and PC18 Inf. 5. Participants drew attention to the potential value of the proposed Platform but stressed that it should not replace the Animals and Plants Committees.

The Committee noted the document.

During the discussion of this item, interventions were made by Argentina, Mexico and the Chair.

### 7.2 Collaboration with the Global Strategy for Plant Conservation of the Convention on Biological Diversity

Mexico introduced document PC18 Doc. 7.2.

To address this agenda item, the Committee established a working group (WG2) comprising the following:

Chair: Mexico.

Parties: Argentina, Austria, Malaysia, South Africa and the United States of America.

IGOs and NGOs: UNEP-WCMC, American Herbal Products Association and TRAFFIC.

The mandate of WG2 was agreed as follows:

- a) Taking into account Decision 14.15, consider mechanisms to facilitate cooperation between CITES and GSPC, establishing a calendar that will allow for results to be presented at CoP15, the methodology and people in charge;
- b) Consider whether Decision 14.15 should be maintained without amendment or whether a new decision should be proposed; and
- c) Give an indication of the budget required to fulfil Decision 14.15, if renewed, or the new decision that would replace it.

Later in the meeting, the Chair of WG2 introduced document PC18 WG2 Doc. 1. The Committee adopted the recommendations in the document subject to amending the proposed new draft decision under "Regarding Item 2" to read:

*The Plants Committee shall collaborate with the Global Strategy for Plant Conservation (GSPC) of the Convention on Biological Diversity (CBD), and with any process established to develop the Strategy beyond 2010, provided it is related to CITES, as well as on other issues related to flora species included in the CITES Appendices, and the Secretariat shall communicate the contributions of CITES in the context of its Memorandum of Understanding with the CBD Secretariat.*

The final text of the recommendations adopted by the Committee is attached in Annex 1 to the present summary.

The Committee agreed that the members of WG2 should form the electronic drafting group referred to in Annex 1 to the present summary and that the document relative to this issue which it will prepare, should be submitted by Mexico at CoP15 after approval of the final

text by the Committee. The Committee requested the Secretariat to advise Mexico about the likely budget required to undertake the activities proposed.

The Committee requested Austria and South Africa to promote Plants Committee concerns at the Liaison Group Meeting of the Global Strategy for Plant Conservation, 26 to 28 May 2009, Dublin, Ireland, and report to the Committee on the outcomes of the meeting.

During discussion of this item, interventions were made by the Chair, the specialist on botanical nomenclature (Mr McGough), the alternate representative of North America (Ms Sinclair), Argentina, Austria, South Africa, TRAFFIC (also speaking on behalf of WWF) and the Secretariat.

## 8. Review of Significant Trade in specimens of Appendix-II species

### 8.1 Progress report on the development of the Significant Trade online Management System

The Secretariat introduced document PC18 Doc. 8.1 and UNEP-WCMC gave a presentation of the Significant Trade online Management System. The Committee noted the document and thanked UNEP-WCMC for the presentation.

Participants were invited to contact UNEP-WCMC with any further suggestions or comments on this system.

During discussion of this item, interventions were made by Austria, the Netherlands and the Chair.

### 8.2 Evaluation of the Review of Significant Trade

The Secretariat introduced document PC18 Doc. 8.2. The Committee addressed this agenda item in conjunction with agenda items 8.4 and 8.5.

In response to questions and concerns expressed about the composition of the working group, it was explained that any representative of the European Community selected for the evaluation of the Review of Significant Trade advisory working group would be a scientific expert, not an administrator. Concern was expressed at the slow progress made in addressing concerns about trade in the seven Asian species of medicinal plants.

To address agenda items 8.2, 8.4 and 8.5, the Committee established a working group (WG3) comprising the following:

Chair: the specialist on botanical nomenclature (Mr McGough).

Members: the representatives of Africa (Ms Khayota) and of Central and South America and the Caribbean (Ms Rivera Luther).

Parties: Canada, China, Czech Republic, France, Germany, Italy, Mexico, Peru, South Africa and the United States.

IGOs and NGOs: European Community, UNEP-WCMC, American Herbal Products Association, TRAFFIC and WWF.

The mandate of WG3 was agreed as follows:

- a) With regard to agenda item 8.2
  - i) Choose and prioritize case studies among those referred to in paragraph 7 b) of the terms of reference (document PC18 Doc. 8.2, Annex 2, and document PC18 Doc. 8.1, Annex 2, part D); and
  - ii) Comment on or endorse the *modus operandi* for conducting the evaluation of the Review of Significant Trade (document PC18 Doc. 8.2, Annex 2).

b) With regard to agenda item 8.4

Review the available information to determine whether it is satisfied that Article IV, paragraphs 2 (a) and 3, are being implemented, and recommend which species should be eliminated from the review and which should be maintained therein.

c) With regard to agenda item 8.5

- i) Prepare a report on the fulfilment of Decision 14.20 for submission to the Standing Committee and to the CoP; and
- ii) Propose either maintaining or eliminating Decision 14.20. Should the Decision be maintained (with or without amendment), the working group shall give an indication of the budget required for its implementation.

Later in the meeting, the chair of WG3 introduced document PC18 WG3 Doc. 1.

Most participants supported the exclusion of the Peruvian population of *Swietenia macrophylla* from the Review of Significant Trade, but many commented that this should not lead to a reduction in efforts to implement the Convention correctly for this species.

There was disagreement regarding whether the population of *Swietenia macrophylla* from Nicaragua should be included in the Review of Significant Trade based on the imposition by Nicaragua of a 10-year moratorium on exports of bigleaf mahogany. In spite of this moratorium, importing countries had recorded trade from Nicaragua in specimens of bigleaf mahogany which they considered to be included in the listing.

After some debate, it was agreed that with respect to *Aloe capitata* and *Euphorbia primulifolia*, it was impractical to include some varieties in the Review of Significant Trade whilst excluding others.

With the replacement of the words "Technical Committees" with "Animals and Plants Committees", the Committee agreed with the recommendations in paragraph 1 of document PC18 WG3 Doc. 1. The Committee agreed with the recommendations in the table under paragraph 2 of the document with the following amendments:

*Aloe capitata* var. *capitata*, Madagascar: Delete whole entry from table  
*Aloe capitata* var. *cipolinicola*, Madagascar: Delete whole entry from table  
*Aloe capitata* var. *gneissicola*, Madagascar: Delete whole entry from table  
*Aloe capitata* var. *quartziticola*, Madagascar: Delete whole entry from table  
*Euphorbia primulifolia*, Madagascar: Include in next round  
*Euphorbia primulifolia* var. *begardii*, Madagascar: Delete whole entry from table  
*Swietenia macrophylla*, Nicaragua: Include in next round  
*Swietenia macrophylla*, Peru: Exclude

The Committee agreed with the wording of draft decisions 1 and 3 in paragraph 3 of document PC18 WG3 Doc. 1 and that the wording of draft decision 2 should be replaced with the following:

*Directed to the Secretariat:*

- a) *to liaise with TRAFFIC to organize one or several regional capacity-building workshops based on recommendations in document PC17 Inf. 10;*
- b) *the project will commence on receipt of funding; and*
- c) *submission of progress reports at the 19th and 20th meetings of the Plants Committee.*

The final text of the recommendations adopted by the Committee is attached in Annex 2 to the present summary.

With the addition in the Working Group of the Canadian Scientific Authority under subparagraph d), the Committee agreed with the proposed composition of the advisory working group in paragraph 5 of document PC18 Doc. 8.2. The Committee further agreed to nominate the specialist on botanical nomenclature (Mr McGough) as the representative of the Plants Committee on the advisory working group and that he should co-chair the advisory working group with the representative of the Animals Committee.

Arising from discussions in WG3, the Committee requested the Secretariat to ask the Indonesian Management Authority to provide, within three months, information on whether and how non-detriment findings were being made for species in the genera *Aquilaria* and *Gyrinops*, and to send the information received to the Committee. The Committee agreed that, on the basis of this information, it would consider, by postal procedure, whether to include species in these genera in Indonesia in the Review of Significant Trade under paragraph c) in the first DIRECTS of Resolution Conf. 12.8 (Rev. CoP13).

During discussion of this item, interventions were made by the representatives of Africa (Ms Khayota), Asia (Mr Partomihardjo), Central and South America and the Caribbean (Ms Rivera Luther), Europe (Mr Sajeve), North America (Mr Gabel) sometimes speaking on behalf of the United States and Oceania (Mr Leach), the alternate representative of North America (Ms Sinclair) speaking on behalf of Canada, Austria, China, Mexico, Peru, the United States, UNEP-WCMC, TRAFFIC, the Chair and the Secretariat.

### 8.3 Overview of the species-based Review of Significant Trade

The Secretariat introduced document PC18 Doc. 8.3 which was noted.

No interventions were made.

### 8.4 Species selected following CoP14

The Secretariat introduced documents PC18 Doc. 8.4. The Committee addressed this agenda item in conjunction with agenda items 8.2 and 8.5 and the discussions and conclusions of the Committee on agenda item 8.4 are therefore included under agenda item 8.2.

### 8.5 Progress report on seven Asian species of medicinal plants

The Secretariat introduced document PC18 Doc. 8.5 (Rev. 1). The Committee addressed this agenda item in conjunction with agenda items 8.2 and 8.4 and the discussions and conclusions of the Committee on agenda item 8.5 are therefore included under agenda item 8.2.

## 9. Review of the use of source code 'R'

The Netherlands introduced document PC18 Doc. 9. The Committee agreed to recommend at CoP15 that Parties not use source code 'R' for plants.

Participants believed that the concept of ranching was not appropriate for plants and were concerned that continued use of the source code 'R' could permit laundering of wild plants.

During discussion of this item, interventions were made by the representatives of Europe (Mr Sajeve), North America (Mr Gabel) and Oceania (Mr Leach), Italy, Mexico and the Chair.

## 10. Hybrids and cultivars under the Convention

The Secretariat introduced document PC18 Doc. 10.

It was pointed out that an eighth edition of the International Code of Nomenclature for Cultivated Plants was due to be published shortly and that the definition of 'cultivar' therein may change from the seventh edition quoted in the proposed changes to Resolution Conf. 11.11 (Rev. CoP14).

The Committee agreed to propose the changes to Resolution Conf. 11.11 (Rev. CoP14) in the Annex to document PC18 Doc. 10, subject to replacing the word "'cultivars'" in the operative paragraph under ADOPTS, with the word "'cultivar'" and to the finalization of the wording of this paragraph and the report to the CoP by the Specialist on botanical nomenclature (Mr McGough), particularly with regard to which edition of the International Code of Nomenclature for Cultivated Plants should be referenced in the resolution.

During discussion of this item, interventions were made by the representatives of Europe (Mr Sajeva) and North America (Mr Gabel), Austria, Indena S.p.A., the Chair and the Secretariat.

## 11. Annotations

### 11.1 Cactaceae and Orchidaceae: merging and amendment of annotations #1 and #4

Mexico introduced document PC18 Doc. 11.1. The Committee addressed this agenda item in conjunction with agenda items 11.3, 11.4 and 11.6.

To address these agenda items, the Committee established a working group (WG4) comprising the following:

Co-Chairs: the representative of North America (Mr Gabel) and Mexico.

Members: the representatives of Central and South America and the Caribbean (Ms Mites Cadena), the alternate representatives of Central and South America and the Caribbean (Ms Rivera Brusatin) and for Europe (Mr Lüthy).

Parties: Argentina, Austria, Canada, China, France, Germany, Malaysia, the United Kingdom of Great Britain and Northern Ireland and the United States.

IGOs and NGOs: UNEP-WCMC, American Herbal Products Association and Species Survival Network.

The mandate of the working group was agreed as follows:

- a) Harmonize the results of documents PC18 Doc. 11.1, PC18 Doc. 11.3, PC18 Doc. 11.6 and PC18 Doc. 16.1.2;
- b) Analyse the consequences of merging and amending annotations #1 and #4 for the taxa concerned;
- c) Study the possibility of submitting a better definition of 'sawn wood' to the CoP;
- d) Propose a revision of Decisions 14.130 and 14.148 in order to continue this work intersessionally between CoP15 and CoP16. The draft decisions shall identify the bodies in charge of the new tasks, as well as include an indication of the budget required for their implementation;
- e) Draw up a progress report on the implementation of Decisions 14.130 and 14.148 for CoP15; and
- f) Consider the potential risks and/or benefits of an exemption for orchid seedpods (document PC18 Doc. 11.4).

Later in the meeting, the Co-Chair of WG4 (Mr Gabel) introduced document PC18 WG4 Doc. 1, noting the need to add the word "stem" after the words "Cactaceae spp." in the proposed amendment to Footnote 6, and to delete the genus *Gonystylus* spp. in paragraph a) of the third draft decision in the Annex to the document.

The Committee noted that the words "because they are exported directly from China, which is a range State for these species" in paragraph 2 should be replaced by the words "because most exported specimens from China, a range State, can be considered finished products

packaged and ready for retail trade". The Committee noted document PC18 WG4 Doc. 1 and agreed to the proposals in the Annex to that document, as amended by the representative of North America (Mr Gabel).

The suggestion of an amendment of the annotation for Appendix-II orchids to exempt seed pods and of the exclusion from CITES controls of certain finished products of *Euphorbia* spp. (particularly *Euphorbia antisyphilitica*) received general support.

The final text of the recommendations adopted by the Committee is attached in Annex 3 to the present summary.

The Committee requested the Secretariat, if a proposal were submitted to adopt a new annotation merging and amending Annotations #1 and #4, to consult with Nepal on this matter after submission of a proposal, and if Nepal were agreeable, have them submit in writing a request to have their listings of species in Appendix III amended to replace Annotation #1 with the new annotation, if adopted at CoP15, and to have the amendment take effect at the time amendments to Appendices I and II take effect following CoP15. The Committee further requested the Secretariat to assist it and the co-chairs of WG4 in preparing the proposal to be put to CoP15.

During discussion of this item, interventions were made by the representative of North America (Mr Gabel), the specialist on botanical nomenclature (Mr McGough) speaking on behalf of the United Kingdom, the alternate representative of Europe ((Mr Lüthy) speaking on behalf of the Switzerland, Austria, Germany, Mexico, American Herbal Products Association, TRAFFIC, the Chair and the Secretariat.

#### 11.2 Orchids: annotation for species included in Appendix II

The Secretariat introduced document PC18 Doc. 11.2.

The Committee established a working group (WG5) to address this agenda item, comprising the following:

Co-Chairs: the representative of Europe (Mr Sajeve) and Thailand.

Members: the representative of Central and South America and the Caribbean (Ms Mites Cadena) and the alternate representative of Europe (Mr Lüthy) participating on behalf of Switzerland.

Parties: Canada, Germany, Malaysia, Mexico and the United States.

IGOs and NGOs: American Herbal Products Association and TRAFFIC.

The mandate of WG5 was agreed as follows:

- a) Analyse the responses, and the measures envisaged to fulfil Decision 14.133;
- b) Propose either maintaining or eliminating Decision 14.133. Should the Decision be maintained (with or without amendment), the working group shall give an indication of the budget required for its implementation;
- c) Analyse the responses received further to Decision 14.134 and prepare a report for the CoP; and
- d) Propose either maintaining or eliminating Decision 14.134. Should the Decision be maintained (with or without amendment), the working group shall give an indication of the budget required for its implementation.

Later in the meeting, the Co-Chair of WG5 (Mr Sajeve) introduced document PC18 WG5 Doc. 1.

It was recognized that the activities to be undertaken with the proposed USD 10,000 budget needed to be identified.

The Committee adopted the recommendations in document PC18 WG5 Doc. 1, subject to linguistic changes to be made by the representative of Europe (Mr Sajeve), Argentina and France. The Chair requested that these be submitted to the Secretariat so that a revised version of the document could be produced.

The final text of the recommendations adopted was as follows:

- a) On the basis of the analysis of the responses, the exemptions are acknowledged by the Parties. However the Parties draw attention to the fact that exporters still need to apply for CITES export documents even when the shipments fulfil the exemption;
- b) Considering the positive effects and the short time-frame the exemption came into force, and that some Parties may need more time to adopt the appropriate measures, the Committee proposes to maintain Decision 14.133. Estimated budget USD 5,000;
- c) On the basis of the analysis of the seven responses, the responding Parties reported no conservation issues arising from the exemption; and
- d) On the basis of available information, the Committee could not identify any conservation problems arising from the implementation. Considering the possibility of new taxa included in the exemption in the near future, and considering that some Parties are still adopting the appropriate measures to implement Decision 14.133, the Committee proposes to maintain decision 14.134. Estimated budget USD 5,000.

During discussion of this item, interventions were made by the alternate representative of Europe (Mr Lüthy) speaking on behalf of the Switzerland and by France, Thailand, the Chair and the Secretariat.

### 11.3 Review of trade in finished products for certain taxa

The United States introduced document PC18 Doc. 11.3. The Committee addressed this agenda item in conjunction with agenda items 11.1, 11.4 and 11.6, and the discussions and conclusions of the Committee on agenda item 11.3 are therefore included under agenda item 11.1.

### 11.4 Amendment of the annotation for Appendix-II orchids to exempt seed pods

The representative of North America speaking on behalf of the United States introduced document PC18 Doc. 11.4. The Committee addressed this agenda item in conjunction with agenda items 11.1, 11.3 and 11.6, and the discussions and conclusions of the Committee on agenda item 11.4 are therefore included under agenda item 11.1.

### 11.5 Clarification of the exemption for flaked seedlings of Appendix-I orchids

The representative of North America (Mr Gabel), speaking on behalf of the United States introduced document PC18 Doc. 11.5. The Chair suggested that the current annotation to the listing of the family ORCHIDACEAE in Appendix I could be amended to add the words "only if they have been artificially propagated in accordance with the definition provided in Resolution Conf. 11.11 (Rev. CoP14), taking into account the provisions of Article VII, paragraph 4, and Article I, paragraph (b) (iii), of the Convention" after the words "For all of the following Appendix-I species, seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers are not subject to the provisions of the Convention".

The Committee supported the submission of such an amendment proposal by the United States for the 15th meeting of the Conference of the Parties.

During discussion of this item, interventions were made by WWF and the Chair.

## 11.6 Tree species: annotations for species included in Appendices II and III

The representative of North America introduced document PC18 Doc. 11.6. The Committee addressed this agenda item in conjunction with agenda items 11.1, 11.3 and 11.4, and the discussions and conclusions of the Committee on agenda item 11.6 are therefore included under agenda item 11.1.

## 12. Exchange of herbarium specimens

Mexico introduced document PC18 Doc. 12.

To address this agenda item, the Committee established a working group (WG6), comprising the following:

Co-Chairs: Mexico and Austria.

Parties: Argentina, Brazil, Germany, Malaysia and Saudi Arabia.

The mandate of WG6 was agreed as follows:

- a) Prepare a report for the CoP on the implementation of Decision 14.130 with regard to the exemption of herbarium specimens; and
- b) Draft a new decision for consideration by the CoP, with an indication of the budget required for its implementation.

Later in the meeting, the Co-Chair of WG6 (Austria), also on behalf of Mexico introduced document PC18 WG6 Doc. 1, commenting that Austria would provide financial support for the brochure containing guidelines for herbaria mentioned in the document. Participants mentioned minor editorial changes needed to the French and Spanish versions of document PC18 WG6 Doc. 1 and the Chair requested that these be submitted to the Secretariat, so that a revised version of the document could be produced. Some participants were skeptical about the ability of the proposed actions to increase the use of Article VII, paragraph 6 of the Convention.

Subject to reversing the order of the paragraphs in the draft decision directed to the Parties and to inserting the words "The Parties are encouraged:" immediately prior to these two paragraphs, the Committee adopted the recommendations in document PC18 WG6 Doc. 1.

The final text of the recommendations adopted by the Committee was as follows:

### **Mandate point a)**

- a) The creation of an additional exemption related to non-living herbarium specimens for non-commercial purposes would be likely to open loop-holes in enforcement;
- b) There is no need for an additional exemption related to non-living herbarium specimens for non-commercial purposes, if all existing exemptions for exchange of scientific material are properly implemented;
- c) The registering of scientific institutions qualifying for exemptions for scientific exchange of Article VII, paragraph 6, and the standard label system as outlined in Resolution Conf. 11.15 (Rev. CoP12) need to be further promoted and fully implemented (Secretariat, national CITES authorities);
- d) To support the implementation and application of these processes, a brochure containing guidelines for herbaria needs to be prepared;
- e) An intersessional working group should be established with the task to prepare such a draft brochure for consideration at PC19;
- f) This brochure, after adoption at PC19, shall be posted on the CITES website (as an effective and low-cost procedure); and



- g) The brochure shall be sent by the Secretariat to the IAPT (International Association of Plant Taxonomy).

**Mandate point b)**

*Directed to the Secretariat:*

- a) *Encourage Parties via a Notification to contact their national scientific institutions, and to inform them about the implications and benefits under Article VII, paragraph 6, and Resolution Conf. 11.15 (Rev. CoP12);*
- b) *Encourage Parties via a Notification to apply Article VII, paragraph 6, by registering scientific institutions as appropriate [as stated in Resolution Conf. 11.15 (Rev. CoP12)]; and*
- c) *In compliance with Decision 12.79, to support the preparation of an information brochure.*

*Directed to the Parties:*

*The Parties are encouraged to:*

- a) *Apply Article VII, paragraph 6, by registering scientific institutions in accord with Resolution Conf. 11.15 (Rev. CoP12);*
- b) *Contact their national scientific institutions, and to inform them about the implications and benefits under Article VII, paragraph 6, and Resolution Conf. 11.15 (Rev. CoP12); and*

*Budget required: expected to be very small.*

The membership of the proposed intersessional working group on this subject was not discussed.

During discussion of this item, interventions were made by the representative of North America (Mr Gabel) speaking on behalf of the United States, the alternate representative of Europe (Mr Lüthy) speaking on behalf of Switzerland and by France, the Chair and the Secretariat.

13. Timber issues

13.1 Bigleaf mahogany

13.1.1 Progress on the implementation of the action plan for bigleaf mahogany – Report of the Secretariat

and

13.1.2 Mahogany Working Group progress report

The Secretariat introduced document PC18 Doc. 13.1.1 and Mexico, as Chair of the Bigleaf Mahogany Working Group, introduced document PC18 Doc. 13.1.2 (Rev. 1).

The Committee noted documents PC18 Doc. 13.1.1, PC18 Doc. 13.1.2 (Rev. 1) and PC18 Doc. 13.2, and thanked the Chair of the Bigleaf Mahogany Working Group for the additional information that had been submitted.

Discussion revolved around the relationship between the Bigleaf Mahogany Working Group, the Action plan for the control of international trade in the bigleaf mahogany and the Review of Significant Trade in *Swietenia macrophylla* which the Committee was currently undertaking. The need to avoid duplication of effort and reduce reporting burden for Parties and others was also highlighted. The precise terms of reference for a renewed Bigleaf Mahogany Working Group would need to be elaborated later but could include production of a document on the application of CITES to *Swietenia macrophylla* which would be relevant to CITES-listed timber

species more generally and which would reflect the experiences of the Parties in implementing the listing of *Swietenia macrophylla*.

At the request of the range States represented at PC18 and of the representatives of Central and South America and the Caribbean, the Committee adopted the following draft decision for submission at CoP15:

- a) *The Bigleaf Mahogany Working Group shall continue, under the Plants Committee, to disseminate and share experiences on the sustainable management of mahogany, thereby contributing to strengthening capacity in range States and to implementing fully and effectively the Review of Significant Trade in range States affected by this process.*
- b) *The Working Group shall prepare a report on progress made with the management and conservation of and trade in the species, and with the lessons learnt. It shall submit this document at the 20th meeting of the Plants Committee, so that the Committee may agree on how to forward it to CoP16.*

The Committee agreed that the membership of the Bigleaf Mahogany Working Group would comprise:

- a) All range States;
- b) The Parties that are the main importers of mahogany: the United States and the European Union (Spain and the United Kingdom);
- c) A representative of Central and South America and the Caribbean on the Plants Committee;
- d) Intergovernmental organizations: European Union, IUCN, ITTO; and
- e) Non-governmental organizations: TRAFFIC, WWF and three representatives of exporters' organizations from three major exporting countries.

The chair and vice-chair of the Working Group shall be selected by the Plants Committee one month after the coming into effect of the present Decision through the submission of curricula vitae of candidates from the range States. Should there be no candidates or should the chair or vice-chair resign from their functions between CoP15 and CoP16, the regional representatives of Central and South America and the Caribbean shall act as chair and/or vice-chair of the Working Group."

Furthermore, the Committee agreed that Decision 14.145 should be replaced with the present draft decision, except for item 5 of the Action Plan (Decision 14.145), whose continuation or deletion should be decided by the Standing Committee.

The Chair of the Bigleaf Mahogany Working Group stated that details of activities and necessary funding would be provided later in the meeting, but no further discussion on this matter took place.

During discussion of this item, interventions were made by the representatives of Africa (Ms Khayota), Asia (Mr Partomihardjo), Central and South America and the Caribbean (Ms Rivera Luther and Ms Mites Cadena), Europe (Mr Sajeva), North America (Mr Gabel), Oceania (Mr Leach), Brazil, Mexico, Peru, the United States, TRAFFIC (speaking also on behalf of WWF), the Chair and the Secretariat.

### 13.2 Progress report on the joint CITES-ITTO timber project

The Secretariat introduced document PC18 Doc. 13.2.

Participants welcomed the cooperation between CITES and International Tropical Timber Organization (ITTO) and saw scope for expanding it to other countries and species, if funds were available.

The Committee noted the document and encouraged Parties to support the continuation of the timber officer post in the Secretariat with an appropriate CV in forestry or botany. The CVs of the candidates could be circulated such as is the case for the PC representatives, and the Secretariat should send a Notification to the Parties to this effect.

During discussion of this item, interventions were made by France, Malaysia, Peru, the United States, the ITTO, the Chair and by the Secretariat.

### 13.3 Progress on the implementation of the action plan for *Cedrela odorata*, *Dalbergia retusa*, *D. granadillo* and *D. stevensonii* – Report of the Secretariat

The Secretariat introduced document PC18 Doc. 13.3 which was noted by the Committee. The Committee addressed this agenda item in conjunction with agenda item 16.1.3.

It was pointed out that Argentina was probably not a range State for *Cedrela odorata* and that, on page 19 of the Spanish version of the document, the word "Georgia" should be replaced by "Germany".

To address these agenda items, the Committee established a working group (WG7) comprising the following:

Co-Chairs: Canada and Peru.

Members: the representative of Central and South America and the Caribbean (Ms Rivera Luther) and the alternate representative of Central and South America and the Caribbean (Ms Rivera Brusatin)

Parties: Brazil, Chile, Italy, Mexico, Peru, Portugal, the United Kingdom and the United States.

IGOs and NGOs: European Community, UNEP-WCMC, Species Survival Network, TRAFFIC and WWF.

The mandate of WG7 was agreed as follows:

- a) Analyse the responses received further to the action plan and the information contained in the proposals submitted at CoP14;
- b) Assess whether the criteria for inclusion in the Appendices have been applied; and;
- c) Make recommendations relevant to the species concerned, including on the relevance of submitting proposals to include them in the Appendices at CoP15.

Later in the meeting, the Co-Chair of WG7 (Canada) introduced document PC18 WG7 Doc.1. The Committee instructed WG7 to reconvene and further elaborate its recommendations.

Some participants believed that the species mentioned in document PC18 Doc. 13.3, particularly those in the genus *Cedrela*, were replacing *Swietenia macrophylla* in international trade and were likely to meet the criteria for inclusion in the Appendices. Others felt that the situation was not so serious.

Later in the meeting, the Co-Chair of WG7 (Canada) read the text of document PC18 WG7 Doc. 1 (Rev. 1), noting that, in the first paragraph of the recommendations, the words "received by" should be replaced by "received from" and "Decision 146" replaced by "Decision 14.146". It was further noted that, in the fourth paragraph of the recommendations, the words "and ITTO/CITES project" should be added after "(ITTO)". The Committee further noted the recommendations in document PC18 WG7 Doc. 1 (Rev. 1) which were as follows:

- a) That Decision 14.146 should continue as the primary source of direction regarding collection and analysis of information on *Cedrela odorata*, *Dalbergia retusa*, *Dalbergia granadillo* and *Dalbergia stevensonii*.
- b) That the Plants Committee encourage any range countries that have not yet responded to Decision 14.146 to immediately do so.
- c) That the Plants Committee urge range States of *Cedrela odorata*, *Dalbergia retusa*, *Dalbergia granadillo* and *Dalbergia stevensonii* to include all the populations within the ranges of these species in Appendix III with the adequate annotation and ensure the implementation and enforcement of CITES with regard to those species in that Appendix.
- d) That the Plants Committee consider recommending to the Conference of the Parties that Decision 14.146 be renewed and updated as appropriate, including an amendment to paragraph 1. f) of the Action Plan as follows (new or modified text in bold):

***include all the populations in the ranges of Cedrela odorata, Dalbergia retusa, Dalbergia granadillo and Dalbergia stevensonii in Appendix III with the adequate annotation and ensure the implementation and enforcement of CITES with regard to those species in that Appendix.***

- e) That the Plants Committee request the Bigleaf Mahogany Working Group (BLMWG) to incorporate as a part of its activities an analysis in the context of Decision 14.146 of information received on the species indicated in that Decision.
- f) That the Chair of the BLMWG ensure that the analysis of the information described in Recommendation e) will be completed by 1 September 2009 and provided to the Plants Committee for presentation on the CITES website.
- g) That the BLMWG facilitate communication and information exchange amongst range States of the species indicated in Decision 14.146, including knowledge and experience gained as a result of the Appendix-III listing of *Cedrela odorata*.
- h) That the Plants Committee consider extension of the mandate of the BLMWG, to accommodate actions that may be required for the species indicated in Decision 14.146.
- i) Recognizing the extremely positive outcomes that are resulting from cooperation between range countries and ITTO on projects involving the species indicated in Decision 14.146 (as described in document PC18 Doc. 5.3, *Regional report – Central and South America and the Caribbean*), that the Plants Committee encourage Parties to continue and enhance such cooperation.
- j) That range Countries consider requesting technical and financial support from the ITTO in the framework of Resolution Conf. 14.4 *Cooperation between CITES and ITTO regarding trade in tropical timber*.
- k) That range Countries of the species indicated in Decision 14.146 facilitate generation of information required for identification and differentiation of these species and of similar species within the genera *Cedrela* and *Dalbergia*, through communication and cooperation with expert organizations such as the Royal Botanic Gardens, Kew, that are conducting taxonomic research relevant to these genera.

- l) That the costs of applying these recommendations should be assessed by the CITES Secretariat.

The Committee agreed to reflect on the recommendations that it would put to CoP15 in relation to *Cedrela* spp., *Dalbergia retusa*, *D. granadillo* and *D. stevensonii*.

During discussion of this item, interventions were made by the representatives of Central and South America and the Caribbean (Ms Rivera Luther) and Oceania (Mr Leach) and by Argentina, Brazil, Mexico, Peru, the United Kingdom, the United States, Species Survival Network, WWF (also speaking on behalf of TRAFFIC), the Chair and the Secretariat.

#### 13.4 Inconsistent implementation of Appendix-III timber listings annotated to include only the national populations of the listing countries

The United States introduced document PC18 Doc. 13.4.

Participants offered differing opinions on the merits of the proposal but agreed that it was a matter for the Standing Committee.

The Committee thanked the United States for raising the issue and suggested that it be presented at the next meeting of the Standing Committee and, if necessary, to the CoP.

During discussion of this item, interventions were made by the representative of Central and South America and the Caribbean (Ms Rivera Luther), Peru, the Chair and the Secretariat.

### 14. Non-detriment findings

#### 14.1 International expert workshop on non-detriment findings

Mexico introduced document PC18 Doc. 14.1.

To address this agenda item, the Committee established a working group (WG8) comprising the following:

Co-Chairs: Mexico and the representative of Oceania (Mr Leach).

Members: the representatives of Asia (Mr Partomihardjo), Central and South America and the Caribbean (Ms Mites Cadena), and Oceania (Mr Leach), and the alternate representative of North America (Ms Sinclair).

Parties: Canada, Chile, Germany, Malaysia, the Netherlands, Thailand and the United States.

IGOs and NGOs: European Community, Assam Agar Traders & Agaroil Manufacturers' Association, Species Survival Network and WWF.

The mandate of WG8 was agreed as follows:

Consider the following points, establishing the methodology and necessary time-frame for each:

- a) Create an email working group of both Committees to identify ways and means to refine the outcomes and expand the results of the workshop, and to report at CoP16;
- b) Review the full reports of the working group and developing documentation that could assist Scientific Authorities in the making of non-detriment findings. This point will have to be addressed in collaboration with the working groups established in documents PC18 Doc. 14.3, PC18 Doc. 14.4 and PC18 Doc. 14.5;
- c) Address the issues of capacity building, especially with regard to further options for research, use of information generated by the Committees (e.g. the Review of Significant Trade and the Periodic Review of the Appendices);

- d) Assess how to take the outcome of the workshop into account in the ongoing evaluation of the Review of Significant Trade. This point will have to be addressed in collaboration with the working group concerned;
- e) Draft a resolution which, while acknowledging that the making of Non-detriment Findings is primarily a matter for the Parties, could also draw attention to the outcomes of the workshop and the reference manual to encourage Parties to take these into account while making non-detriment findings; and
- f) Draft a resolution and decisions, if relevant, with an indication of the budget necessary to implement each.

Later in the meeting, Mexico, as Chair of WG8, introduced document PC18 WG8 Doc. 1. The Committee welcomed the results of the International expert workshop on non-detriment findings and agreed to submit the recommendations in the report to the Animals Committee with the deletion of the following text from the recommendation regarding Item 5:

"with amended text (underlined) as follows:

PROPOSED AMENDMENT OF RESOLUTION CONF. 10.3 PARAGRAPH H)

- h) the findings and advice of the Scientific Authority of the country of export could follow the requirements of Resolution Conf. 15.XX Non-Detriment Findings, and be based on the scientific review of available information on the population status, distribution, population trend, harvest and other biological and ecological factors, as appropriate, and trade information relating to the species concerned;"

The final text of the recommendations that the Plants Committee agreed to convey to the Animals Committee was as follows:

Regarding item a) of the WG mandate, the Committee agreed that there was no need to create an email working group of both Committees to identify ways and means to refine the outcomes and expand the results of the workshop, and to report at CoP16. The discussion highlighted that Parties had not yet assessed the applicability of the results of the expert workshop. The Committee agreed that a Notification be sent by the Secretariat to Parties, just after Animals Committee (AC24), specifically worded to request comments on the applicability of the outcomes of the NDF expert workshop and if they needed further refinement to be received by June 30, 2009 by Mexico (H. Benitez) and the Representative of Oceania (Mr Leach) and report to CoP15. The Committee agreed that the Animals Committee be invited to participate through designating two representatives in receiving feedback as the expert workshop was a joint initiative of both Committees.

Regarding item b) of the WG mandate, the Committee agreed that this was underway for timber species and *Prunus africana*, medicinal plants, and agarwood, as a result of Decisions 14.135 and 14.143, and agreed that review of full reports and further development of documentation to assist Scientific Authorities should be considered after feedback on the applicability of the expert workshop had been received from Parties. The Committee noted that the report of the NDF expert workshop would be considered at CoP15 which would also represent feedback from the Parties. The Committee also noted that Decision 14.135 called for development of principles, criteria and indicators for making NDFs for high-priority taxa such as timber species, *P. africana*, and medicinal plants, indicating an opportunity for work on other high priority taxa. The Committee further noted that the process for making NDFs may be similar for these taxa, as would be demonstrated by the individual working groups on timber and *Prunus*, medicinal plants, and agarwood.

Regarding item c) of the WG mandate, the Committee:

- a) recognized that capacity building with regards to making NDFs was an important issue;
- b) noted that capacity was included as a consideration in the guidance provided for making NDFs for timber and *Prunus*, medicinal plants, and agarwood;

- c) noted that there were processes to assist with capacity building already established in the Convention (e.g. built into the costed programme of work and under the Strategic Vision, as well as under Resolution Conf. 12.2 on the *Procedure for approval of externally funded projects*);
- d) recommended that the Secretariat specify to Parties that any NDF capacity issues should be identified when coordinating regional meetings; and
- e) agreed that the most effective use of funds to assist with capacity for making NDFs would be to implement NDF training upon request of a Party for a particular species or taxa identified by the Party.

Overall, the Committee agreed that the focus should be on the provision and explanation of the guidance that was available to assist Scientific Authorities in making NDFs. Explanation of the guidance available to make NDFs would enable a better assessment of the capacity needed to carry them out.

Regarding item d) of the WG mandate, the Committee agreed that the advisory group and PC18 working group on the evaluation of the review of significant trade: 1) note that when the guidance on making NDFs was followed, significant trade review would not be necessary; and 2) refer to the outcomes of the international expert workshop on NDFs, and the NDF elements within, when carrying out their reviews of significant trade reviews.

Regarding item e) of the WG mandate, the Committee agreed that a new resolution be drafted entitled "Non-detriment findings", and that paragraph h) of the current Resolution Conf. 10.3 on *Designation and role of the Scientific Authorities* include a link to this new Resolution. The text to be used as a basis for drafting a resolution is attached in Annex 4 to the present summary.

The Committee agreed on the components of the new Resolution as follows (see below):

- a) with a preliminary statement acknowledging that the making of non-detriment findings was primarily a matter for the Parties;
- b) a list of guiding principles for making NDFs (agreed to by all four PC18 NDF working groups and to be discussed by the Animals Committee);
- c) a statement drawing reference to the outcomes of the expert workshop on NDFs (with an Internet link to the workshop website); and
- d) two annexes, one containing the elements recommended for consideration in making NDFs identified in the report on the International Expert Workshop on Non-Detriment Findings (document PC18 Doc. 14.1) and another containing guidance for timber and *Prunus africana*, medicinal plants, and agarwood.

Regarding item f) of the WG mandate, the Committee concluded that there would be no budget implications to implement this approach.

The Committee recommended that the PC18 working group co-chairs on this subject continue by email up to CoP15 to revise the report on the international workshop on non-detriment findings (document PC18 Doc. 14.1) with the intention to include a summary version as an Annex to the new Resolution on non-detriment findings. The Committee also recommended that two representatives of Animals Committee also participate in this working group.

The Committee agreed that the alternate representative of North America (Ms Sinclair) would be responsible for presenting the Committee's conclusions on this matter at the 24rd meeting of the Animals Committee (Geneva, April 2009).

During discussion of this item, interventions were made by the representatives of North America (Mr Gabel) and Oceania (Mr Leach), the alternate representative of North America (Ms Sinclair), Argentina, China, Malaysia, Peru, the United States, the Chair and the Secretariat.

14.2 Report of the plants working groups in the International expert workshop on non-detriment findings

The Chair introduced document PC18 Doc. 14.2 stressing its importance in connection with agenda items 14.3, 14.4 and 14.5.

No interventions were made.

14.3 Timber species and *Prunus africana*

The Chair introduced document PC18 Doc. 14.3.

To address this agenda item, the Committee established a working group (WG9) comprising the following:

Chair: Canada.

Members: the representatives of Africa (Ms Khayota) and Asia (Mr Partomihardjo).

Parties: Brazil, Chile, Malaysia, Mozambique, Peru, Portugal, Thailand, the United Kingdom and the United States.

IGOs and NGOs: European Community, Assam Agar Traders & Agaroil Manufacturers' Association, Indena S.p.A. and TRAFFIC.

The mandate of WG9 was agreed as follows:

Taking into account all available information and, in particular, the results of Group 1 of the workshop held in Cancún:

- a) Develop principles, criteria and indicators for the formulation of non-detriment findings for wild specimens of timber species and *Prunus africana*; and
- b) Collaborate with the Chairs of the Groups on Medicinal Plants and on Agarwood, and, in this context, assess the possibility to propose the deletion of Decisions 14.135 and 14.143, or their replacement by a new decision or decisions, with an indication of the budget required for their implementation.

Later in the meeting, the Chair of WG9 introduced document PC18 WG9 Doc. 1. The Committee endorsed the contents of the Annex to the document and agreed to present it at CoP15 in fulfilment of Decision 14.135 and as part of the consideration of an NDF-specific Resolution (if any).

The final text adopted by the Committee is attached in Annex 5 to the present summary.

The Committee further agreed to propose at CoP15 that capacity-building workshops on the use of timber species and *Prunus africana* NDF guidance be conducted in range States with the cooperation of the importing Parties, and it requested the Secretariat to assist with the estimation of costs for such activities.

During discussion of this item, an intervention was made by Peru.



#### 14.4 Medicinal plants

Germany introduced document PC18 Doc. 14.4.

To address this agenda item, the Committee established a working group (WG10) comprising the following:

Chair: Germany.

Parties: Argentina, Canada, China, Malaysia, South Africa and the United States.

IGOs and NGOs: American Herbal Products Association, Assam Agar Traders & Agaroil Manufacturers' Association, Indena S.p.A., TRAFFIC and UNEP-WCMC.

The mandate of WG10 was agreed as follows:

Taking into account all available information and, in particular, the results of Group 2 of the workshop held in Cancún:

- a) Develop principles, criteria and indicators for the formulation of non-detriment findings for wild specimens of medicinal plants; and
- b) Collaborate with the Chairs of the Groups on Timber Species and on Agarwood, and, in this context, assess the possibility to propose either the deletion of Decisions 14.135 and 14.143, or their replacement by a new decision or decisions, with an indication of the budget required for their implementation.

Later in the meeting the Chair of WG10 introduced document PC18 WG10 Doc. 1. The Committee endorsed the contents of the Annex to the document and agreed to present it at CoP15 in fulfilment of Decision 14.135 and as part of the consideration of an NDF-specific Resolution (if any).

The final text adopted by the Committee is attached as Annex 6 to the present summary.

The Committee further agreed to propose at CoP15 that capacity-building workshops on the use of medicinal plant NDF guidance be conducted in range States with the cooperation of the importing Parties, and it requested the Secretariat to assist with the estimation of costs for such activities.

No interventions were made.

#### 14.5 Agarwood-producing species

The representative of Oceania (Mr Leach) introduced document PC18 Doc. 14.5.

To address this agenda item, the Committee established a working group (WG11) comprising the following:

Chair: the representative of Oceania (Mr Leach).

Parties: Malaysia, Thailand and Saudi Arabia.

IGOs and NGOs: All Assam Agar Traders & Agaroil Manufacturers' Association, TRAFFIC and UNEP-WCMC.

The mandate of WG11 was agreed as follows:

Taking into account all available information and, in particular, the results of Group 2 of the workshop held in Cancún:

- a) Develop principles, criteria and indicators for the formulation of non-detriment findings for wild specimens of agarwood-producing species; and
- b) Collaborate with the Chairs of the Groups on Timber Species and on Medicinal Plants, and, in this context, assess the possibility to propose either the deletion of Decisions 14.135 and 14.143, or their replacement by a new decision or decisions, with an indication of the budget required for their implementation.

Later in the meeting, the Chair of WG11 introduced document PC18 WG11 Doc. 1, noting that the Tables 1 and 2 referred to in paragraphs 14 and 15 of the Annex to the document were the same as those found in the Annex to document PC18 WG10 Doc. 1. The Committee endorsed the contents of the Annex to the document and agreed to present it at CoP15 in fulfilment of Decision 14.143 and as part of the consideration of an NDF-specific Resolution (if any).

The final text adopted by the Committee is attached as Annex 7 to the present summary.

The Committee further agreed to propose at CoP15 that capacity-building workshops on the use of agarwood-producing species NDF guidance be conducted in range States with the cooperation of the importing Parties, and it requested the Secretariat to assist with the estimation of costs for such activities.

During discussion of this item, an intervention was made by Germany and the Chair.

#### 15. Definition of non-timber forest products

The representative of Oceania (Mr Leach) introduced document PC18 Doc. 15. The Committee adopted the recommendations in paragraph 16 of the document, that a definition of non-timber forest products (NTFPs) was no longer needed and that Decision 14.142 had been implemented.

Although some participants felt that, because agarwood is grown in mixed plantations, including rubber plantations, the word "monospecific" could be deleted from paragraph g) in Resolution Conf. 10.13 (Rev. CoP14) on *Implementation of the Convention for timber species*, others were concerned that this could have unintended consequences for other species and that more study of the matter was needed.

The Committee agreed to a suggestion by the representative of Oceania that it should propose two draft decisions on this issue to CoP15 which would read:

*Directed to the Plants Committee*

*The Plants Committee shall consider current definitions of artificially propagated plants and how they apply to trees in mixed species plantations, and report at the 16th meeting of the Conference of the Parties.*

*Directed to the Secretariat*

*The Secretariat will obtain funding and will liaise with agarwood range States to organize a workshop to discuss management of wild and plantation-sourced agarwood.*

During discussion of this item, interventions were made by the representative of North America (Mr Gabel), Malaysia, Thailand, the United States, Agaroil Manufacturers' Association, WWF and the Chair.

## 16. Proposals for possible consideration at CoP15

### 16.1 Proposals to amend the Appendices

#### 16.1.1 Periodic review of plant species included in the CITES Appendices

and

#### 16.1.2 Review of succulent *Euphorbia* spp. in Appendix II

The alternate representative for Europe (Mr Lüthy) introduced documents PC18 Doc. 16.1.1 and PC18 Doc. 16.1.2.

The Committee agreed to establish a working group (WG12) to address these agenda items, comprising the following:

Chair: the alternate representative for Europe (Mr Lüthy).

Member: the representative of Europe (Mr Sajevo).

Parties: the Czech Republic, France, Germany, Malaysia, Mexico Namibia and South Africa.

IGOs and NGOs: UNEP-WCMC, American Herbal Products Association and TRAFFIC.

The mandate of WG12 was agreed as follows:

##### Regarding agenda item 16.1.1

- a) Finalize the review of *Tillandsia harrisii* and *Podocarpus parlatorei* [Resolution Conf. 14.8 (*Periodic Review of the Appendices*), paragraph g)];
- b) Discuss the draft guidelines for the Periodic Review of the Appendices contained in document PC18 Doc. 16.1.1, Annex 2, and draft a final version at PC18, which will then be discussed with the Animals Committee. The Committees will then decide on a possible document and agenda item for CoP15; and
- c) Based on reports received by the Chair of the intersessional working group, analyse all available reports and finalize reviews.

##### Regarding agenda item 16.1.2

Review the two lists [A: species proposed for deletion from Appendix II because they are frequently traded as artificially propagated specimens; and B: species proposed for retention in Appendix II because they meet the listing criteria of Resolution Conf. 9.24 (Rev. CoP14)], and decide on how to proceed with the Plants Committee mandate to submit a proposal for an amended listing of *Euphorbia* species in Appendix II for CoP15.

Later in the meeting, the Chair of WG12 introduced document PC18 WG12 Doc. 1. Concerning the recommendations relating to the periodic review of the Appendices, the Committee agreed with the conclusions in paragraph 1, as follows:

- *Tillandsia harrisii* - the present listing in Appendix II is appropriate.
- *Podocarpus parlatorei* - the present listing in Appendix I is appropriate.

- *Welwitschia mirabilis* - deletion from Appendix II. The Plants Committee should prepare a corresponding proposal for consideration at CoP15, to be submitted by the Depository Government.
- *Euphorbia antisyphilitica* - the listing in Appendix II is appropriate. Finished products, however, should be exempted.

The Committee noted the offer of Namibia to prepare the proposal for *Welwitschia mirabilis*, and that Namibia may submit the proposal directly to CoP15 (as opposes to going through the Depository Government).

The Committee agreed to refer the draft guidelines mentioned in paragraph b) above to the Animals Committee for its consideration. These guidelines are attached as Annex 8 to the present summary.

The Committee maintained an intersessional working group on *Aloe* spp. and *Euphorbia* spp. listed in Appendix I, and Didiereaceae spp., chaired by the alternate representative for Europe (Mr Lüthy) and comprising previous members (Chile, Mexico, the Netherlands, the United States, IWMC-World Conservation Trust, TRAFFIC and UNEP-WCMC) and the members of WG12, to continue to work on all taxa that were still to be reviewed up to CoP15 and, in particular, to consult with the Malagasy Authorities in order to seek completion of reviews of Malagasy taxa. The Committee agreed to charge the intersessional working group with considering Malagasy *Aloe* spp. and *Euphorbia* spp. that were listed in Appendix I but which had very close look-alikes listed in Appendix II and, if it seemed appropriate, consulting with Madagascar on a possible way forward, for example an uplisting of these look-alike species to Appendix I and preparation of a corresponding proposal for submission at CoP15. Concerning the recommendations relating to succulent *Euphorbia* spp., the Committee recalled that it had already decided on action in relation to *Euphorbia antisyphilitica* and requested the intersessional working group to report again at PC19 on the issues mentioned in paragraphs a) to c) (the draft annotation in Annex 1 of document PC18 Doc. 16.1.2 and the composition of Lists A and B in Annex 2 of the same document). The Committee noted that the Chair of the intersessional working group was unwilling to deal with this additional mandate and agreed to decide by correspondence on a new person to be responsible for this.

During discussion of this item, interventions were made by Mexico, Namibia and the Chair.

#### 16.1.3 *Cedrela* spp., *Dalbergia retusa*, *D. granadillo* and *D. stevensonii*

The Chair introduced document PC18 Doc. 16.1.3. The Committee addressed this agenda item in conjunction with agenda item 13.3 and the discussions and conclusions of the Committee on agenda item 16.1.3 are therefore included under agenda item 13.3.

#### 16.1.4 Proposal to include *Bulnesia sarmientoi* in Appendix II

Argentina introduced document PC18 Doc 16.1.4. The Committee congratulated Argentina on the idea of proposing the inclusion of *Bulnesia sarmientoi* in Appendix II and offered to assist Argentina with the drafting of the proposal and the selection of an appropriate annotation.

Given that products of this species were used in many medicinal products in trade, participants drew attention for the need for careful consideration of the annotation suggested in any listing proposal. Attention should also be given to possible identification difficulties between this species and *Bulnesia arborea*.

During discussion of this item, interventions were made by the alternate representative of Europe (Mr Lüthy) speaking on behalf of Switzerland, Brazil, China, Germany and the Chair.

## 16.2 Other proposals

### 16.2.1 Certification and labelling of timber

Germany introduced document PC18 Doc 16.2.1, explaining that it was prepared to fund the envisaged work.

Many participants stressed the voluntary nature of certification schemes and were concerned that CITES was not the right body to judge such schemes. Some though were supportive of further investigating the idea behind the proposal and suggested the idea of a workshop and of involving other bodies such as the United Nations Forum on Forests.

The Committee did not support the proposals in the Annex of the document. The Committee suggested instead that funds which might be available for the workshop proposed in the draft decisions of the Conference of the Parties could be used to address the issue of non-detriment findings.

During discussion of this item, interventions were made by the representatives of Africa (Ms Khayota), Asia (Mr Partomihardjo), Central and South America and the Caribbean (Ms Mites Cadena), Europe (Mr Sajevo), North America (Mr Gabel) and Oceania (Mr Leach), Brazil, Canada, Chile, Malaysia, Mexico, WWF and the Chair.

## 17. Preparation of the Chair's report for CoP15

The Committee addressed this agenda item in conjunction with agenda item 6 and the discussions and conclusions of the Committee on agenda item 17 are therefore included under agenda item 6.

## 18. Nomenclatural matters

### 18.1 Revision and publication of CITES Appendices

and

### 18.2 Report of the nomenclature specialist of the Plants Committee

The Secretariat introduced document PC18 Doc. 18.1 and the specialist on botanical nomenclature (Mr McGough) introduced document PC18 Doc. 18.2.

To address these agenda items, the Committee established a working group (WG13) comprising the following:

Chair: the specialist on botanical nomenclature (Mr McGough).

Members: the alternate representative for Europe (Mr Lüthy).

Parties: Austria, Mozambique, South Africa and the United States.

IGOs and NGOs: UNEP-WCMC.

The mandate of WG13 was agreed as follows:

Review documents PC18 Doc. 18.1 and PC18 Doc. 18.2 and:

- a) Recommend relevant experts to review *World Ferns* (Hassler and Swale, 2001-) or consider whether it is necessary to adopt a standard reference at this time;
- b) Consider whether it is necessary to adopt standard references for *Gonystylus*, *Aquilaria* and *Gyrinops* at this time;

- c) Approve the update of *A World List of Cycads*;
- d) Consider options for the format of *Cactus Checklist 3* and make recommendations for experts whom the editor may contact for advice; and
- e) Review how best and to what degree harmonization of nomenclature and taxonomy should take place across the biodiversity-related multilateral environmental agreements.

Later in the meeting, the Chair of WG13 introduced document PC18 WG13 Doc. 1. With the addition of the words "for the genus *Cyathea*" at the end of the first recommendation relating to document PC18 Doc. 18.2 and a small linguistic change in the French version, the Committee adopted the recommendations in the document. The Committee noted that, as a resource for several multilateral environmental agreements, UNEP-WCMC should play a key role in any harmonization of nomenclature and taxonomy.

The final text of the recommendations adopted by the Committee was as follows:

With regard to document PC18 Doc. 18.1

- a) Any proposal to the Conference of the Parties to change a standard nomenclatural reference for CITES species should contain a list of the amendments that would have to be made to the Appendices if the proposal were adopted.
- b) The nomenclature specialist of the Committee should review possible changes to the Appendices that may result from proposals submitted to the Conference of the Parties.

With regard to document PC18 Doc. 18.2

- a) The nomenclature specialist of the Plants Committee will review the suitability of Large and Braggins (2004) as a suitable reference.
- b) It was not necessary to adopt standard references for *Gonystylus*, *Aquilaria* and *Gyrinops* at this time. However, major botanical institutions, researchers and networks working on these taxa should be contacted to encourage further research and potential development of a checklist.
- c) The nomenclature specialist of the Plants Committee should liaise with the Chair of the IUCN Cycad Specialist Group with regards to amendments to the *World List of Cycads* which may be required to make it suitable for CITES purposes.
- d) The nomenclature specialist of the Plants Committee will further review the format of *Cactus Checklist 3* based on comments supplied by the Working Group.
- e) Regarding the harmonization of nomenclature and taxonomy across the biodiversity MEAs, it should be noted that there are diverging objectives for checklists in different MEAs. While Target 1 of the CBD-GSPC aims at collecting baseline data, CITES species lists or standard references are operational tools to facilitate the work of the Convention. Any harmonization effort should take this into account and CITES should retain its ability to adopt independent standard references appropriate to the needs of the CITES Parties.

During discussion of this item, interventions were made by France, Mexico and the Chair.

#### 19. Progress report on the Identification Manual

The Secretariat presented an oral report, noting the decline in budget for this activity and the intention to convert the Identification Manual to a Web-based content-management application, incorporating Wiki-type technology, by July 2009. The report was noted by the Committee.

No interventions were made.

## 20. Time and venue of the 19th meeting of the Plants Committee

The Committee recalled that under present instructions from the Conference of the Parties, the next meeting would be held in Geneva unless a candidate host country paid the difference in costs between its proposed venue and Geneva, and the Committee noted that the likely time was in the first half of 2011.

No interventions were made.

## 21. Any other business

### 21.1 Trade in Agavaceae

The alternate representative for Europe (Mr Lüthy) speaking on behalf of Switzerland introduced document PC18 Doc. 21.1.

Participants expressed concern over the reported trade in specimens of species in this family.

The Committee thanked Switzerland for raising the issue and requested Switzerland to collaborate with the range States of the species concerned and supply detailed information on the cases indicated in the document, with a view to presenting a joint document on the issue at a future meeting of the Committee.

During discussion of this item, interventions were made by Mexico, the United States, Species Survival Network, TRAFFIC and the Chair.

### 21.2 Transport working group – Proceedings and plans

Austria introduced document PC18 Doc. 21.2. The Committee requested Austria to continue to represent the Plants Committee on the Transport Working Group and to inform the Chair of the Plants Committee about relevant progress in the work of the Group especially in cases where plant-related issues arose or actions were needed.

No interventions were made.

### 21.3 Reporting on trade in artificially propagated plants

The Secretariat gave an oral report on the implementation of Decisions 14.39 - 14.41 on *Reporting on trade in artificially propagated plants*, explaining that the preparation of the report requested under Decision 14.39 required funding which was currently unavailable.

Participants commented on the difficulties of analysing trade in artificially propagated plants, which was often reported in an inconsistent way, but it was also noted that inconsistency in the reporting of wild-collected plants is a greater concern. Most speakers, nevertheless, considered that monitoring trade in artificially-propagated plants was important.

It was also suggested that this was a matter that might be more appropriately discussed by the Standing Committee.

With respect to Decision 14.40, the Committee agreed that the reporting on trade in artificially propagated plants of taxa included in Appendix II was useful to its programme of work but, in view of the difficulties of analysing the reporting practises of Parties for such specimens, it may be necessary to reformulate Decisions 14.39 to 14.41 at the 15th meeting of the Conference of the Parties and agree an appropriate budget for such an analysis.

During discussion of this item, interventions were made by the representative of Central and South America and the Caribbean (Ms Mites Cadena), the specialist on botanical nomenclature (Mr McGough), the alternate representative of Europe (Mr Lüthy) speaking on

behalf of Switzerland and by Austria, the United States, UNEP-WCMC, the Chair and Species Survival Network.

## 22. Closing remarks

The Chair thanked all the staff from the host country, Argentina, the interpreters, the ENB team, the Committee members, especially those for whom this was their last meeting, and the Secretariat. She then declared the 18th meeting of the Plants Committee closed.



# Annex 1

## Collaboration with the Global Strategy for Plant Conservation of the Convention on Biological Diversity (Agenda item 7.2)

### General conclusions

1. CITES contributions need to relate to the current phase of GSPC as well as the new planning phase for continuation of the GSPC beyond 2010, as agreed by CoP9 of CBD.
2. The Committee recognized that CITES has the lead in implementing target xi of the GSPC.
3. The members of the WG2 should work electronically after PC18 to prepare a document relative to this agenda item, which will be submitted by Mexico, for consideration at CoP15. The electronic drafting group will consider documents compiled previously (document PC16 Doc. 13.2) and earlier documents submitted to the CBD Secretariat citing the contributions of the PC in meeting the GSPC targets, especially target xi.

### OBJECTIVES, MECHANISMS AND METHODOLOGIES TO FACILITATE COOPERATION BETWEEN CITES AND GSPC

OBJECTIVE	MECHANISM	METHODOLOGY	CALENDAR	RESPONSIBILITY & BUDGET
a) Promote and enhance collaboration between the focal points of GSPC and CITES Authorities at the national level	Encourage involvement of CITES authorities in the development and implementation of the GSPC national strategies. Ensure CITES activities are included in GSPC National Reports	Notification to national CITES authorities to encourage them to get in touch with focal points responsible for GSPC activities. CITES secretariat should post key dates for CBD reporting regarding the GSPC on the CITES website	Linked to CBD reporting calendar	Secretariat
b) Promote awareness of ongoing activities of CITES that contribute to achieving the targets of the GSPC	Share information on the operations and outcomes of CITES processes, such as significant trade reviews, periodic review of the Appendices, and amendment of proposals for the CITES Appendices, and indicate how these contribute to meeting the GSPC targets	Revise and update document PC16 Doc. 13.2 Annex for submission to CoP15 through a working group chaired by Mexico and including the Secretariat. Submit document to CoP15 Secretariat to submit to the updated document to CBD CoP10	Latest date for submission of proposal to CoP15. Date for submission to CBD CoP10	Working Group Mexico to submit to CoP15 Secretariat to submit to CBD Part of working group document

OBJECTIVE	MECHANISM	METHODOLOGY	CALENDAR	RESPONSIBILITY & BUDGET
c) Encourage GSPC national focal points to focus on CITES-listed species when addressing targets 12 & 13	National CITES Authorities identify CITES species that may be used to develop sustainable use best practice models GSPC focal points to be invited to approach CITES authorities to identify priority species	CITES Secretariat encouraging National CITES Authorities to identify priority species that would fit GSPC priorities. CITES Secretariat to ask CBD secretariat to notify GSPC focal points to suggest the use of CITES species in meeting targets 12 and 13	Before CoP15	Secretariat (both)
d) Ensuring CITES participation with CBD in development of GSPC beyond 2010	PC representative to participate in the meeting on 25-28 May 2009 to develop GSPC	PC chair or nominee	May 2009	PC Chair (or Budget of Party of the nominee)
	PC representative participate in ongoing SBSTTA meetings or working groups to develop the GSPC beyond 2010	PC chair or nominee attend the meeting	2009-2010	PC Chair (or Budget of Party of the nominee)
	Ensure inputs from CITES PC into the development of CBD documents relating to plant conservation, especially the GSPC beyond 2010	PC chair or nominee to make inputs into develop documents	2009-2010	PC Chair (or Budget of Party of the nominee)
e) Within the framework of MoU between CITES and CBD, improve the exchange of information relating to the GSPC and plant conservation issues	Dates of key meetings relating to the development and implementation of the GSPC communicated	CITES and CBD Secretariat	See CBD calendar	CITES and CBD Secretariat
	Invite CBD representative to participate in PC meetings dealing with GSPC	PC chair to issue invitation		PC Chair
	Ensure communication of advances in both conventions regarding the GSPC	Secretariats for both CITES and CBD		CITES and CBD Secretariat

OBJECTIVE	MECHANISM	METHODOLOGY	CALENDAR	RESPONSIBILITY & BUDGET
f) Streamline reporting	Ensure that efforts to streamline reporting by/ for MEAs provides better synchrony for reporting on CITES activities relating to GSPC targets	CITES Secretariat		

Regarding paragraph b) of the WG mandate:

New decision to be proposed for adoption at CoP15

Decision 15.xx *Directed to the Plants Committee*

*The Plants Committee shall collaborate with the Global Strategy for Plant Conservation (GSPC) of the Convention on Biological Diversity (CBD), and with any process established to develop the Strategy beyond 2010, provided it is related to CITES, as well as on other issues related to flora species included in the CITES Appendices, and the Secretariat shall communicate the contributions of CITES in the context of its Memorandum of Understanding with the CBD Secretariat.*

Regarding paragraph c) of the WG mandate: inferences to budget considerations when possible were included in the last column of the table above.

# Annex 2

## Review of Significant Trade (Agenda items 8.2, 8.4 and 8.5)

### 1. With regard to agenda item 8.2

Case studies, listed in order of priority:

- a) *Prunus africana*
- b) *Pericopsis elata*
- c) Madagascar, country study

#### *Modus operandi*

The Committee supported the modus operandi proposed by the Secretariat and recommended that it be treated as general guidelines and not restrain the Advisory Working Group from making further amendments.

The following should be taken into account:

- a) Choice of consultants

The Secretariat should utilize the expertise of the Advisory Working Group and the Animals and Plants Committees in identifying consultants with appropriate expertise to carry out the review.

- b) Case studies

The Committee encourages Parties to participate in the evaluation by carrying out case studies in collaboration with and under the direction of the Advisory Working Group.

- c) Compliance issues

The case of *Prunus africana* and the seven Asian species of medicinal plants [see document PC18 Doc. 8.5 (Rev. 1)] should be considered when reviewing issues related to compliance.

### 2. With regard to agenda item 8.4

Recommendations of the Committee:

Taxon	Country – Replied?	Exclude	Include in next round	NOTES For species from Madagascar the information below is based on their reply to the Secretariat of 18 July 2008
<i>Aloe acutissima</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Aloe antandroi</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Aloe betsileensis</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Aloe bosseri</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Aloe bulbillifera</i>	Madagascar Answer received		Yes	Await results of field surveys

<b>Taxon</b>	<b>Country – Replied?</b>	<b>Exclude</b>	<b>Include in next round</b>	<b>NOTES</b> For species from Madagascar the information below is based on their reply to the Secretariat of 18 July 2008
<i>Aloe capitata</i>	Madagascar Answer received		Yes	No data included in response
<i>Aloe conifera</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Aloe deltoideodonta</i>	Madagascar Answer received		Yes	No data included in response
<i>Aloe divaricata</i>	Madagascar Answer received	Yes		Large distribution
<i>Aloe erythrophylla</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Aloe guillaumetii</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Aloe humbertii</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Aloe ibitiensis</i>	Madagascar Answer received	Yes		Export ban in place. Only artificially propagated plants are exported
<i>Aloe imalotensis</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Aloe isaloensis</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Aloe itremensis</i>	Madagascar Answer received		Yes	No data included in response
<i>Aloe macroclada</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Aloe pratensis</i>	Lesotho Answer received		Yes	Field studies required
<i>Aloe pratensis</i>	South Africa No response		Yes	Responded in meeting. Field studies required
<i>Aloe poliphylla</i>	Lesotho Answer received	Yes		Export ban in place
<i>Aloe prostrate</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Aloe suarezensis</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Aloe trachyticola</i>	Madagascar Answer received	Yes		Export ban in place. Only artificially propagated plants are exported
<i>Aloe vaombe</i>	Madagascar Answer received	Yes		Large distribution
<i>Aloe vaotsanda</i>	Madagascar Answer received	Yes		Large distribution
<i>Beccariophoenix madagascariensis</i>	Madagascar Answer received		Yes	Additional data required
<i>Calanthe alleizettei</i>	Viet Nam No response		Yes	No response
<i>Cistanche deserticola</i>	China Answer received		Yes	Additional data required
<i>Cistanche deserticola</i>	Mongolia No response		Yes	No response
<i>Cymbidium erythrostylum</i>	Viet Nam No response		Yes	No response

<b>Taxon</b>	<b>Country – Replied?</b>	<b>Exclude</b>	<b>Include in next round</b>	<b>NOTES</b> For species from Madagascar the information below is based on their reply to the Secretariat of 18 July 2008
<i>Euphorbia alfredii</i>	Madagascar Answer received		Yes	No data included in response
<i>Euphorbia ankarensis</i>	Madagascar Answer received	Yes		Export ban in place. Only artificially propagated plants are exported
<i>Euphorbia antso</i>	Madagascar Answer received	Yes		Large distribution
<i>Euphorbia aureoviridiflora</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Euphorbia banae</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Euphorbia beharensis</i>	Madagascar Answer received	Yes		Export ban in place. Only artificially propagated plants are exported
<i>Euphorbia berorohae</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Euphorbia biaculeata</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Euphorbia bongolavensis</i>	Madagascar Answer received	Yes		Large distribution
<i>Euphorbia bulbispina</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Euphorbia capmanambatoensis</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Euphorbia capuronii</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Euphorbia croizatii</i>	Madagascar Answer received	Yes		Export ban in place. Only artificially propagated plants are exported
<i>Euphorbia denisiana</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Euphorbia didiereoides</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Euphorbia duranii</i>	Madagascar Answer received	Yes		Large distribution
<i>Euphorbia elliotii</i>	Madagascar Answer received		Yes	No data included in response
<i>Euphorbia famatamboay</i>	Madagascar Answer received		Yes	No data included in response
<i>Euphorbia fianarantsoae</i>	Madagascar Answer received	Yes		Widespread in habitat and not threatened by collection
<i>Euphorbia genoudiana</i>	Madagascar Answer received		Yes	No data included in response
<i>Euphorbia geroldii</i>	Madagascar Answer received	Yes		Large distribution
<i>Euphorbia gottlebei</i>	Madagascar Answer received	Yes		Large distribution
<i>Euphorbia guillauminiana</i>	Madagascar Answer received	Yes		Export ban in place. Only artificially propagated plants are exported
<i>Euphorbia hedyotoides</i>	Madagascar Answer received	Yes		Widespread in habitat and not threatened by collection
<i>Euphorbia herman-schwartzii</i>	Madagascar Answer received		Yes	No data included in response

<b>Taxon</b>	<b>Country – Replied?</b>	<b>Exclude</b>	<b>Include in next round</b>	<b>NOTES</b> For species from Madagascar the information below is based on their reply to the Secretariat of 18 July 2008
<i>Euphorbia hofstaetteri</i>	Madagascar Answer received		Yes	No data included in response
<i>Euphorbia horombensis</i>	Madagascar Answer received		Yes	Inconsistent data in report
<i>Euphorbia iharanae</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Euphorbia itremensis</i>	Madagascar Answer received	Yes		Export ban in place. Only artificially propagated plants are exported
<i>Euphorbia kondoi</i>	Madagascar Answer received	Yes		Export ban in place. Only artificially propagated plants are exported
<i>Euphorbia labatii</i>	Madagascar Answer received	Yes		Export ban in place. Only artificially propagated plants are exported
<i>Euphorbia leucodendron</i>	Madagascar Answer received	Yes		Large distribution
<i>Euphorbia leuconeura</i>	Madagascar Answer received		Yes	No data included in response
<i>Euphorbia lophogona</i>	Madagascar Answer received	Yes		Species is easily artificially propagated
<i>Euphorbia mahabobokensis</i>	Madagascar Answer received		Yes	No data included in response
<i>Euphorbia mangokyensis</i>	Madagascar Answer received		Yes	No data included in response
<i>Euphorbia neobosseri</i>	Madagascar Answer received		Yes	No data included in response
<i>Euphorbia neohumbertii</i>	Madagascar Answer received	Yes		Large distribution
<i>Euphorbia pachypodioides</i>	Madagascar Answer received		Yes	Inconsistent data in report
<i>Euphorbia paulianii</i>	Madagascar Answer received		Yes	No data included in response
<i>Euphorbia pedilanthoides</i>	Madagascar Answer received	Yes		Large distribution
<i>Euphorbia perrieri</i>	Madagascar Answer received	Yes		Large distribution
<i>Euphorbia primulifolia</i>	Madagascar Answer received		Yes	Widespread in habitat and not threatened by collection
<i>Euphorbia razafindratsirae</i>	Madagascar Answer received	Yes		Export ban in place. Only artificially propagated plants are exported
<i>Euphorbia robivelonae</i>	Madagascar Answer received		Yes	Await results of field surveys
<i>Euphorbia rossii</i>	Madagascar Answer received		Yes	No data included in response
<i>Euphorbia sakarahaensis</i>	Madagascar Answer received	Yes		Export ban in place. Only artificially propagated plants are exported
<i>Euphorbia stenoclada</i>	Madagascar Answer received	Yes		Large distribution
<i>Euphorbia suzannae-marnierae</i>	Madagascar Answer received	Yes		Export ban in place. Only artificially propagated plants are exported
<i>Euphorbia viguieri</i>	Madagascar Answer received	Yes		Large distribution

<b>Taxon</b>	<b>Country – Replied?</b>	<b>Exclude</b>	<b>Include in next round</b>	<b>NOTES</b> For species from Madagascar the information below is based on their reply to the Secretariat of 18 July 2008
<i>Euphorbia waringiae</i>	Madagascar Answer received	Yes		Export ban in place. Only artificially propagated plants are exported
<i>Lemurophoenix halleuxii</i>	Madagascar Answer received		Yes	Additional data required
<i>Marojejya darianii</i>	Madagascar Answer received		Yes	Additional data required
<i>Pericopsis elata</i>	Cameroon No response		Yes	No reply
<i>Pericopsis elata</i>	Central African Republic No response		Yes	No reply
<i>Pericopsis elata</i>	Congo No response		Yes	No reply
<i>Pericopsis elata</i>	Côte d'Ivoire No response		Yes	No reply
<i>Pericopsis elata</i>	Democratic Republic of the Congo No response		Yes	No reply
<i>Pericopsis elata</i>	Ghana Answer received		Yes	Additional information required
<i>Pericopsis elata</i>	Nigeria No response		Yes	No reply
<i>Renanthera annamensis</i>	Myanmar No response		Yes	No reply
<i>Renanthera annamensis</i>	Viet Nam No response		Yes	No reply
<i>Ravenea rivularis</i>	Madagascar Answer received		Yes	Additional data required
<i>Satranala devussilvae</i>	Madagascar Answer received		Yes	Additional data required
<i>Swietenia macrophylla</i>	Belize Answer received		Yes	Additional data required
<i>Swietenia macrophylla</i>	Bolivia No response		Yes	No reply
<i>Swietenia macrophylla</i>	Colombia Answer received		Yes	Additional data required
<i>Swietenia macrophylla</i>	Costa Rica No response	Yes		Responded in meeting. Export ban in place
<i>Swietenia macrophylla</i>	Dominica No response	Yes		No reply. No recorded CITES trade
<i>Swietenia macrophylla</i>	Dominican Republic Answer received	Yes		No export of native species recorded
<i>Swietenia macrophylla</i>	Ecuador Answer received		Yes	Additional data required
<i>Swietenia macrophylla</i>	El Salvador No response	Yes		No reply. No recorded CITES trade
<i>Swietenia macrophylla</i>	Guyana No response	Yes		No reply. No recorded CITES trade



Taxon	Country – Replied?	Exclude	Include in next round	NOTES For species from Madagascar the information below is based on their reply to the Secretariat of 18 July 2008
<i>Swietenia macrophylla</i>	Honduras Answer received		Yes	Additional data required
<i>Swietenia macrophylla</i>	Nicaragua Answer received		Yes	Ten year ban in place. Additional measures need to be put in place prior to any reopening of trade. Concern with regard to partial transformation of timber prior to export which may still require CITES documentation. To be further discussed in plenary
<i>Swietenia macrophylla</i>	Panama No response	Yes		No reply. No recorded CITES trade
<i>Swietenia macrophylla</i>	Peru Answer received	Yes		Considerable progress on implementation of NDFs have been made by Peru
<i>Swietenia macrophylla</i>	Saint Vincent and the Grenadines No response	Yes		No reply. No recorded CITES trade
<i>Swietenia macrophylla</i>	Venezuela (Bolivarian Republic of) No response		Yes	No reply
<i>Swietenia macrophylla</i>	Saint Lucia Answer received	Yes		No reported CITES trade
<i>Voanioala gerardii</i>	Madagascar Answer received		Yes	Additional data required

### 3. With regard to agenda item 8.5

The discussion on the seven Asian medicinal plants resulted in the following decisions:

As the activities associated with Decision 14.20 were incomplete, an extension into the intersessional period between CoP15 and CoP16 was required. However, as several changes to Decision 14.20 had been requested, it may be necessary to submit revised decisions on this matter. The new proposed wording is provided below:

- a) New decisions shall be submitted to CITES CoP15 for approval.
- b) The decisions shall be worded as follows:

Title: Review of Significant Trade in specimens of Appendix-II plant species

Proposed revision of Decision 14.20

#### **Decision 1**

*Directed to the range States of Cistanche deserticola, Dioscorea deltoidea, Nardostachys grandiflora, Picrorhiza kurooa, Pterocarpus santalinus, Rauvolfia serpentina and Taxus wallichiana, to the regional representatives of Asia on the Plants Committee and the Secretariat:*

*The bodies to which this Decision is directed should ensure the implementation of regionally coordinated actions to improve the management of and prevent illegal trade in the seven species, including, inter alia, measures to combat illegal trade, regional capacity-building*

*workshops, harmonization of management and enforcement measures and improving non-detriment finding methodologies.*

**Decision 2**

*Directed to the Secretariat:*

- a) to liaise with TRAFFIC to organize one or several regional capacity-building workshops based on recommendations in document PC17 Inf. 10;*
- b) the project will commence on receipt of funding; and*
- c) submission of progress reports at the 19th and 20th meetings of the Plants Committee.*

**Decision 3**

*Directed to the Secretariat*

*The Secretariat shall:*

- a) On receipt of the project proposal referred to in Decision 1, seek funding for convening the workshop referred to therein; and*
- b) Report on progress at the 19th and 20th meetings of the Plants Committee.*

# Annex 3

## Annotations

(Agenda items 11.1, 11.3, 11.4 and 11.6)

### Proposed annotation to replace Annotations #1 and #4

Designates all parts and derivatives, except:

- a) seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia) except those seeds from Cactaceae spp. exported from Mexico;
- b) seedlings or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
- c) cut flowers 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* (Cactaceae), *Hylocereus* and *Selenicereus* (Cactaceae);
- e) stems, flowers, and parts and derivatives thereof of naturalized or artificially propagated plants of the genera *Opuntia* subgenus *Opuntia* and *Selenicereus* (Cactaceae); and
- f) finished products of *Euphorbia antisyphilitica* packaged and ready for retail trade.

### Proposed amendment to Footnote 6

Cactaceae spp. stem colour mutants ~~lacking chlorophyll~~, grafted on the following grafting stocks: *Harrisia* 'Jusbertii', *Hylocereus trigonus* or *Hylocereus undatus*.

## DRAFT DECISIONS

*Decision 15.XX – Regarding annotations for tree species listed in Appendices II and III (Estimated cost: USD 50,000)*

*Directed to the Secretariat*

*The Secretariat shall commission a trade study, subject to available funding, to be conducted by an external consultant in cooperation with the International Tropical Timber Organization, to review the trade in timber species listed in Appendices II and III to determine the types of specimens that initially appear in international trade or are exported from range States and are those which dominate the trade in and demand for the wild resource. Once the specimens that meet these criteria have been determined, the study should also determine which six-digit universal HS codes and associated definitions are applicable to these specimens. The Secretariat shall provide the results of this study to the Plants Committee.*

*Directed to the Plants Committee*

- a) *Based on the results of the trade study, the Plants Committee shall review the annotations for tree species listed in Appendices II and III and, if appropriate, draft amendments to the annotations and prepare clear definitions for the terms used in those annotations in order to facilitate their use and understanding by CITES authorities, enforcement officers, exporters and importers.*
- b) *The amended annotations shall focus on the articles that initially appear in international trade as exports from the range States and on those which dominate the trade in and demand for the wild resource.*

- c) *The Plants Committee shall draft, if necessary, proposals to amend Resolution Conf. 10.13 (Rev. CoP14) and/or to amend the Appendices accordingly, so that the Depositary Government may submit them on its behalf for consideration at CoP16.*

*Decision 15.XX – Regarding evaluation of trade in finished products (Estimated cost: USD 20,000)*

*Directed to the Plants Committee*

- a) *The Plants Committee shall continue to review the trade in Aloe spp., Cactaceae spp., Cyclamen spp., Galanthus spp., Orchidaceae spp., and Prunus africana to determine whether additional finished products should be exempted by amending the relevant annotations for these species. This review should initially focus on trade in finished products of Orchidaceae spp. Recommendations on whether to exempt additional finished products from CITES controls should be based on the same considerations reflected in document PC18 Doc. 11.3 (e.g. whether finished products are exported from range States and are a significant portion of the trade). In conducting this work, the Plants Committee should consider whether a clear definition of 'finished products' should be developed.*
- b) *The Plants Committee shall, as appropriate, prepare proposals to amend Appendix II, based on the outcome of this review, and provide them to the Depositary Government for submission at CoP16.*

Progress report on implementation of Decisions 14.130 and 14.148 for CoP15

*Decision 14.130 – The mandate of this Decision had been largely fulfilled, and a proposed new annotation to replace Annotations #1 and #4 was to be submitted at CoP15. The remaining issue, to be addressed by a new draft decision for consideration by the CoP, was the review of trade in finished products for nine taxa, to determine whether additional amendments to Appendix II might be appropriate for such specimens. [The issue of trade in herbarium specimens was addressed by the working group specifically established for that issue and no amendment of annotations was needed for these specimens.]*

*Decision 14.148 – Although substantial effort was expended on this issue, both by the Plants Committee and the Secretariat, it was not possible to make recommendations regarding amendments to listings of tree species in Appendices II and III due to the lack of information received from Parties to facilitate the assessment of trade in these species and the complexity of issues pertaining to defining the types of specimens in trade. Therefore, it was also difficult to determine whether the current annotations were sufficiently inclusive of the types of specimens that initially appear in international trade or were exported from the range States, and that dominated the trade in and demand for the wild resource. This Decision had been amended and was being submitted for consideration by the CoP. The amended Decision first directed the Secretariat to commission a trade study, subject to available funding, which would then inform the further deliberations of the Plants Committee on this issue so that potential amendments could be considered for submission at CoP16.*

# Annex 4

## Proposed draft Resolution on non-detriment finding (Agenda item 14.1)

Draft resolution Conf. 15.XX

### Non-detriment findings

RECOGNIZING that according to Articles II, III, and IV of the Convention, Parties shall only allow trade in specimens of species included in Appendices I and II in accordance with its provisions. It is required that an export permit shall only be granted when a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of the species being traded (i.e. non-detriment finding or NDF), which shall be considered an essential requirement for CITES implementation.

FURTHERMORE, in Resolution Conf. 10.3 (*Designation and role of the Scientific Authorities*), the Conference of the Parties recommends that:

c) Management Authorities not issue any export or import permit, or certificate of introduction from the sea, for species listed in the Appendices without first obtaining the appropriate Scientific Authority findings or advice [NDF];

and

h) the findings and advice of the Scientific Authority of the country of export be based on the scientific review of available information on the population status, distribution, population trend, harvest and other biological and ecological factors, as appropriate, and trade information relating to the species concerned;

On the basis stated above, Scientific Authorities of exporting countries, and sometimes also of importing countries, are continually challenged to define whether a particular export will be detrimental to the survival of a species and therefore it is important to have documented guidelines and methodologies to assist in making non-detriment findings to improve the implementation of the Convention.

### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that:

- a) Parties consider the following guiding principles in advising that trade will not be detrimental to the survival of a species, known as making non-detriment finding:
- i) The non-detriment (NDF) for Appendix I and II species verifies that traded volumes within the range state are not detrimental to the survival of that species.
  - ii) The NDF considers whether the species is maintained throughout its range at a level consistent with its role in the ecosystems in which it occurs.
  - iii) The data requirements for an NDF are tailored to appropriate precision according to the resilience or vulnerability of the target species.
  - iv) The implementation of an adaptive management scheme based on regular monitoring is an important consideration in the NDF evaluation process.
  - v) The NDF is based on resource assessment methodologies.
  - vi) The NDF employs appropriate broad-scale assessment, such as total harvest assessments.

- b) Parties consider the guidance for making non-detriment findings, including taxon-based guidance (Annex 1) and guidance for timber and *Prunus africana*, medicinal plants, and agarwood (Annex 2); and
- c) Parties use additional information provided by the International Expert Workshop on CITES Non-detriment findings, including 60 case studies, by referring to the workshop website

[http://www.conabio.gob.mx/institucion/cooperacion\\_internacional/TallerNDF/taller\\_ndf.html](http://www.conabio.gob.mx/institucion/cooperacion_internacional/TallerNDF/taller_ndf.html)

# Annex 5

## Non-detriment findings: Timber species and *Prunus africana* (Agenda item 14.3)

### Background

1. At its 14th meeting of the Conference of the Parties (CoP14, The Hague, 2007), the Parties adopted Decision 14.135 *Timber species and medicinal plants: non-detriment findings, directed to the Plants Committee*, as follows:

#### ***The Plants Committee shall:***

- a) *develop principles, criteria and indicators for the making of non-detriment findings for wild specimens of high-priority taxa such as timber species, Prunus africana and other medicinal plants; and*
  - b) *before the 15th meeting of the Conference of the Parties, support the organization of a workshop on non-detriment findings for tree species.*
2. At the 17th meeting of the Plants Committee (PC17, Geneva, 2008), a working group (WG8) was convened to implement this Decision. The group was asked to liaise with the Chairs of the medicinal plant and agarwood NDF WG's in order to maintain consistency on key issues – in particular the definitions of principles, criteria and indicators.
  3. Mexico organised an International Experts Workshop on NDF methodology which was held in Cancun from 17-22 November 2008. The Timber species and *Prunus africana* WG9 has agreed that in addition to the report produced by the Trees working group, the working group report produced by the Perennials group at the Cancun workshop titled 'Perennial Plants Working Group Annex: Guidance for Scientific Authorities in making a CITES Non-Detriment Finding' (see PC18 Doc 14.2) includes general elements that are well-suited for adaptation to timber species NDFs.

### Principles

4. At PC17 the Chairs of the three NDF working groups (timber, medicinal plants and Agarwood) were tasked with liaising and reaching agreement on common usage of the terms 'principles, criteria and indicators'. For the term 'principle' the Chairs considered material provided in the International Standard for the Sustainable Wild Collection of Medicinal and Aromatic Plants document (ISSC-MAP), discussions at the Mahogany and Agarwood working group meetings, and the output from the Cancun NDF workshop, in particular the Trees Working Group. The following principles are presented as generic principles applicable to the NDF process in CITES regardless of the taxa being considered.
  - The non-detriment finding (NDF) for Appendix I and II species verifies that traded volumes within the range state are not detrimental to the survival of that species.
  - The NDF considers whether the species is maintained throughout its range at a level consistent with its role in the ecosystems in which it occurs.
  - The data requirements for an NDF are tailored to appropriate precision according to the resilience or vulnerability of the target species.
  - The implementation of an adaptive management scheme based on regular monitoring is an important consideration in the NDF evaluation process.
  - The NDF is based on resource assessment methodologies.
  - The NDF employs appropriate broad-scale assessment, such as total harvest assessments.

## Criteria and indicators

5. The terms 'criteria' and 'indicator' were not used by any Working Group in the Cancun workshop. In the Cancun Perennial Plants Working Group report, the term 'criteria', within the context of elaborating a NDF, correlates with the term 'factors' used in the risk assessment or 'factors' which constitute sustainability. It is suggested that the 'elements of guidance' used in assessing the factors/criteria are the indicators that would be used to measure the adequacy or robustness of an NDF. The Committee suggests that the semantics of 'criteria' and 'indicators' distracts from the most critical and essential part of the Decision which is "... for the making of non-detriment findings for wild specimens of high-priority taxa such as timber species, *Prunus africana* and other medicinal plants". The process here outlined provides guidance for the formulation of an NDF for timber species and for *Prunus africana*. If this process is followed, a Scientific Authority will have confidence that the resultant non-detriment finding is robust and reliable. The Committee believes this meets the spirit of the Decision.

## Sources and references used

6. The Committee has tried to build as much as possible upon existing guidance for making NDFs. Particularly useful is the "Guidance for CITES Scientific Authorities"<sup>1</sup> (hereafter called IUCN checklist) and particularly, the factors within Tables 1 and 2 of the IUCN checklist.
7. Of particular and significant value are: PC18 Doc. 14.2, Annex 1, Principles for Non-detriment Findings (NDF) for Trees and PC18 Inf.2<sup>2</sup> which provides detailed information specific to the making of NDFs for *Prunus africana*.
8. Additional elements were incorporated from the following sources:
  - Cancun Workshop Case Studies<sup>3</sup>
  - EU-SRG Guidance Paper<sup>4</sup>
  - Susceptibility matrices published by Cunningham (2001) and Peters (1994)<sup>5</sup>.

## Process for making non-detriment findings

9. The process for making non-detriment findings for Timber species and *Prunus africana* builds upon the Cancun Perennial Plants and Timber species WG reports, the IUCN Checklist, and on other references. It incorporates the sources of information and methods that can be used to evaluate certain factors as well as identifying when a more rigorous approach is needed (i.e., when more information or more rigorous field methods are needed).
10. **Taxonomy:** According to Resolution Conf. 12.11 (Rev. CoP14), species that are listed in the Appendices of CITES should have a valid CITES-recognized name, as reported in CITES-approved checklists. The first step is therefore to assess whether the taxonomic circumscription, including authorities and synonyms, is stable or is dynamic. If the status of the taxon is dynamic, then the taxonomy is usually uncertain (e.g., the taxon may consist of several entities which have to be assessed separately). Sources of information include published floras, CITES checklist, identification guides, and taxonomic experts.

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<sup>1</sup> Rosser, A. & M. Haywood. 2002. *Guidance for CITES Scientific Authorities. Checklist to assist in making non-detriment findings for Appendix II exports.* - xi + 146 pp., IUCN, Gland and Cambridge

<sup>2</sup> <http://www.cites.org/eng/com/PC/18/E-PC18%20Inf%2001.pdf>

<sup>3</sup> [http://www.conabio.gob.mx/institucion/cooperacion\\_internacional/TallerNDF/Links-Documentos/WebPage%20-%20Format%20-%2023%20May%2008.doc](http://www.conabio.gob.mx/institucion/cooperacion_internacional/TallerNDF/Links-Documentos/WebPage%20-%20Format%20-%2023%20May%2008.doc)

<sup>4</sup> *Duties of the CITES Scientific Authorities and Scientific Review Group under Regulations 338/97 and 865/2006.* <http://ec.europa.eu/environment/cites/pdf/srg/guidelines.pdf>

<sup>5</sup> CUNNINGHAM (2001): *Applied ethnobotany.* Earthscan; PETERS (1994): *Sustainable harvest of non-timber forest plant resources in tropical moist forest. An ecological primer.* - WWF Biodiversity Support Program, Washington



11. The Scientific Authority should then consider the harvest regime and determine whether specimens are taken from a plantation or from the wild. If specimens are taken from a plantation, the NDF can be made relatively quickly since it considers that the plantation has been verified by the Management Authority and that the removal of the specimens does not affect populations in the wild. This implies the operation is of reduced risk.
12. If specimens comes from the wild, the Scientific Authority should take a more cautious approach and consider whether the harvest implies removal of the whole tree.
13. If removal of the specimen does not result in the death of the tree (as can be the case for *Prunus africana*, other medicinal trees and agarwood-producing species), the guideline of maintaining the resource in the population over time and through a recovery period between harvests should be followed, with the objective of minimizing the impact of harvesting on species populations.
14. If removal of the specimen results in the death of the tree, then adherence to comprehensive guidelines (encompassing available information and possible methodologies) is required. The essential elements of such guidelines comprise:
  - Characterization of the species' distribution at different spatial and jurisdictional scales so that production and conservation areas can be identified;
  - Characterization of species population status (standing stocks and dynamics) to provide standards for evaluating harvest impacts;
  - Determination (based on sufficient knowledge of distribution and population parameters) whether management systems will be appropriate to the species populations subject to harvest and whether projected harvest levels are sustainable;
  - Determination that adequate monitoring & verification systems are in place to ensure sustainability of harvest;
  - Determination that safeguards are in place to ensure that representative natural populations and phenotypic and genetic diversity represented in harvested populations, and the role of the species in the ecosystem are conserved.

# Annex 6

## Non-detriment findings: Medicinal plants (Agenda item 14.4)

### Background

1. At its 14th meeting of the Conference of the Parties (CoP14, The Hague, 2007), the Parties adopted Decision 14.135 Timber species and medicinal plants: non-detriment findings, directed to the Plants Committee, as follows:

#### ***The Plants Committee shall:***

- a) *develop principles, criteria and indicators for the making of non-detriment findings for wild specimens of high-priority taxa such as timber species, Prunus africana and other medicinal plants; and*
  - b) *before the 15th meeting of the Conference of the Parties, support the organization of a workshop on non-detriment findings for tree species.*
2. At the 17th meeting of the Plants Committee (PC17, Geneva, 2008), an intersessional working group (WG) was convened with the mandate to develop principles, criteria and indicators for the making of non-detriment findings (NDFs) for wild specimens of medicinal plants. The group was asked to liaise with the Chairs of the timber and agarwood NDF WGs in order to maintain consistency on key issues – in particular the definitions of principles, criteria and indicators.
  3. Mexico organized an International Experts Workshop on NDF methodology which was held in Cancun from 17-22 November 2008. The WG agreed that the report produced by the Perennials group at the Cancun workshop titled 'Perennial Plants Working Group Annex: Guidance for Scientific Authorities in making a CITES Non-Detriment Finding' (document PC18 Doc 14.2) includes the general elements that are best-suited for adaptation to medicinal plant NDFs.

### Principles

4. At PC17 the Chairs of the three NDF working groups (timber, medicinal plants and Agarwood) were tasked with liaising and reaching agreement on common usage of the terms 'principles, criteria and indicators'. For the term 'principle' the Chairs considered material provided in the International Standard for the Sustainable Wild Collection of Medicinal and Aromatic Plants document (ISSC-MAP), discussions at the Mahogany and Agarwood working group meetings, and the output from the Cancun NDF workshop, in particular the Trees Working Group. The following principles are presented as generic principles applicable to the NDF process in CITES regardless of the taxa being considered.
  - The non-detriment finding (NDF) for Appendix I and II species verifies that traded volumes within the range state are not detrimental to the survival of that species.
  - The NDF considers whether the species is maintained throughout its range at a level consistent with its role in the ecosystems in which it occurs.
  - The data requirements for an NDF are tailored to appropriate precision according to the resilience or vulnerability of the target species.
  - The implementation of an adaptive management scheme based on regular monitoring is an important consideration in the NDF evaluation process.
  - The NDF is based on resource assessment methodologies.
  - The NDF employs appropriate broad-scale assessment, such as total harvest assessments.

## Criteria and Indicators

5. The terms 'criteria' and 'indicator' were not used by any Working Group in the Cancun workshop. In the Cancun Perennial Plants Working Group report, the term 'criteria', within the context of elaborating a NDF, correlates with the term 'factors' used in the risk assessment or 'factors' which constitute sustainability. It is suggested that the 'elements of guidance' used in assessing the factors/criteria are the indicators that would be used to measure the adequacy or robustness of an NDF. The Committee suggests that the semantics of 'criteria' and 'indicators' distracts from the most critical and essential part of the Decision which is "... for the formulation of non-detriment findings for medicinal plant species". The process outlined here provides guidance for the formulation of an NDF for medicinal plant species. If this process is followed, a Scientific Authority will have confidence that the resultant non-detriment finding is robust and reliable. The Committee believes this meets the spirit of the Decision.

## Sources and references used

6. The Committee tried to build as much as possible upon existing guidance for making NDFs. Particularly valuable is the "Guidance for CITES Scientific Authorities"<sup>1</sup> (hereafter called IUCN checklist). Therefore, the factors within Tables 1 and 2 of the IUCN checklist were fully adopted into the tables of the present document.
7. The Committee also agreed to use the ISSC-MAP document PC 16 Inf. 9<sup>2</sup> as a starting point for its work. ISSC-MAP especially provides additional guidance for evaluating the factors "Management Plan" and "Monitoring Methods" by specifying detailed criteria and indicators.
8. Additional elements were incorporated from the following sources: Cancun Workshop Case Studies<sup>3</sup>, EU-SRG Guidance Paper<sup>4</sup>, Susceptibility matrices published by Cunningham (2001) and Peters (1994)<sup>5</sup>.

## Process for making non detriment findings

9. The process for making non-detriment findings for medicinal plant species (and perhaps all CITES Appendix II plants) builds upon the IUCN Checklist and other references by incorporating the sources of information and methods that can be used to evaluate certain factors as well as identifying when a more rigorous approach is needed (i.e., when more information or more rigorous field methods are needed).
10. **Taxonomy:** According to Resolution Conf. 12.11 (Rev. CoP14), species that are listed in the Appendices of CITES should have a valid CITES-recognized name, as reported in CITES-approved checklists. The first step is therefore to assess whether the taxonomic circumscription, including authorities and synonyms, is stable or is dynamic. If the status of the taxon is dynamic, then the taxonomy is usually uncertain (e.g., the taxon may consist of several entities which have to be assessed separately). Sources of information include published floras, CITES checklist, identification guides, and taxonomic experts.
11. **Harvest limits:** Confirm if proposed trade is within existing harvest limits. Determine whether these harvest limits are current and valid for the particular population of the species, taking into consideration any new information regarding the species.

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<sup>1</sup> Rosser, A. & M. Haywood. 2002. *Guidance for CITES Scientific Authorities. Checklist to assist in making non-detriment findings for Appendix II exports.* - xi + 146 pp., IUCN, Gland and Cambridge

<sup>2</sup> <http://www.cites.org/common/com/PC/16/X-PC16-09-Inf.pdf>

<sup>3</sup> [http://www.conabio.gob.mx/institucion/cooperacion\\_internacional/TallerNDF/Links-Documentos/WebPage%20-%20Format%20-%2023%20May%2008.doc](http://www.conabio.gob.mx/institucion/cooperacion_internacional/TallerNDF/Links-Documentos/WebPage%20-%20Format%20-%2023%20May%2008.doc)

<sup>4</sup> *Duties of the CITES Scientific Authorities and Scientific Review Group under Regulations 338/97 and 865/2006.* <http://ec.europa.eu/environment/cites/pdf/srg/guidelines.pdf>

<sup>5</sup> CUNNINGHAM (2001): *Applied ethnobotany.* Earthscan; PETERS (1994): *Sustainable harvest of non-timber forest plant resources in tropical moist forest. An ecological primer.* - WWF Biodiversity Support Program, Washington

12. **Source of material:** Consider whether the source of the specimen proposed for trade is from the wild or artificially propagated. If the specimen was artificially propagated according to Resolution Conf. 10.13 (Rev. CoP14)<sup>6</sup> and Resolution Conf. 11.11<sup>7</sup>, the NDF should address the criteria, as established under these Resolutions. This should complete the NDF process. If the specimen does not meet the criteria of these Resolutions, continue with the process below.
13. **Resilience of the species to collection:** This step involves evaluating the resilience of species to collection by considering the elements in Table 1, which outline factors for high, medium, and low resilience to collection. This table is not an exhaustive list but includes factors that may be most indicative of resilience or vulnerability, based on examples taken from Cunningham (2001) and Peters (1994). It is expected that judgement will be cautionary, for example, if a species has only a few factors of lower resilience and several deemed higher resilience, the species may still be considered as having a lower resilience to collection. Species are evaluated as having higher resilience i.e. less at risk from collection, if most of the resilience factors are in the higher category.
14. **Assessing the management of wild-collection activities:** Table 2 outlines factors affecting the management of the collection or harvest, along with references that provide examples of how each factor may be applied. For species that are less resilient to collection, greater rigour should be used, for example, multiple data sources, intensive field study, etc. In general, it is expected that Scientific Authorities will work with the information that is available and seek more extensive information for species with very low resilience. Sources of data will vary, depending on the species and collection situation. In some cases, reliable information may not be part of an academic study or published in a peer-reviewed journal, but could still be considered to be reliable by the SA. For example, population abundance may be known from only information gathered from local harvesters.

Table 1. Assessment of the resilience of the species to collection (draft)

References: (1) IUCN Checklist; (2) Cancun Workshop Case Study Format; (5) Cunningham (2001) and Peters (1994).

Note: Where specific information is lacking with regard to these factors, the reviewer should consider gathering that information or explaining in the NDF why this lack of information does or does not affect your ability to a make non-detriment finding.

Factors of Resilience	Guidance	Higher Resilience	Lower Resilience	Ref
<b>Biological characteristics</b>				
<ul style="list-style-type: none"> <li>Life form vs. harvested plant part</li> </ul>	<ul style="list-style-type: none"> <li>Basic life forms for plants: tree, shrub, perennial, annual, bulb, climber, epiphyte, etc.</li> </ul>	Non-lethal harvest of latex, flowers, fruits and leaves Short-lived life forms	Lethal harvest of bark, stem tissue, roots, bulbs, whole plant Long-lived life forms	1, 5
<ul style="list-style-type: none"> <li>Distribution</li> </ul>	<ul style="list-style-type: none"> <li>Currently known global range of the species</li> </ul>	wide, cosmopolitan	restricted, endemic	2, 5

<sup>6</sup> Conf. 10.13 (Rev. CoP14) Implementation of the Convention for timber species for timber species (<http://www.cites.org/eng/res/10/10-13R14.shtml>)

<sup>7</sup> Conf. 11.11 (Rev. CoP14). Regulation of Trade in Plants. (<http://www.cites.org/eng/res/11/11-11R14.shtml>)

Factors of Resilience	Guidance	Higher Resilience	Lower Resilience	Ref
<ul style="list-style-type: none"> <li>Habitat</li> </ul>	<ul style="list-style-type: none"> <li>Preference: Types of habitats occupied by the species</li> <li>Specificity</li> <li>Habitat threat</li> </ul>	highly adaptable to various habitat types. habitat well conserved and stable	narrowly specific to one habitat type habitat threatened	1, 2, 5
<ul style="list-style-type: none"> <li>National abundance</li> </ul>	<ul style="list-style-type: none"> <li>Local population sizes: Everywhere small &lt; &gt; Large to medium &lt; &gt; Often large</li> <li>Spatial distribution: Scattered &lt; &gt; Clumped &lt; &gt; Homogeneous</li> </ul>	Populations often large and spread homogenously across the landscape	All known populations everywhere small Scattered thinly across the landscape	1, 5
<ul style="list-style-type: none"> <li>National population trend</li> </ul>	<ul style="list-style-type: none"> <li>Population increasing or decreasing?</li> </ul>	increasing or stable	Decreasing	1
<ul style="list-style-type: none"> <li>Other threats</li> </ul>	<ul style="list-style-type: none"> <li>Habitat loss/degradation; invasive alien species (directly affecting the species); harvesting; persecution (e.g. pest control); pollution (affecting habitat a/o species)</li> </ul>	none or low	multiple, severe	1, 2
<ul style="list-style-type: none"> <li>Reproduction</li> </ul>	<ul style="list-style-type: none"> <li>Regeneration or reproductive strategy: dioecious, sexual, asexual</li> <li>Pollination: biotic (specialised vector?), wind</li> <li>Pollinator abundance</li> <li>Flower/Fruit phenology: annual, supra-annual, unpredictable</li> </ul>	Asexual wind pollinated annually fruiting pollinators common	Dioecious specialised pollinator monocarpic fruiting unpredictable pollinators rare; bats, hummingbirds	2, 5
<ul style="list-style-type: none"> <li>Regeneration</li> </ul>	<ul style="list-style-type: none"> <li>Capacity of the species to reproduce</li> <li>Growth rate</li> <li>Sprouting capability</li> <li>Regeneration Guild: Early Pioneer &lt; &gt; Late Secondary &lt; &gt; Primary</li> </ul>	fast growing easily resprouting early pioneer	Slow growing not resprouting primary climax species	1, 5

Factors of Resilience	Guidance	Higher Resilience	Lower Resilience	Ref
<ul style="list-style-type: none"> <li>• Dispersal</li> </ul>	<ul style="list-style-type: none"> <li>• Seed germination: viability, dormancy</li> <li>• Seed dispersal strategy</li> <li>• Disperser abundance</li> <li>• Dispersal efficiency</li> </ul>	high viability wind and other abiotic vectors	long dormancy Biotic, with specialized vector	1, 5
<b>Harvest characteristics</b>				
<ul style="list-style-type: none"> <li>• Harvest specificity</li> </ul>	<ul style="list-style-type: none"> <li>• Indiscriminate collection of other species vs. target species easy to identify</li> </ul>	target species easy to identify	Target species hard to identify and therefore harvest accompanied by indiscriminate collection of other species	5
<ul style="list-style-type: none"> <li>• Demographic segment of population</li> </ul>	<ul style="list-style-type: none"> <li>• Are mature and immature plants harvested?</li> </ul>	collection of all age-classes	highly selective collection of one age-class	1, 2
<ul style="list-style-type: none"> <li>• Multiple use</li> </ul>	<ul style="list-style-type: none"> <li>• Multiple, conflicting uses vs. single use or non-competing</li> </ul>	single use or non-competing	Multiple, cumulative uses	5
<ul style="list-style-type: none"> <li>• Yield per plant</li> </ul>	<ul style="list-style-type: none"> <li>• With high yield less individuals are affected by collection</li> </ul>	High	Low	
<ul style="list-style-type: none"> <li>• Scale of trade</li> </ul>	<ul style="list-style-type: none"> <li>• Quantitative information on numbers or quantity, if available; otherwise, a qualitative assessment;</li> <li>• Trade level: High – medium – low</li> <li>• Local, national, international</li> </ul>	Low	High	1, 5
<ul style="list-style-type: none"> <li>• Utilization trend</li> </ul>	<ul style="list-style-type: none"> <li>• Increasing fast &lt; &gt;</li> <li>• Slowly increasing &lt; &gt;</li> <li>• Stable or decreasing &lt; &gt;</li> </ul>	Stable or decreasing	Increasing fast	5

Table 2. Assessment of factors affecting management of the collection (draft)

References: (1) IUCN Checklist; (2) Cancun Workshop Case Study Format; (3) EU-SRG Guidance; (4) ISSC-MAP; (5) Cunningham (2001) and Peters (1994).

<b>Factors of sustainability</b>	<b>Guidance</b>	<b>Ref</b>
<b>Biological characteristics</b>		
<ul style="list-style-type: none"> <li>• Role of the species in its ecosystem</li> </ul>	<p>Consider the role of the species in the ecosystem and whether ecosystem processes are interrupted or changed by the collection of the species. Is the species a keystone or guild species, do other species depend on it for survival (e.g., food source)?</p> <ul style="list-style-type: none"> <li>• Scientific literature</li> <li>• Expert (including collector) knowledge</li> <li>• Field observations</li> </ul>	2
<b>Population status</b>		
<ul style="list-style-type: none"> <li>• National distribution</li> </ul>	<p>Range and distribution of the species in the country (whether or not the distribution of the species is continuous, or to what degree it is fragmented):</p> <ul style="list-style-type: none"> <li>• National distribution map,</li> <li>• Herbarium records, surveys or other vegetation inventories</li> <li>• Expert knowledge (all stakeholders)</li> <li>• Field studies</li> <li>• GIS vegetation coverages</li> <li>• Modelling</li> </ul>	1, 5
<ul style="list-style-type: none"> <li>• National conservation status</li> </ul>	<p>Conservation status of the species in the country determined through consultation of:</p> <ul style="list-style-type: none"> <li>• Species Risk Lists</li> <li>• Conservation Data Centres</li> <li>• Experts (all stakeholders)</li> <li>• Scientific literature</li> <li>• Herbarium records</li> <li>• Field surveys (locations, population size, etc.)</li> </ul>	2
<ul style="list-style-type: none"> <li>• National population trend</li> </ul>	<p>Population increasing or decreasing? To be measured over a time period independent of the harvest</p> <ul style="list-style-type: none"> <li>• Refer to conservation status</li> <li>• Reported harvests</li> <li>• Experts (all stakeholders)</li> <li>• Field surveys over short term</li> <li>• Field surveys over long term</li> <li>• Demographic studies (population viability analyses)</li> </ul>	1
<ul style="list-style-type: none"> <li>• Global conservation status</li> </ul>	<p>Refer to global assessment to compare national situation to global range</p> <ul style="list-style-type: none"> <li>• Published global assessments (e.g., IUCN Red List, Conservation Data Centres , e.g., Nature Serve)</li> <li>• Consult other range states</li> <li>• Undertake global assessment with other range states</li> </ul>	2
<ul style="list-style-type: none"> <li>• Global Distribution</li> </ul>	<p>Refer to global distribution for national context</p> <ul style="list-style-type: none"> <li>• Published global distribution map</li> <li>• Consult other range states</li> </ul>	2, 5
<ul style="list-style-type: none"> <li>• Global population size and trend</li> </ul>	<p>Refer to global population size and trend for national context</p> <ul style="list-style-type: none"> <li>• Published global assessment</li> <li>• Consult other range states</li> </ul>	2

Factors of sustainability	Guidance	Ref
<b>Harvest management</b>		
<ul style="list-style-type: none"> <li>Regulated / unregulated</li> </ul>	<p>"Regulated" refers to a sanctioned (government approved or otherwise official) harvest that is under the full control of the manager. Legal status determined through:</p> <ul style="list-style-type: none"> <li>Analysis of market reports on trade volumes</li> <li>Experts (all stakeholders)</li> <li>Trade volume records (e.g. WCMC CITES trade database; statistics from Customs; National or state permit databases)</li> <li>Enforcement reports</li> <li>Field and market surveys</li> </ul>	1, 2
<ul style="list-style-type: none"> <li>Management history</li> </ul>	<p>What is the history of harvest? Is the harvest ongoing or new?</p> <ul style="list-style-type: none"> <li>Literature</li> <li>Experts (all stakeholders, including trade networks)</li> </ul>	1, 2
<ul style="list-style-type: none"> <li>Illegal harvest or trade</li> </ul>	<p>How significant is the national problem of illegal or unmanaged harvest or trade? Assess the levels of both unmanaged and illegal harvest by:</p> <ul style="list-style-type: none"> <li>Collecting market information</li> <li>Collecting information from traders, collectors, wildlife managers</li> <li>Comparing exports and imports with other Parties</li> <li>Comparing CITES permit data to other export data sources (national trade statistics)</li> <li>Analysing enforcement reports</li> <li>Conducting field and market surveys</li> </ul>	1
<ul style="list-style-type: none"> <li>Management plan</li> </ul>	<p>Is there an adaptive management plan related to the collection of the species with the aim of sustainable use?</p> <ul style="list-style-type: none"> <li>National and international legislation relating to the conservation of the species</li> <li>Management plan in place</li> <li>Plan specifies plant and habitat conservation strategies (may include protected areas)</li> <li>Collection practices in place</li> <li>Collection practices specify restoration measures (e.g., planting seed when whole plant is removed)</li> <li>Requirement to keep records of collection</li> <li>Collection records are reviewed and collection monitored</li> <li>Management plan is reviewed at regular intervals specified in the plan</li> <li>Limitations on collection (examples include collection seasons, minimum and maximum age / size class allowed for collection based on proportion of mature, reproducing individuals to be retained, maximum collection quantities, maximum allowed collection frequency, maximum allowed number of collectors)</li> <li>Periods allowed for collection are determined using reliable and practical indicators (e.g., seasonality, precipitation cycles, flowering and fruiting times) and are based on information about the reproductive cycles of target species</li> <li>The age/size-classes are defined using reliable and practical characters (e.g., plant diameter/DBH, height, fruiting and flowering, local collectors' knowledge)</li> </ul>	1, 2, 4



Factors of sustainability	Guidance	Ref
<b>Control of harvest</b>		
<ul style="list-style-type: none"> <li>Percent of harvest in state Protected Areas</li> </ul>	<p>What percentage of the legal national harvest occurs in state-controlled Protected Areas?</p> <ul style="list-style-type: none"> <li>Harvester information or interviews</li> <li>Enforcement information or interviews</li> <li>Park manager information or interviews</li> <li>Compare location information from permit with maps of protected areas</li> <li>GIS layers of harvesting and land tenure</li> </ul>	1
<ul style="list-style-type: none"> <li>Percent of harvest in areas of strong tenure</li> </ul>	<p>What percentage of the legal national harvest occurs in areas with strong local control over resource use? e.g.: a local community or a private landowner is responsible for managing and regulating the harvest</p> <ul style="list-style-type: none"> <li>Harvester information or interviews</li> <li>Enforcement information or interviews</li> <li>Landowner information or interviews</li> <li>Compare location information from permit with maps of protected areas</li> <li>GIS layers of harvesting and land tenure</li> </ul>	1
<ul style="list-style-type: none"> <li>Percent of harvest in open access areas</li> </ul>	<p>What percentage of the legal national harvest occurs in areas where there is no strong local control, giving de facto or actual open access?</p> <ul style="list-style-type: none"> <li>Harvester information or interviews</li> <li>Enforcement information or interviews</li> <li>Compare location information from permit with maps of protected areas</li> <li>GIS layers of harvesting and land tenure</li> </ul>	1
<ul style="list-style-type: none"> <li>Proportion of range or population protected from harvest</li> </ul>	<p>What percentage of the species' natural range or population is legally excluded from harvest?</p> <ul style="list-style-type: none"> <li>Compare distribution map with maps of areas excluding harvest</li> <li>Information or interviews with wildlife managers</li> </ul>	1
<ul style="list-style-type: none"> <li>Confidence in effectiveness of strict protection measures</li> </ul>	<p>Are there measures taken to enforce strict protection?</p> <ul style="list-style-type: none"> <li>Information or interviews with protected areas managers</li> </ul>	1
<ul style="list-style-type: none"> <li>Effectiveness of regulation of harvest effort</li> </ul>	<p>How effective are any restrictions on harvesting (such as age or size, season or equipment) for preventing overuse?</p> <ul style="list-style-type: none"> <li>Information or interviews with resource managers</li> </ul>	1
<ul style="list-style-type: none"> <li>Confidence in harvest management</li> </ul>	<p>Are there effective implementation of management plan(s) and harvest controls?</p> <ul style="list-style-type: none"> <li>Information or interviews with resource managers</li> </ul>	1
<b>Monitoring of harvest</b>		
<ul style="list-style-type: none"> <li>Monitoring of collection impact and management practices</li> </ul>	<p>Is management of wild collection supported by adequate identification, inventory, assessment, and monitoring of the target species and collection impacts? Does the rate (intensity and frequency) of collection enable the target species to regenerate over the long term?</p> <ul style="list-style-type: none"> <li>Baseline information on population size, distribution, and structure (age classes)</li> <li>Records on collected quantities (species/area/year)</li> <li>Qualitative indices, e.g., discussions with collectors</li> <li>Quantitative indices, e.g., roots per pound collected as an indication of population size, the quantity of national exports</li> </ul>	4

Factors of sustainability	Guidance	Ref
	<ul style="list-style-type: none"> <li>• Identification of target species with voucher specimens from the collection site</li> <li>• Direct population estimates through field surveys, including surveys of populations before and after harvest (field surveys / data collection program is critical when collected quantities are above potential production)</li> </ul>	
<ul style="list-style-type: none"> <li>• Confidence in monitoring</li> </ul>	<p>Are there effective implementation of monitoring and harvest impact controls?</p> <ul style="list-style-type: none"> <li>• Monitoring confirms that abundance, viability and quality of the target resource / part of plant is stable or increasing</li> </ul>	1
<ul style="list-style-type: none"> <li>• Other factors that may affect whether or not to allow trade</li> </ul>	<ul style="list-style-type: none"> <li>• What is the effect of the harvest when taken together with the major threat that has been identified for this species?</li> <li>• At the national level, how much conservation benefit to this species accrues from harvesting?</li> <li>• At the national level, how much habitat conservation benefit is derived from harvesting?</li> </ul>	1, 3

# Annex 7

## Non-detriment findings: Agarwood-producing taxa (Agenda item 14.5)

### Background

1. At its 14th meeting of the Conference of the Parties (CoP14, The Hague, 2007), the Parties adopted Decision 14.143 directed to the Plants Committee and the Secretariat on Agarwood-producing taxa as follows:

#### ***The Plants Committee shall:***

*On the basis of the work on non-detriment findings for Agarwood-producing species, that has been developed by TRAFFIC Southeast Asia and the Secretariat, the Plants Committee, in consultation with range states and the Secretariat, shall develop principles, criteria and indicators for the formulation of non-detriment findings for Agarwood-producing species.*

2. At the 17th meeting of the Plants Committee (PC17, Geneva, 2008), a working group (WG7) was convened to implement this Decision. The group was asked to liaise with the Chairs of the timber and medicinal plant NDF WG's in order to maintain consistency on key issues – in particular the definitions of principles, criteria and indicators.
3. Mexico organized an International Experts Workshop on NDF methodology which was held in Cancun from 17-22 November 2008. The Agarwood WG7 agreed that both the working group reports produced by the Trees and the Perennial Plants groups at the Cancun workshop are applicable to Agarwood as the Trees WG had Agarwood case studies and the Perennial Plants WG emphasised medicinal and aromatic plants which is the predominant use of Agarwood. (see PC18 Doc 14.2). Due to the greater generic applicability and the diagrammatic step-by-step approach offered in the Perennial Plants WG report it was considered best-suited for adaptation to Agarwood-producing taxa NDF's.

### Principles

4. At PC17 the Chairs of the three NDF working groups (timber, medicinal plants and Agarwood) were tasked with liaising and reaching agreement on common usage of the terms 'principles, criteria and indicators'. For the term 'principle' the Chairs considered material provided in the International Standard for the Sustainable Wild Collection of Medicinal and Aromatic Plants document (ISSC-MAP), discussions at the Mahogany and Agarwood working group meetings, and the output from the Cancun NDF workshop, in particular the Trees Working Group. The following principles are presented as generic principles applicable to the NDF process in CITES regardless of the taxa being considered.
  - The non-detriment finding (NDF) for Appendix I and II species verifies that traded volumes within the range state are not detrimental to the survival of that species.
  - The NDF considers whether the species is maintained throughout its range at a level consistent with its role in the ecosystems in which it occurs.
  - The data requirements for an NDF are tailored to appropriate precision according to the resilience or vulnerability of the target species.
  - The implementation of an adaptive management scheme based on regular monitoring is an important consideration in the NDF evaluation process.
  - The NDF is based on resource assessment methodologies.
  - The NDF employs appropriate broad-scale assessment, such as total harvest assessments.

## Criteria and Indicators

5. The terms 'criteria' and 'indicator' were not used by any Working Group in the Cancun workshop. In the Cancun Perennial Plants Working Group report, the term 'criteria', within the context of elaborating a NDF, correlates with the term 'factors' used in the risk assessment or 'factors' which constitute sustainability. It is suggested that the 'elements of guidance' used in assessing the factors/criteria are the indicators that would be used to measure the adequacy or robustness of an NDF. The Committee suggests that the semantics of 'criteria' and 'indicators' distracts from the most critical and essential part of the Decision which is "... for the formulation of non-detriment findings for Agarwood-producing species". The process outlined here provides guidance for the formulation of an NDF for Agarwood. If this process is followed, a Scientific Authority will have confidence that the resultant non-detriment finding is robust and reliable. The Committee believes this meets the spirit of the Decision.

## Sources and references used

6. The Agarwood-producing taxa WG7 tried to build as much as possible upon existing guidance for making NDFs. Particularly valuable, and in fact mandated in the Decision as a basis for this work, is the TRAFFIC document "Essential elements for the formulation of non-detriment findings (NDF's) on Agarwood-producing taxa (*Aquilaria/Gyrinops* spp.)" presented as PC17 Inf. 4<sup>1</sup>. Section 1 of this document provides a detailed introduction including background, approaches and context to the Convention.
7. Also of significant value is the "Guidance for CITES Scientific Authorities"<sup>2</sup> (hereafter called IUCN checklist). Therefore, the factors within Tables 1 and 2 of the IUCN checklist were fully adopted into the tables of the present document.
8. WG7 also recommended that there should be an assessment of the possible relevance and contribution of the document, "International Standard for Sustainable Wild Collection of Medicinal and Aromatic Plants (ISSC-MAP document, PC 16 Inf. 9<sup>3</sup>) for the development of an Agarwood NDF methodology. The Perennial Plant working group in Cancun considered ISSC-MAP and adopted relevant elements. ISSC-MAP especially provides additional guidance for evaluating the factors "Management Plan" and "Monitoring Methods" by specifying detailed criteria and indicators.
9. Additional elements were incorporated from the following sources:
  - Cancun Workshop Case Studies<sup>4</sup>
  - EU-SRG Guidance Paper<sup>5</sup>
  - Susceptibility matrices published by Cunningham (2001) and Peters (1994)<sup>6</sup>.

## Process for making non detriment findings

10. The process for making non-detriment findings for Agarwood-producing taxa therefore builds upon the Cancun Perennial Plants WG report which in itself is explicitly built upon the IUCN Checklist and other references. It incorporates the sources of information and methods that can be used to evaluate certain factors as well as identifying when a more rigorous approach is needed (i.e., when more information or more rigorous field methods are needed).

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<sup>1</sup> TRAFFIC (2008) *Developing a Non-Detriment Finding Methodology for Agarwood-Producing taxa*. PC17 Inf.4  
<http://www.cites.org/common/com/PC/17/X-PC17-Inf-04.pdf>

<sup>2</sup> Rosser, A. & M. Haywood. 2002. *Guidance for CITES Scientific Authorities. Checklist to assist in making non-detriment findings for Appendix II exports*. - xi + 146 pp., IUCN, Gland and Cambridge  
<http://www.cites.org/common/com/PC/16/X-PC16-09-Inf.pdf>

<sup>3</sup> [http://www.conabio.gob.mx/institucion/cooperacion\\_internacional/TallerNDF/Links-Documentos/WebPage%20-%20Format%20-%2023%20May%2008.doc](http://www.conabio.gob.mx/institucion/cooperacion_internacional/TallerNDF/Links-Documentos/WebPage%20-%20Format%20-%2023%20May%2008.doc)

<sup>4</sup> *Duties of the CITES Scientific Authorities and Scientific Review Group under Regulations 338/97 and 865/2006*.  
<http://ec.europa.eu/environment/cites/pdf/srg/guidelines.pdf>

<sup>5</sup> CUNNINGHAM (2001): *Applied ethnobotany*. Earthscan; PETERS (1994): *Sustainable harvest of non-timber forest plant resources in tropical moist forest. An ecological primer*. - WWF Biodiversity Support Program, Washington

11. **Taxonomy:** According to Resolution Conf. 12.11 (Rev. CoP14), species that are listed in the Appendices of CITES should have a valid CITES-recognized name, as reported in CITES-approved checklists. The first step is therefore to assess whether the taxonomic circumscription, including authorities and synonyms, is stable or is dynamic. If the status of the taxon is dynamic, then the taxonomy is usually uncertain (e.g., the taxon may consist of several entities which have to be assessed separately). Sources of information include published floras, CITES checklist, identification guides, and taxonomic experts.
12. **Harvest limits:** Confirm if proposed trade is within existing harvest limits. Determine whether these harvest limits are current and valid for the particular population of the species, taking into consideration any new information regarding the species.
13. **Source of material:** Consider whether the source of the specimen proposed for trade is from the wild or artificially propagated. If the specimen was artificially propagated according to Resolution Conf. 10.13 (Rev. CoP14)<sup>7</sup> and Resolution Conf. 11.11<sup>8</sup>, the NDF should address the criteria as established under these Resolutions. This should complete the NDF process. If the specimen does not meet the criteria of these Resolutions, continue with the process below.
14. **Resilience of a species to collection:** This step involves evaluating the resilience of species to collection by considering the elements in Table 1, which outlines factors for high, medium, and low resilience to collection. This table is not an exhaustive list but includes factors that may be most indicative of resilience or vulnerability, based on examples taken from Cunningham (2001) and Peters (1994). There are also links to the Agarwood specific detail provided in PC17 Inf. 4<sup>1</sup>. It is expected that judgement will be cautionary, for example, if a species has only a few factors of lower resilience and several deemed higher resilience, the species may still be considered as having a lower resilience to collection. Species are evaluated as having higher resilience i.e. less at risk from collection, if most of the resilience factors are in the higher category.
15. **Assessing the management of wild-collection activities:** Table 2 outlines factors affecting the management of the collection or harvest, along with references that provide examples of how each factor may be applied (Annex 2). For species that are less resilient to collection, greater rigour should be used, for example, multiple data sources, intensive field study, etc. In general, it is expected that Scientific Authorities will work with the information that is available and seek more extensive information for species with very low resilience. Sources of data will vary, depending on the species and collection situation. In some cases, reliable information may not be part of an academic study or published in a peer-reviewed journal, but could still be considered to be reliable by the SA. For example, population abundance may be known from only information gathered from local harvesters.
16. If information gleaned from the previous steps indicates a predominantly negative trend, this may lead to management interventions (see Section 2.7 in PC17 Inf. 4<sup>1</sup>). A comprehensive list of management criteria, including sustainable management indicators is outlined in Section 3 of PC17 Inf. 4<sup>1</sup>, which aims to present a list of options for CITES Authorities of range States to consider towards improving the sustainable management of wild agarwood populations. This includes a consideration of the monitoring and verification systems that could be set up or strengthened in parallel to the NDF assessment process.

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<sup>7</sup> Resolution Conf. 10.13 (Rev. CoP14). Implementation of the Convention for timber species. (<http://www.cites.org/eng/res/10/10-13R14.shtml>)

<sup>8</sup> Resolution Conf. 11.11 (Rev. CoP14). Regulation of Trade in Plants. (<http://www.cites.org/eng/res/11/11-11R14.shtml>)

Table 1 Assessment of the resilience of the species to collection (draft)

References: (1) IUCN Checklist; (2) Cancun Workshop Case Study Format; (5) Cunningham (2001) and Peters (1994).

Note: Where specific information is lacking with regard to these factors, the reviewer should consider gathering that information or explaining in the NDF why this lack of information does or does not affect your ability to a make non-detriment finding.

Factors of Resilience	Guidance	Higher Resilience	Lower Resilience	Ref
<b>Biological characteristics</b>				
<ul style="list-style-type: none"> <li>Life form vs. harvested plant part</li> </ul>	<ul style="list-style-type: none"> <li>Basic life forms for plants: tree, shrub, perennial, annual, bulb, climber, epiphyte, etc.</li> </ul>	Non-lethal harvest of latex, flowers, fruits and leaves Short-lived life forms	Lethal harvest of bark, stem tissue, roots, bulbs, whole plant Long-lived life forms	1, 5
<ul style="list-style-type: none"> <li>Distribution</li> </ul>	<ul style="list-style-type: none"> <li>Currently known global range of the species</li> </ul>	wide, cosmopolitan	restricted, endemic	2, 5
<ul style="list-style-type: none"> <li>Habitat</li> </ul>	<ul style="list-style-type: none"> <li>Preference: Types of habitats occupied by the species</li> <li>Specificity</li> <li>Habitat threat</li> </ul>	highly adaptable to various habitat types. habitat well conserved and stable	narrowly specific to one habitat type habitat threatened	1, 2, 5
<ul style="list-style-type: none"> <li>National abundance</li> </ul>	<ul style="list-style-type: none"> <li>Local population sizes: Everywhere small &lt; &gt; Large to medium &lt; &gt; Often large</li> <li>Spatial distribution: Scattered &lt; &gt; Clumped &lt; &gt; Homogeneous</li> </ul>	Populations often large and spread homogenously across the landscape	All known populations everywhere small Scattered thinly across the landscape	1, 5
<ul style="list-style-type: none"> <li>National population trend</li> </ul>	<ul style="list-style-type: none"> <li>Population increasing or decreasing?</li> </ul>	increasing or stable	Decreasing	1
<ul style="list-style-type: none"> <li>Other threats</li> </ul>	<ul style="list-style-type: none"> <li>Habitat loss/degradation; invasive alien species (directly affecting the species); harvesting; persecution (e.g. pest control); pollution (affecting habitat a/o species)</li> </ul>	none or low	multiple, severe	1, 2

Factors of Resilience	Guidance	Higher Resilience	Lower Resilience	Ref
<ul style="list-style-type: none"> <li>• Reproduction</li> </ul>	<ul style="list-style-type: none"> <li>• Regeneration or reproductive strategy: dioecious, sexual, asexual</li> <li>• Pollination: biotic (specialised vector?), wind</li> <li>• Pollinator abundance</li> <li>• Flower/Fruit phenology: annual, supra-annual, unpredictable</li> </ul>	Asexual wind pollinated annually fruiting pollinators common	Dioecious specialised pollinator monocarpic fruiting unpredictable pollinators rare; bats, hummingbirds	2, 5
<ul style="list-style-type: none"> <li>• Regeneration</li> </ul>	<ul style="list-style-type: none"> <li>• Capacity of the species to reproduce</li> <li>• Growth rate</li> <li>• Sprouting capability</li> <li>• Regeneration Guild: Early Pioneer &lt; &gt; Late Secondary &lt; &gt; Primary</li> </ul>	fast growing easily resprouting early pioneer	Slow growing not resprouting primary climax species	1, 5
<ul style="list-style-type: none"> <li>• Dispersal</li> </ul>	<ul style="list-style-type: none"> <li>• Seed germination: viability, dormancy</li> <li>• Seed dispersal strategy</li> <li>• Disperser abundance</li> <li>• Dispersal efficiency</li> </ul>	high viability wind and other abiotic vectors	long dormancy Biotic, with specialized vector	1, 5
<b>Harvest characteristics</b>				
<ul style="list-style-type: none"> <li>• Harvest specificity</li> </ul>	<ul style="list-style-type: none"> <li>• Indiscriminate collection of other species vs. target species easy to identify</li> </ul>	target species easy to identify	Target species hard to identify and therefore harvest accompanied by indiscriminate collection of other species	5
<ul style="list-style-type: none"> <li>• Demographic segment of population</li> </ul>	<ul style="list-style-type: none"> <li>• Are mature and immature plants harvested?</li> </ul>	collection of all age-classes	highly selective collection of one age-class	1, 2
<ul style="list-style-type: none"> <li>• Multiple use</li> </ul>	<ul style="list-style-type: none"> <li>• Multiple, conflicting uses vs. single use or non-competing</li> </ul>	single use or non-competing	Multiple, cumulative uses	5
<ul style="list-style-type: none"> <li>• Yield per plant</li> </ul>	<ul style="list-style-type: none"> <li>• With high yield less individuals are affected by collection</li> </ul>	High	Low	

Factors of Resilience	Guidance	Higher Resilience	Lower Resilience	Ref
<ul style="list-style-type: none"> <li>Scale of trade</li> </ul>	<ul style="list-style-type: none"> <li>Quantitative information on numbers or quantity, if available; otherwise, a qualitative assessment;</li> <li>Trade level: High – medium – low</li> <li>Local, national, international</li> </ul>	Low	High	1, 5
<ul style="list-style-type: none"> <li>Utilization trend</li> </ul>	<ul style="list-style-type: none"> <li>Increasing fast &lt; &gt; Slowly increasing &lt; &gt; Stable or decreasing</li> </ul>	Stable or decreasing	Increasing fast	5

Table 2. Assessment of factors affecting management of the collection (draft)

References: (1) IUCN Checklist; (2) Cancun Workshop Case Study Format; (3) EU-SRG Guidance; (4) ISSC-MAP; (5) Cunningham (2001) and Peters (1994).

Factors of sustainability	Guidance	Ref
<b>Biological characteristics</b>		
<ul style="list-style-type: none"> <li>Role of the species in its ecosystem</li> </ul>	<p>Consider the role of the species in the ecosystem and whether ecosystem processes are interrupted or changed by the collection of the species. Is the species a keystone or guild species, do other species depend on it for survival (e.g., food source)?</p> <ul style="list-style-type: none"> <li>Scientific literature</li> <li>Expert (including collector) knowledge</li> <li>Field observations</li> </ul>	2
<b>Population status</b>		
<ul style="list-style-type: none"> <li>National distribution</li> </ul>	<p>Range and distribution of the species in the country (whether or not the distribution of the species is continuous, or to what degree it is fragmented):</p> <ul style="list-style-type: none"> <li>National distribution map,</li> <li>Herbarium records, surveys or other vegetation inventories</li> <li>Expert knowledge (all stakeholders)</li> <li>Field studies</li> <li>GIS vegetation coverages</li> <li>Modelling</li> </ul>	1, 5
<ul style="list-style-type: none"> <li>National conservation status</li> </ul>	<p>Conservation status of the species in the country determined through consultation of :</p> <ul style="list-style-type: none"> <li>Species Risk Lists</li> <li>Conservation Data Centres</li> <li>Experts (all stakeholders)</li> <li>Scientific literature</li> <li>Herbarium records</li> <li>Field surveys (locations, population size, etc.)</li> </ul>	2



Factors of sustainability	Guidance	Ref
<ul style="list-style-type: none"> <li>National population trend</li> </ul>	<p>Population increasing or decreasing? To be measured over a time period independent of the harvest</p> <ul style="list-style-type: none"> <li>Refer to conservation status</li> <li>Reported harvests</li> <li>Experts (all stakeholders)</li> <li>Field surveys over short term</li> <li>Field surveys over long term</li> <li>Demographic studies (population viability analyses)</li> </ul>	1
<ul style="list-style-type: none"> <li>Global conservation status</li> </ul>	<p>Refer to global assessment to compare national situation to global range</p> <ul style="list-style-type: none"> <li>Published global assessments (e.g., IUCN Red List, Conservation Data Centres , e.g., Nature Serve)</li> <li>Consult other range states</li> <li>Undertake global assessment with other range states</li> </ul>	2
<ul style="list-style-type: none"> <li>Global Distribution</li> </ul>	<p>Refer to global distribution for national context</p> <ul style="list-style-type: none"> <li>Published global distribution map</li> <li>Consult other range states</li> </ul>	2, 5
<ul style="list-style-type: none"> <li>Global population size and trend</li> </ul>	<p>Refer to global population size and trend for national context</p> <ul style="list-style-type: none"> <li>Published global assessment</li> <li>Consult other range states</li> </ul>	2
<b>Harvest management</b>		
<ul style="list-style-type: none"> <li>Regulated / unregulated</li> </ul>	<p>"Regulated" refers to a sanctioned (government approved or otherwise official) harvest that is under the full control of the manager. Legal status determined through:</p> <ul style="list-style-type: none"> <li>Analysis of market reports on trade volumes</li> <li>Experts (all stakeholders)</li> <li>Trade volume records (e.g. WCMC CITES trade database; statistics from Customs; National or state permit databases)</li> <li>Enforcement reports</li> <li>Field and market surveys</li> </ul>	1, 2
<ul style="list-style-type: none"> <li>Management history</li> </ul>	<p>What is the history of harvest? Is the harvest ongoing or new?</p> <ul style="list-style-type: none"> <li>Literature</li> <li>Experts (all stakeholders, including trade networks)</li> </ul>	1, 2
<ul style="list-style-type: none"> <li>Illegal harvest or trade</li> </ul>	<p>How significant is the national problem of illegal or unmanaged harvest or trade? Assess the levels of both unmanaged and illegal harvest by:</p> <ul style="list-style-type: none"> <li>Collecting market information</li> <li>Collecting information from traders, collectors, wildlife managers</li> <li>Comparing exports and imports with other Parties</li> <li>Comparing CITES permit data to other export data sources (national trade statistics)</li> <li>Analysing enforcement reports</li> <li>Conducting field and market surveys</li> </ul>	1

Factors of sustainability	Guidance	Ref
<ul style="list-style-type: none"> <li>Management plan</li> </ul>	<p>Is there an adaptive management plan related to the collection of the species with the aim of sustainable use?</p> <ul style="list-style-type: none"> <li>National and international legislation relating to the conservation of the species</li> <li>Management plan in place</li> <li>Plan specifies plant and habitat conservation strategies (may include protected areas)</li> <li>Collection practices in place</li> <li>Collection practices specify restoration measures (e.g., planting seed when whole plant is removed)</li> <li>Requirement to keep records of collection</li> <li>Collection records are reviewed and collection monitored</li> <li>Management plan is reviewed at regular intervals specified in the plan</li> <li>Limitations on collection (examples include collection seasons, minimum and maximum age / size class allowed for collection based on proportion of mature, reproducing individuals to be retained, maximum collection quantities, maximum allowed collection frequency, maximum allowed number of collectors)</li> <li>Periods allowed for collection are determined using reliable and practical indicators (e.g., seasonality, precipitation cycles, flowering and fruiting times) and are based on information about the reproductive cycles of target species.</li> <li>The age / size-classes are defined using reliable and practical characters (e.g., plant diameter / DBH, height, fruiting and flowering, local collectors' knowledge).</li> </ul>	1, 2, 4
<b>Control of harvest</b>		
<ul style="list-style-type: none"> <li>Percent of harvest in state Protected Areas</li> </ul>	<p>What percentage of the legal national harvest occurs in state-controlled Protected Areas?</p> <ul style="list-style-type: none"> <li>Harvester information or interviews</li> <li>Enforcement information or interviews</li> <li>Park manager information or interviews</li> <li>Compare location information from permit with maps of protected areas</li> <li>GIS layers of harvesting and land tenure</li> </ul>	1
<ul style="list-style-type: none"> <li>Percent of harvest in areas of strong tenure</li> </ul>	<p>What percentage of the legal national harvest occurs in areas with strong local control over resource use? e.g.: a local community or a private landowner is responsible for managing and regulating the harvest</p> <ul style="list-style-type: none"> <li>Harvester information or interviews</li> <li>Enforcement information or interviews</li> <li>Landowner information or interviews</li> <li>Compare location information from permit with maps of protected areas</li> <li>GIS layers of harvesting and land tenure</li> </ul>	1
<ul style="list-style-type: none"> <li>Percent of harvest in open access areas</li> </ul>	<p>What percentage of the legal national harvest occurs in areas where there is no strong local control, giving de facto or actual open access?</p> <ul style="list-style-type: none"> <li>Harvester information or interviews</li> <li>Enforcement information or interviews</li> <li>Compare location information from permit with maps of protected areas</li> <li>GIS layers of harvesting and land tenure</li> </ul>	1

Factors of sustainability	Guidance	Ref
<ul style="list-style-type: none"> <li>Proportion of range or population protected from harvest</li> </ul>	<p>What percentage of the species' natural range or population is legally excluded from harvest?</p> <ul style="list-style-type: none"> <li>Compare distribution map with maps of areas excluding harvest</li> <li>Information or interviews with wildlife managers</li> </ul>	1
<ul style="list-style-type: none"> <li>Confidence in effectiveness of strict protection measures</li> </ul>	<p>Are there measures taken to enforce strict protection?</p> <ul style="list-style-type: none"> <li>Information or interviews with protected areas managers</li> </ul>	1
<ul style="list-style-type: none"> <li>Effectiveness of regulation of harvest effort</li> </ul>	<p>How effective are any restrictions on harvesting (such as age or size, season or equipment) for preventing overuse?</p> <ul style="list-style-type: none"> <li>Information or interviews with resource managers</li> </ul>	1
<ul style="list-style-type: none"> <li>Confidence in harvest management</li> </ul>	<p>Are there effective implementation of management plan(s) and harvest controls?</p> <ul style="list-style-type: none"> <li>Information or interviews with resource managers</li> </ul>	1
<b>Monitoring of harvest</b>		
<ul style="list-style-type: none"> <li>Monitoring of collection impact and management practices</li> </ul>	<p>Is management of wild collection supported by adequate identification, inventory, assessment, and monitoring of the target species and collection impacts? Does the rate (intensity and frequency) of collection enable the target species to regenerate over the long term?</p> <ul style="list-style-type: none"> <li>Baseline information on population size, distribution, and structure (age classes)</li> <li>Records on collected quantities (species/area/year)</li> <li>Qualitative indices, e.g., discussions with collectors</li> <li>Quantitative indices, e.g., roots per pound collected as an indication of population size, the quantity of national exports</li> <li>Identification of target species with voucher specimens from the collection site</li> <li>Direct population estimates through field surveys, including surveys of populations before and after harvest (field surveys / data collection program is critical when collected quantities are above potential production)</li> </ul>	4
<ul style="list-style-type: none"> <li>Confidence in monitoring</li> </ul>	<p>Are there effective implementation of monitoring and harvest impact controls?</p> <ul style="list-style-type: none"> <li>Monitoring confirms that abundance, viability and quality of the target resource / part of plant is stable or increasing</li> </ul>	1
<ul style="list-style-type: none"> <li>Other factors that may affect whether or not to allow trade</li> </ul>	<ul style="list-style-type: none"> <li>What is the effect of the harvest when taken together with the major threat that has been identified for this species?</li> <li>At the national level, how much conservation benefit to this species accrues from harvesting?</li> <li>At the national level, how much habitat conservation benefit is derived from harvesting?</li> </ul>	1, 3

# Annex 8

## Draft guidelines for the Periodic Review of the Appendices (Agenda items 16.1.1. and 16.1.2)

The Committee proposes to introduce a new budget line for the Periodic Review of the Appendices, and to introduce a modified approach, including a new, second phase of the process (phase B). The proposed schedule should work with normal intervals of meetings. The Committee agreed that this should be coordinated with the Animals Committee and submitted as a proposed revision to Resolution Conf. 14.8 at the 15th meeting of the Conference of the Parties (CoP15).

### Current guidelines according to Resolution Conf. 14.8, *Periodic Review of the Appendices*

#### I. Phase A (open to range States and voluntary experts, no budget)

Meeting	Entity	Action
PC	PC	Following the CoP, establishes a schedule for the Periodic Review of the Appendices and compiles a list of candidate taxa for review
	Secretariat	Prepares notification on taxa for review and request range States to comment
	Secretariat	Compiles responses and informs the SC of the list of candidate taxa and comments of range States
1 <sup>st</sup> SC after PC	SC	Approves list of taxa for review
PC + 1	PC	Organizes reviews of approved taxa by range States / voluntary experts through regional representatives and establishes intersessional WG
	Range States/ voluntary experts	Conduct reviews and, if appropriate, range States prepare proposals for changes in listings for consideration of CoP + 1
PC + 2	WG	Reports progress to PC
CoP + 1	PC	Reports progress to CoP and presents list of taxa that are not allocated to a range State / voluntary expert ("orphan taxa") and that will go through phase B
	CoP	Decides on proposals by range States, takes note of list of taxa for phase B
	Secretariat	Notifies list of taxa for phase B to Parties (cf. 2008/049), inviting range States to comment, and forwards responses to Chair of WG
	WG	Evaluates responses and reports to PC + 3

Proposed guidelines to Resolution Conf. 14.8, *Periodic Review of the Appendices*

II. Phase B (contracting of experts, new budget line)

<b>Meeting</b>	<b>Entity</b>	<b>Action</b>
PC +3	PC	Considers report on responses and invites Secretariat to contract experts for phase B (similar to existing paragraph h of Resolution Conf. 14.8)
	Secretariat	Contracts experts (using funds of the budget line allocated to the Periodic Review [to be established] or other funds available for such reviews)
	Sect.	Includes reports on reviews in agenda of PC +4 and notifies range States of resulting reviews
PC +4	PC	Assesses reports, in consultation with range States, decides on appropriate listings and necessary changes and invites Secretariat to notify this adopted list of necessary changes to Parties
	PC	In consultation with range States, organizes preparation of proposals for consideration of the next CoP (+2) by range States, voluntary PC members or the Secretariat (using funds of the budget in the latter case)
	Secretariat	Notifies list, as adopted by PC, to Parties, inviting range States to comment and forwards responses to PC
	PC	Consults with range States, as appropriate
	PC	Forwards proposals to Depositary for submission
CoP +2	CoP	Parties decide on species proposal

+ 1 = one intersessional period following meeting.  
+ 2 = two intersessional periods following meeting.  
Etc.