PROVISIONAL ASSESSMENTS BY THE SECRETARIAT
OF PROPOSALS TO AMEND APPENDICES I AND II
AT THE 13TH MEETING OF THE CONFERENCE OF THE PARTIES

Proposal 1

Inclusion of a new paragraph after paragraph 4 in the Interpretation section of the Appendices, to read as follows (with the following paragraphs being renumbered):

5. The following are not subject to the provisions of the Convention:

a) *in vitro* cultivated DNA* that does not contain any part of the original from which it is derived;

b) cells or cell lines cultivated *in vitro* that theoretically at a molecular level do not contain any part of the original animal or plant from which they are derived;**

c) urine and faeces;

d) medicines and other pharmaceutical products such as vaccines, including those in development and in process materials +, that theoretically at a molecular level do not contain any part of the original animal or plant from which they are derived; and

e) fossils.

*** That is DNA that is assembled from its constituent materials, not solely extracted directly from plants and animals.**

**** That is cultures of plant or animal cells, that are maintained and/or propagated in artificial conditions and do not contain any significant part of the original plant or animal from which they are derived.**

+ That is products subject to a research or manufacturing process such as medicines, potential medicines and other pharmaceuticals such as vaccines that are produced under conditions of research, diagnostic laboratory or pharmaceutical production and do not depend for their production in bulk solely on material extracted from plants or animals and do not contain any significant part of the original plant or animal from which they are derived.

[Ireland (on behalf of the Member States of the European Community)]

Provisional assessment by the Secretariat

This proposal is based on the one submitted by Switzerland as Depositary Government at the request of the Standing Committee (proposal CoP13 Prop. 2). It differs, however, in:

- an explanation on what is understood by '*in vitro* DNA', referred to in paragraph a);
- the addition of a new paragraph b) on cells and cell lines; and
- additions and amendments to the text in paragraph d) [which is paragraph c) in proposal CoP13 Prop. 2].

Two of the three clarifications provided in the proposal (**, +), include the words 'do not contain any significant part of the original plant or animal from which they are derived.' In the supporting statement for the proposal, the proponent explains that it is not feasible to guarantee that small amounts of such material are not present. However, this could lead to the incorrect exemption from control of products such as medicines that contain parts and derivatives of CITES-listed species (cf Article I, paragraph b) ii), of the Convention). The text as proposed here would therefore be contrary to the provisions of the Convention.

The text of the proposal and the associated clarifications are not always very clear. The Secretariat sought some further explanation but the proponents were not able to add very much. The current provisional assessment is therefore based on the Secretariat's interpretation of the text.

The proponent suggests that issuing permits for millions of vaccines and tens of thousands of cell lines 'would not only add greatly to existing workloads, it would also place an unnecessary financial burden on the pharmaceutical industry'. The purpose of this proposal is to exempt these commodities, which would **reduce** the workload.

Section XII of Resolution Conf. 12.3 provides for simplified procedures to issue permits and certificates to expedite trade that will have a negligible impact on the conservation of the species concerned, such as transfer of biological samples. Annex 4 to this Resolution refers to, amongst other things, cell lines, tissue cultures and DNA for biomedical research.

Proposal 2

Inclusion of a new paragraph after paragraph 4 in the Interpretation section of the Appendices, to read as follows (with the following paragraphs being renumbered):

5. The following are not subject to the provisions of the Convention:

a) *in vitro* cultivated DNA that does not contain any part of the original;

b) urine and faeces;

c) synthetically produced medicines and other pharmaceutical products such as vaccines that do not contain any part of the original genetic material from which they are derived; and

d) fossils.

[Switzerland (as Depositary Government, at the request of the Standing Committee)]

Provisional assessment by the Secretariat

As is described in the proposal, a technical error in a very similar proposal submitted to the 12th meeting of the Conference of the Parties (CoP12) made it necessary to resubmit it to the 13th meeting. The purpose, as before, is to exempt from CITES provisions material whose trade does not impact on the conservation of the species concerned.

The substance of the proposal has hardly changed from CoP12, except for the reference, in paragraph a), to '*in vitro* cultivated DNA' rather then 'synthetically derived DNA'. The latter description, however, would provide a better guarantee that no animal parts are included in the DNA. At CoP12 and at later meetings of the Standing Committee, the issue of exempting DNA samples was subject to some debate. The Standing Committee at its 50th meeting (Geneva, March 2004) therefore decided to leave the discussion on the substance of the proposal to the CoP and not to try and resolve this issue itself.

For consistency and clarification it may be best if the words 'genetic material from which it was derived' were added at the end of paragraph a). Alternatively 'synthetically derived DNA' could be used instead of '*in vitro* cultivated DNA'.

(See also the Secretariat's preliminary assessment of proposal CoP13 Prop. 1).

Proposal 3

Orcaella brevirostris **– Transfer from Appendix II to Appendix I.**

(Thailand)

Provisional assessment by the Secretariat

The Irrawaddy dolphin *Orcaella brevirostris* is widely but thinly distributed in bays and sounds of coastal waters and in some rivers from Australia to the Philippines and west to eastern India. Contrary to the indication in the proposal, it does not appear that its area of distribution is restricted. There are no overall population estimates. Some isolated populations, particularly in rivers, are reportedly low in number (34-77 in various rivers) but a coastal estimate of a small part of the Australian range is put at around 1,000 and relatively high encounter rates are reported in Bangladesh and India. Declines in population are inferred in some populations especially those found in river systems. The supporting statement does not imply that the threats to river populations apply to those in coastal waters as well, although this might be inferred.

The supporting statement outlines the potential for trade in live specimens for dolphinaria but the only actual international trade mentioned is the export of 22 specimens from Indonesia 20 years or more ago. Given that most range States now protect the species, the potential for any notable trade in future must be open to question.

Comments from the other range States for this species are awaited.

Proposal 4

Balaenoptera acutorostrata **– Transfer from Appendix I to Appendix II of the Okhotsk Sea – West Pacific stock, the Northeast Atlantic stock and the North Atlantic Central stock.**

(Japan)

Provisional assessment by the Secretariat

With the exception of the West Greenland stock, which is included in Appendix II, all northern minke whales *Balaenoptera acutorostrata* were included in Appendix I in 1986 following the establishment of zero catch quotas by the International Whaling Commission (IWC). This proposal requests that three of the seven northern hemisphere stocks recognized by the IWC be transferred to Appendix II to allow a reopening of commercial international trade in products derived from the animals in these stocks.

Article XV, paragraph 2(b), of the Convention requires that coordination with any conservation measures enforced by the International Convention for the Regulation of Whaling (ICRW) be ensured. In accordance with this Article, the Secretariat has consulted the International Whaling Commission about this proposal and awaits its response.

The proposal suggests that Resolution Conf. 11.4 (Rev CoP12) be 'set aside'. The Conference of the Parties recommends in this Resolution that "Parties agree not to issue any import permit or export permit, or certificate of introduction from the sea under this Convention for primarily commercial purposes for any specimen of a species or stock protected from commercial whaling" by the ICRW. The current Schedule of the ICRW sets a zero catch limit on commercial harvest of *B. acutorostrata,* as a management measure. The change proposed therefore does not appear to accord with the current position of the IWC.

Proposal 5

Lynx rufus **– Deletion from Appendix II.**

(United States of America)

Provisional assessment by the Secretariat

All species of Felidae are currently included in Appendix I or II. The supporting statement for this proposal to remove the bobcat *Lynx rufus* from the Appendices provides comprehensive information on the status and management of and trade in this species. It is widespread and common in North America, with stable or increasing populations in all three range States. The only known threat is loss of habitat to urbanization. The species is well managed in the United States of America and Canada, where significant numbers are harvested on a sustainable basis. The three ranges States exported some 120,000 specimens of *L. rufus* from 1998 to 2002. These were practically all wild harvested, and presumably mostly furs and skins.

The proponent argues that skins and skulls of *L. rufus* are clearly distinguishable from those of the three other *Lynx* species that are included in Appendix I or II. It seems however questionable whether a non-expert with reasonable effort could achieve this for all specimens entering trade. (The supporting statement notes that differentiation of spotted belly hair may be problematic.) Therefore, the criteria of Annex 2 b of Resolution Conf. 9.24 (Rev. CoP12) may continue to be met.

The proponent does not mention whether the other range States, Canada and Mexico, have been consulted.

Proposal 6

Panthera leo **– Transfer from Appendix II to Appendix I.**
[in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 1, paragraphs A. i) and ii) (for the populations of West and Central Africa), and C. i)]

(Kenya)

Provisional assessment by the Secretariat

The proposal aims to transfer the African populations of the lion *Panthera leo* from Appendix II to Appendix I (the Asian lion *P. l. persica*, has been included in Appendix I since 1977).

The supporting statement quotes population estimates of 16,500 to 30,000 lions on the continent, of which the large majority occur in East and Southern Africa. In its comments as a range State, Namibia notes however that the supporting statement does not present information from a recent continent-wide survey of lions in Africa, which would suggest that higher numbers remain. Trade in specimens is mostly limited to trophies and skins exported mainly from the United Republic of Tanzania, South Africa and Zimbabwe. Illegal international trade seems very limited. The information does not indicate that the wild population of the species is small, or that each of the subpopulations is very small. The species's range is reportedly over 7 million km^2. It is unclear what levels of declines in numbers of individuals in the wild can be projected, but the proposal indicates that the species is increasingly rare outside protected areas as a consequence of direct persecution of problem animals, reduction of prey basis, livestock grazing, disease and political instability in some range States. Overall, it seems that the species does not meet the biological criteria for inclusion in Appendix I.

The supporting statement suggests that certain hunting quotas, particularly in the United Republic of Tanzania, are set at unsustainable levels and are considered unenforceable. It argues that an Appendix-I listing would mean that Parties should have to submit export quotas in compliance with Resolution Conf. 9.21 to allow the Conference of the Parties to review and eventually adopt these quotas. In fact, exporting States would be able to continue to export hunting trophies of this species without recourse to the Conference of the Parties even if the species were included in Appendix I. If current levels of international trade were a concern, it might have been expected that this fact would have been picked up in the Review of Significant Trade, conducted by the Animals Committee in collaboration with the CITES Secretariat. To date this has not been the case.

Three of the four range States that responded to Kenya's invitation to comment on its proposal oppose the inclusion of African lion populations in Appendix I. As indicated in the proposal, it appears that the long-term conservation of this species mostly depends on better protection of its habitat and prey base, particularly outside protected areas, and reduction of human-wildlife conflicts, including giving value to lions through tourism and well regulated trophy hunting.

Proposal 7

***Loxodonta africana* (Appendix II) – Amendment of the annotation regarding the population of Namibia to include:**

- **an annual export quota of 2,000 kg of raw ivory (accumulated from natural and management-related mortalities);**
- **trade in worked ivory products for commercial purposes; and**
- **trade in elephant leather and hair goods for commercial purposes.**

(Namibia)

Provisional assessment by the Secretariat

This proposal would amend the wording of the annotation associated with the Appendix-II listing of the Namibian population of the African elephant *Loxodonta africana* to ease restrictions on the international trade in elephant products from this population. In particular it would allow trade in leather goods and hair (currently trade in leather goods is allowed only for non-commercial purposes) and it would allow trade in worked ivory products from this population (currently none is allowed). For raw ivory, the current situation is that a one-off sale of 10,000 kg from Namibia has been approved by the Conference of the Parties in principle, but this trade may take place only when the Standing Committee is satisfied that a number of strict conditions have met. The new proposal seeks an annual quota of 2,000 kg of raw ivory and, although the text of the proposal mentions a number of the strict safeguards that will be applied to the one-off sale, the proposed new annotation itself – which is the part that is binding on the proponent and other Parties - only refers to the fact that the ivory should come from "natural and management related mortalities".

The Namibian population of the African elephant cannot be characterized as being small, it does not have a restricted area of distribution, nor has there been any decline in the number of individuals in the wild. Regarding the precautionary measures in Annex 4 of Resolution Conf. 9.24, although the proposal is silent on the matter, it appears that, for raw ivory, the proponent relies on Annex 4.B.2.c (an export quota based on management measures described in the supporting statement is an integral part of the proposal, provided that effective enforcement controls are in place). For the leather goods and worked ivory they rely on Annex 4.B.2 b) (the CoP is satisfied that the species management ensures proper implementation of the Convention and in particular that levels of harvesting are not detriment and that appropriate enforcement controls and compliance controls are in place). There have been continued seizures of ivory in Namibia in recent years but this has stabilized at levels much lower than in the past and there is no reason to believe that it would compromise the management measures in place. Other relevant aspects of CITES compliance seem well respected. The proposed annual quota of raw ivory could be produced by approximately 307 elephants - around 2.7 per cent of the current population. Other mortality includes specimens killed as trophy animals (75 = 0.7%), poaching (40 = 0.4% assuming the worst case scenario that all seized ivory is of Namibian origin) and 'Namibian' elephants dying in other countries (percentage unknown). The proposal puts total annual elephant mortality in Namibia at 1 to 5 per cent a year. The proposed offtake would therefore seem to be within this range.

However in recent years the amount of ivory accumulated in Namibia has been around 900 kg a year rather than the 2,000 kg proposed for export. No change in management regime in future is suggested. This could mean that less ivory would be exported than planned or that stockpiles from previous years are exported, although this may undermine the decision taken at CoP12 to put very strict conditions on the disposal of these stocks.

The Conference of the Parties has recognized that the nature of the trade in African elephant products necessitates a wider dialogue with other range States of the species. The sixth Dialogue meeting of African elephant range States is scheduled to be held in Bangkok, Thailand, from 28 to 30 September 2004. The Secretariat's final opinion on this proposal will be informed by the views expressed at that meeting and any conclusions that it draws.

Proposal 8

***Loxodonta africana* (Appendix II) – Amendment of the annotation regarding the population of South Africa to allow trade in leather goods for commercial purposes.**

(South Africa)

Provisional assessment by the Secretariat

The proponent seeks to allow commercial trade in leather goods of African elephant *Loxodonta africana* of South African origin as opposed to the non-commercial trade that is currently permitted. Commercial trade was possible under the annotation that appeared in the Appendices between CoP11 (Gigiri, 2000) and CoP12 (Santiago, 2002).

The proponents changed the wording themselves by mistake at CoP12 and now seek to revert to the earlier situation.

The supporting statement is abbreviated and does not strictly follow the guidelines laid down in Annex 6 of Resolution Conf. 9.24 (Rev CoP12). The change proposed is small but it needs to be considered whether the supporting statement provides sufficient information, of sufficient quality and in sufficient detail to allow the Conference to judge the proposal against the criteria established for the proposed action [Resolution Conf. 9.24 (Rev. CoP12) Annex 6]. It appears that 100,000 kg of the 150,000 kg stock of elephant hides at Kruger National Park were sold at auction between 2001 and 2003 and have been made into leather goods, but following the change of wording at CoP12, these may no longer be exported. The proposal does not indicate whether such goods were exported between CoP11 and CoP12.

The Conference of the Parties has recognized that the nature of the trade in African elephant products necessitates a wider dialogue with other range States of the species. The sixth Dialogue meeting of African elephant range States is scheduled to be held in Bangkok, Thailand, from 28 to 30 September 2004. The Secretariat's final opinion on this proposal will be informed by the views expressed at that meeting and any conclusions that it draws.

Proposal 9

Ceratotherium simum simum **– Transfer from Appendix I to Appendix II of the population of Swaziland with the following annotation:**
For the exclusive purpose of allowing international trade in:
a) live animals to appropriate and acceptable destinations; and
b) hunting trophies.
All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

(Swaziland)

Provisional assessment by the Secretariat

Following the extinction of the species in Swaziland and its reintroduction in 1965, this country now has a small population of southern white rhinoceroses *Ceratotherium simum simum,* numbering around 61. The population has been rising steadily in number since 1993. Current distribution is limited to around 100 km^2 (part of 330 km^2 of game reserves set aside for the species). This is a very limited occurrence. Nevertheless in recent years the population does not appear to have been subject to any of the secondary threats mentioned in Annex 1 A. i) to v) or Annex 1 B i) to iv) of Resolution Conf. 9.24 (Rev CoP12).

The purpose of the proposed transfer to Appendix II is very precise and limited in extent. Following recent changes in legislation it is said that the necessary controls and compliance regimes are in place and that the provisions of Article IV of the Convention can be respected. However, it should be noted that Swaziland's legislation has been placed in Category 3 under the National Legislation Project as it is believed generally not to meet the requirements for the implementation of CITES. The availability of economic revenue is expected to lead to an increase in the available range of the species in Swaziland and this should result in a net increase in the population of the species there. Nevertheless, the margin for error is limited and the level of offtake is not specified. Extensive poaching occurred in the country between 1988 and 1992 but it is hard to see how a limited transfer to Appendix II of this type could either encourage or facilitate a recurrence of this activity. It is not completely clear how trophies exported will be marked to indicate their origin. This could do with further clarification.

Proposal 10

Haliaeetus leucocephalus **– Transfer from Appendix I to Appendix II.**
[in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 4, paragraph B. 2. b)]

(United States of America)

Provisional assessment by the Secretariat

The proposal seeks to transfer the Bald eagle *Haliaeetus leucocephalus* from Appendix I to Appendix II, making it easier to trade in specimens of this species.

The supporting statement presents comprehensive information on the current distribution, population status, trends and threats to the species. Utilization and trade, conservation and management of this species are described for the United States of America but not for the three other range States where the species breeds (Canada, France – Saint Pierre and Miquelon - and Mexico). It would appear that *H. leucocephalus* has recovered significantly from historically low numbers in the 1960s: in the United States, the population doubles every seven to eight years, while in Canada, it has reportedly increased tenfold. The global population is now robust (100,000 birds or more) and continues to grow and expand.

International trade in specimens of *H. leucocephalus* appears limited to live animals for display and zoos, and parts and feathers used by indigenous native American people for ceremonial purposes. The proponent indicates that there is little evidence suggesting a strong international demand for this eagle or parts thereof, with possibly some demand for ceremonial artefacts from collectors. It would have been useful to have more information about the level of illegal international trade, for instance whether specimens of *H. leucocephalus* have ever been confiscated or seized outside the range States. *H. leucocephalus* is no longer threatened with extinction. The species appears to be in demand for international trade, but populations are well managed in the principal range States, where adequate controls seem to be in place to ensure compliance with the provisions of the Convention.

All range States of *H. leucocephalus* support the proposal.

Proposal 11

Cacatua sulphurea **– Transfer from Appendix II to Appendix I.**
[in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 1, paragraphs A. i) and ii); B. i), iii) and iv); and C.]

(Indonesia)

Provisional assessment by the Secretariat

The supporting statement provides detailed information on the current population status of the lesser sulphur-crested cockatoo *Cacatua sulphurea*, the distribution of its four subspecies in Indonesia and Timor-Leste, and the utilization of and trade in this species. It is trapped for the live bird trade, which appears to be popular in Indonesia.

Habitat loss in combination with excessive harvesting have caused steep population declines over the last 20 to 30 years. While *C. sulphurea* was reportedly widespread and common in the eighties, it is now considered critically endangered. The remaining wild population of *C. sulphurea* is small, totalling perhaps 5,000 to 6,000 birds, and continues to decline. Most subpopulations are very small, and some are nearly extinct, including that of the subspecies *C. s. abboti,* of which only five individuals are left. The total size of the area over which *C. sulphurea* is currently distributed is not clear from the proposal, but it seems that the species has disappeared from much of its previous range, and that viable populations only survive in a few national parks and parts of some islands.

Large numbers used to be exported to Europe and North America until the late eighties. Indonesia established zero catch quotas for *C. sulphurea* in 1994. *C. s. citrinocristata* became nationally protected in Indonesia in 1997, and the entire species in 1999. The legal status of the species in Timor-Leste is not mentioned. The two major overseas markets for this species have banned imports of wild specimens of *C. sulphurea* for over 10 years (the EU since 1989 and the United States of America since 1992). It is suspected that wild-caught birds continue to be smuggled and traded internationally as 'captive bred'. The proponent infers that this may particularly be the case for exports in the nineties from Indonesia itself and from Singapore.

The supporting statement indicates that the main threat to the species appears to come not from international CITES-regulated trade, but from poor implementation of existing measures to protect the species *in situ*, and particularly to stop poaching and illegal domestic or international trade. A species recovery plan is in place and has been partially put into action (e.g. by establishing some protected areas that benefit *C. sulphurea*), but its full implementation seems a matter of urgency to preserve the species in the wild. Specimens of this fully protected parrot continue to be trapped and openly marketed in Indonesia.

The proponent states that Appendix-I listing would strengthen the capacity to halt illegal trade completely and make it easier to prevent any wild-caught bird being passed off as captive bred, but these arguments need further amplification as it should be noted that the same can be achieved while the species is included in Appendix II. It is unclear how the inclusion in Appendix I might assist in promoting the recovery of *C. sulphurea* when the main conservation problems recognized in the proposal are continued illegal trade and habitat destruction in Indonesia.

The supporting statement does not mention whether the other range State, Timor-Leste, has been consulted.

Proposal 12

Agapornis roseicollis **– Deletion from Appendix II.**

(Namibia and the United States of America)

Provisional assessment by the Secretariat

The peach-faced lovebird *Agapornis roseicollis* is extensively trade both nationally and internationally but it is bred so freely in captivity that, despite the lack of detailed knowledge of population estimates and trends in the wild, any detrimental impact on the species from trade in birds of wild origin would probably be negligible. The CITES trade data record just five specimens of wild origin in trade between 1992 and 2001, compared to well over 500,000 captive-bred specimens traded.

When this species was included in Appendix II at the third meeting of the Conference of the Parties, it was noted by the proponents that it was under Article II 2. (b) of the Convention, the so called 'look-alike' clause (although this designation was specifically excluded from the formal text of the proposal). The proposal states that the species can be readily distinguished from other lovebirds.

Proposal 13

Amazona finschi **– Transfer from Appendix II to Appendix I.**
[in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annexes 1 and 4]

(Mexico)

Provisional assessment by the Secretariat

The lilac-crowned amazon parrot *Amazona finschi* was included in Appendix II in 1981.

The species is confined to Mexico. Its wild population is estimated to be around 7,000-10,000 specimens and it has already disappeared in several areas were it was common during the 1980s. In total the species has lost 29 per cent of its original area of distribution, but much of this can be attributed to habitat loss. The species has been classified as Endangered in Mexico since it is facing a very high risk of extinction in the wild in the near future if more restrictive measures are not applied to control its illegal trade and preserve its habitat.

Evidence shows that international trade has had a significant impact on this species. *Amazona finschi* is protection under the Mexican national legislation but, at least in the past, it has been one of the species more frequently traded illegally both in the national and the international market. The low rate of reproduction of the species does not allow the population to recover.

The aim of the proposal is therefore to use the provisions pertaining to trade in specimens of Appendix-I species to complement the domestic measures of Mexico to prevent trade in illegally harvested specimens. This can however also be achieved by adequate implementation of the Appendix-II listing. Although the supporting statement identifies a considerable trade in illegally caught specimens, it is doubtful whether this problem could be resolved with an Appendix-I listing alone. Strict controls on the domestic trade would need to be complemented by measures to secure the habitat of this species in order to promote its recovery. The proponent states that the inclusion in Appendix II has not been enough to stop the population decline, but it is important to point out that this is more a matter of enforcement at national level. Strengthening the penalties by including a species in Appendix I is not going to be enough if the enforcement measures are not implemented in the country. This aspect of the argumentation needs further amplification.

Proposal 14

Passerina ciris **– inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(Mexico and the United States of America)

Provisional assessment by the Secretariat

The proposal aims to improve the management of international trade in the painted bunting *Passerina ciris* by including the species in Appendix II.

This North American migratory bird breeds in the United States of America (80 per cent) and Mexico (20 per cent), while wintering in the south of these countries and in Central America and the western Caribbean. The population is estimated at 3,600,000 individuals, and is common in some localities. The proposal mentions general declines since the mid-1960s, although the figures in the supporting statement suggest that breeding and wintering populations stabilized during the last 10 to 15 years. The causes of the declines are reportedly a combination of habitat loss, trapping for the bird trade, and brood parasitism. The eastern population of this species, which cannot be legally harvested, is declining more rapidly than the western population, which has been the subject of authorized trapping in Mexico for more than 50 years.

Mexico appears to be the only range State of *P. ciris* where the species is subjected to regulated exploitation and trade. The country allows the capturing of several thousands of birds a year to supply domestic and international cage-bird markets. It suspended legal exports between 1982 and 1999 (while continuing to authorize trapping for its domestic market). Before and after this period, exports from Mexico seems to have been between 12,000 and 15,000 *P. ciris* a year. Limited harvesting and local trade is also reported from some Central American and Caribbean countries and the United States (where it is illegal), but it is unclear if any export takes place from these countries. The proposal gives anecdotal information on illegal domestic marketing of *P. ciris* in Mexico and the United States. It does not however provide indications of the existence of illegal international trade.

P. ciris is protected in the United States and apparently partially in Mexico. The legal status in other range States is not mentioned, but it is noted that no information is available on bird trade controls in Caribbean and Central American countries.

The proposal does not fully clarify whether *P. ciris* can be easily distinguished from similar species. The supporting statement provides no details of the consultation that should have been undertaken to obtain comments from the other range States of *P. ciris*, as recommended in Annex 6 of Resolution Conf. 9.24 (Rev. CoP12).

Proposal 15

Pyxis arachnoides **– Transfer from Appendix II to Appendix I.**
[in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 1, paragraphs B. i), iii) and iv) and C. i)]

(Madagascar)

Provisional assessment by the Secretariat

The proposal aims to transfer the endemic spider tortoise *Pyxis arachnoides* from Appendix II to Appendix I.

P. arachnoides occurs in dry to arid coastal areas of southwest Madagascar, including dry forest. While noting that this species is difficult to inventory as it remains underground for much of the year, the population size is estimated to be over 10,000 animals. The size of the area of distribution and the level of fragmentation of the populations remain however under discussion: some claim that there are 10 subpopulations distributed over 2,000 km^2. Others estimate that there are more subpopulations over a larger area of distribution. It should be noted that extensive habitat still seems available, but that particularly the forests are under pressure from logging, fire, charcoal production, and grazing. Populations have reportedly declined as a result of habitat deterioration, poorly managed legal harvesting in recent years, and unregulated collection for the international pet trade.

Most utilization relates to the collection of live specimens for the international pet trade, which seems to have occurred at low levels until 1999. Some local consumption may take place, but this is not believed to be significant. The species is currently categorized as 'Vulnerable' by IUCN.

The concerns expressed in the proposal relate particularly to the levels of collection and export for *P. arachnoides* that were authorized by the Management Authority of Madagascar in 2000 and 2001, i.e. at a time of political instability. In 2000, the country established an annual export quota of 25 specimens that was later in the year increased to 1,000, and changed to zero in 2001. Although it is possible that fewer animals were actually traded than permitted by the Management Authority, annual report data suggest that legal imports took place into several European countries, Japan, South Africa, and the United States of America of several hundreds of animals in those two years, while Madagascar itself reported substantially higher exports in the year 2000 than its official quota of 1,000 animals. The proposal provides details of several seizures of this species and anecdotal information suggesting the existence of ongoing illegal international trade.

The information presented in the supporting statement shows that the main problems for the species are poor implementation of CITES provisions, illegal trade and inadequate *in situ* protection of the species and its habitat. None of these can be fully addressed merely by including *P. arachnoides* in Appendix I.

The proponent states that no specific conservation actions have been undertaken for *P. arachnoides* and that it is not known whether the species benefited from the creation of new protected areas in recent years. It would appear that these are important conservation priorities for this species.

To address the persistent problematic implementation of CITES provisions in Madagascar, which have affected trade in *P. arachnoides* and other CITES-listed species, a comprehensive Action Plan has been put in place since 2002 under the supervision of the international CITES community. This Action Plan was elaborated in consultation with all stakeholders in Madagascar, and with the Animals and Plants Committees and the CITES Secretariat, which are monitoring its implementation. The Action Plan should remedy many of the concerns expressed in the proposal, particularly the capacity of local authorities to control trade and implement CITES adequately, and to prevent situations such as the one that occurred in 2000 and 2001.

Proposal 16

***Malayemys* spp. – Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(United States of America)

Provisional assessment by the Secretariat

The supporting statement presents comprehensive information on freshwater turtle genus *Malayemys*. Only one species is currently known to exist in this genus, the Malayan snail-eating turtle *M. subtrijuga*. However, the proponent notes that the Mekong population of *M. subtrijuga* is perhaps taxonomically recognizable at the species level. It should be noted that, over the last 20 years, several new species of turtle have been described, while previously synonymized species have been returned to full species status. This proposal is therefore broader and more precautionary than the one submitted by Indonesia alone, which proposes to include only *M. subtrijuga* in Appendix II (see proposal CoP13 Prop. 17).

Malayemys are Southeast Asian freshwater turtles that seem still widely distributed throughout their range, although substantial declines are documented in certain range States. One of the main causes of these declines seems to have been indiscriminate collection of animals of all sexes and age classes for the Asian food trade, particularly during the nineties. Although not specified in the proposal, the trade data suggest that, during that decade, tens of tons of animals were exported annually, mainly to China, with indications of substantial illegal or unregulated trade. However, trade levels seem to have decreased in recent years as a consequence of various national trade restrictions (e.g. in Cambodia, China, Thailand and Viet Nam), improved enforcement, and possibly overexploitation and depletion of wild populations. The proponent indicates that *Malayemys* shows some resilience to habitat alteration and to moderate levels of exploitation. According to the proponent, *M. subtrijuga* is distinctive but, in the case of live specimens, this may not be true for all life stages, while identifying other specimens in trade (e.g. meat, medicines, eggs and other products) may be problematic. Further clarification of the possible extent of this problem would be helpful.

The proponent argues that the inclusion in Appendix II of *Malayemys* spp. will assist in developing and implementing measures aimed at improving management of international trade, and will help to control illegal trade.

The proposal does not provide details of the consultation that should have been undertaken to obtain comments from the other range States of this genus, as recommended in Annex 6 of Resolution Conf. 9.24 (Rev. CoP12).

This proposal stems from recommendations formulated at a technical workshop on the conservation of and trade in tortoises and freshwater turtles in Kunming, China, in 2002, and is thereby supporting actions directed to Parties referred to in paragraph h) of Resolution Conf. 11.9 (Rev. CoP12).

Proposal 17

Malayemys subtrijuga **– Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(Indonesia)

Provisional assessment by the Secretariat

This proposal aims to include the Malayan snail-eating turtle *Malayemys subtrijuga* in Appendix II. This is the only species currently described in the genus *Malayemys*, which, as a whole is proposed to be included in Appendix II through proposal CoP13 Prop. 16, submitted by the United States of America.

The supporting statement for this proposal is identical to the one for proposal CoP13 Prop 16, and the Secretariat's assessment is the same in both cases.

The Secretariat would like to clarify that if CoP13 Prop. 16 were adopted, proposal CoP13 Prop. 17 would not need to be discussed.

Proposal 18

***Notochelys* spp. – Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(United States of America)

Provisional assessment by the Secretariat

This proposal aims to include the genus *Notochelys* in Appendix II. Only one species is currently known to exist in the genus, the Malayan flat-shelled turtle *N. platynota*, which is the subject of proposal CoP13 Prop. 19, submitted by Indonesia. It is unclear from the supporting statement whether the genus is likely to include more species than *N. platynota*, but it should be noted that, over the last 20 years, several new species of turtle have been described, while previously synonymized species have been returned to full species status. This proposal is therefore more precautionary than proposal CoP13 Prop. 19.

The supporting statement provides a good summary of the limited information that is available on this genus. *Notochelys* are freshwater turtles from Southeast Asia where their lowland forest habitat is increasingly fragmented, logged and converted. *Notochelys* does not seem to survive well in areas of human development. Populations have decreased significantly in all known range States during recent decades. Most of these range States seem to have poor or insufficient legislation in place to protect *Notochelys* or its habitat.

These turtles are collected for local consumption and domestic markets (as food, pets and medicine), and more recently have been exported in large numbers to East Asian food markets. The supporting statement indicates that in 1999 and 2000, several hundreds or several thousands of animals were legally exported from Indonesia and Malaysia to China, but that far larger numbers were recorded in food markets in southern China.

The proponent states that the inclusion in Appendix II of *Notochelys* would assist in developing and implementing measures to improve the management of this species, ensure that exports remain at sustainable levels, and help to control illegal international trade. Enforcement of such a listing would be challenging because *N. platynota* is very similar to turtles in the genus *Cyclemys,* which are not included in the Appendices. It is also unclear whether products of the species or eggs can be reliably identified. Further clarification of the possible extent of this problem would be helpful.

The proposal does not provide details of the consultation that should have been undertaken to obtain comments from the other range States of this genus, as recommended in Annex 6 of Resolution Conf. 9.24 (Rev. CoP12).

This proposal stems from recommendations formulated at a technical workshop on the conservation of and trade in tortoises and freshwater turtles in Kunming, China, in 2002, and is thereby supporting actions directed to Parties referred to in paragraph h) of Resolution Conf. 11.9 (Rev. CoP12).

Proposal 19

Notochelys platynota **– Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(Indonesia)

Provisional assessment by the Secretariat

This proposal seeks to include the Malayan flat-shelled turtle *Notochelys platynota* in Appendix II. The supporting statement for this proposal is identical to the one for proposal CoP13 Prop. 18 regarding *Notochelys* spp., submitted by the United States of America The Secretariat's assessment is the same for both proposals.

The Secretariat would like to clarify that if proposal CoP13 Prop. 18 were adopted, proposal CoP13 Prop. 19 would not need to be discussed.

Proposal 20

***Amyda* spp. – Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention, and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(United States of America)

Provisional assessment by the Secretariat

Ample information is presented in this proposal, which aims at including in Appendix II the genus *Amyda*, currently known to contain only the Southeast Asian softshell turtle *A. cartilaginea*.

Amyda are freshwater turtles that are widespread throughout much of Southeast Asia, and appear to have remained relatively common in several countries. However, exploitation pressure during the last 15 years, mainly for international trade, seems to have caused different degrees of decline in most range States.

According to the proposal, *A. cartilaginea* is the most heavily traded wild-harvested Asian turtle (mainly for food; occasionally for the pet trade). From the data presented, it can be inferred that, throughout the nineties, several hundreds of thousands of animals were exported annually from Cambodia, Indonesia, Malaysia and Viet Nam, principally to China. Harvesting affects all age classes, apparently in particular juveniles and adults of pre-reproductive size and weight, thereby strongly impacting recruitment in wild populations. There is extensive evidence of illegal trade and trade in excess of established harvest or export quotas. Recent trade restrictions in several Asian countries may well have caused a decrease in the levels of international trade in *Amyda*, but this is not fully addressed in the proposal.

The supporting statement notes that the inclusion of *Amyda* in Appendix II will ensure proper trade controls and a reduction of exports to sustainable levels. It would appear that, unless international trade is more strictly regulated, harvesting from the wild for international trade may be detrimental to the long term survival of this genus, and cause local depletions or extinctions.

According to the proponent, live specimens of *Amyda* can be told apart from most other Asian softshell turtles. It is however not clear whether this applies to all age classes, or to other specimens in trade and it would be helpful if this matter was addressed.

The proposal does not provide details of the consultation that should have been undertaken to obtain comments from the range States of this species, as recommended in Annex 6 of Resolution Conf. 9.24 (Rev. CoP12).

This proposal stems from recommendations formulated at a technical workshop on the conservation of and trade in tortoises and freshwater turtles in Kunming, China, in 2002, and is thereby supporting actions directed to Parties referred to in paragraph h) of Resolution Conf. 11.9 (Rev. CoP12).

Proposal 21

Carettochelyidae spp. – Inclusion in Appendix II.
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(United States of America)

Provisional assessment by the Secretariat

The proposal intends to include the family Carettochelyidae, containing the genus *Carretochelys* with one known species, the pig-nosed turtle *C. insculpta,* in Appendix II. *C. insculpta* is the subject of proposal CoP13 Prop. 22, submitted by Indonesia. It should be noted that, over the last 20 years, several new species of turtles have been described, while previously synonymized species have been returned to full species status.

Carettochelyidae occur in Australia, Indonesia and Papua New Guinea, and appear to be generally widespread and common, although local depletions have been recorded. The habitat seems relatively secure, but may be threatened in the longer term by water pollution and changing land use.

Eggs and adults are harvested for local consumption. Anecdotal information suggests that relatively small numbers of hatchlings are traded internationally for pet markets in Asian countries. According to the proposal, these hatchlings come from Indonesia where a proportion of wild-collected eggs are incubated. No other specimens are reported to enter international trade.

The supporting statement indicates that Australia and Papua New Guinea do not allow domestic or international trade in *C. insculpta*. Indonesia only allows the export of captive-bred animals. However, the proposal is unclear as regards to the legality of exports from Indonesia of animals that are hatched from wild-collected eggs. Harvest pressure is said to have increased significantly in recent decades in Papua New Guinea and Indonesia, where 1.5 to 2 million eggs may be collected every year.

The proposal notes that the potential exists for local communities to use Carettochelyidae sustainably to provide protein and juveniles for the international pet trade, but that this would require changes in the regulations governing the trade in and use of this species in the three range States. It would probably also need improved management and controls.

According to the proponent, live specimens of *C. insculpta* are very distinctive. It is however not made clear whether this also applies to for instance meat or eggs.

The proposal does not provide details of the consultation that should have been undertaken to obtain comments from the other ranged States of this family, as recommended in Annex 6 of Resolution Conf. 9.24 (Rev. CoP12).

This proposal stems from recommendations formulated at a technical workshop on the conservation of and trade in tortoises and freshwater turtles in Kunming, China, in 2002, and is thereby supporting actions directed to Parties referred to in paragraph h) of Resolution Conf. 11.9 (Rev. CoP12).

Proposal 22

Carettochelys insculpta **– Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(Indonesia)

Provisional assessment by the Secretariat

This proposal aims to include the pig-nosed turtle *Carettochelys insculpta* in Appendix II. It is the only species currently known to exist in the family Carettochelyidae, which is proposed by the United States of America to be included in Appendix II, in proposal CoP13 Prop. 21.

The supporting statement for this proposal is identical to the one for proposal CoP13 Prop. 21, and the Secretariat's assessment is the same in both cases.

The Secretariat would like to clarify that if proposal CoP13 Prop. 21 were adopted, proposal CoP13 Prop. 22 wouldnot need to be discussed.

Proposal 23

Chelodina mccordi **– Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(Indonesia and the United States of America)

Provisional assessment by the Secretariat

The proposal concerns an endemic freshwater turtle, the Roti snake-necked turtle *Chelodina mccordi,* which was first described in 1994, and is only known to occur in parts of the island of Roti in Indonesia. Little is known about this species, but the supporting statement presents a well-researched summary of the available information.

No information is available on the size of the wild population, but *C. mccordi* is believed to be critically endangered as a result of intensive collection for the global pet trade during the nineties. The habitat available to the species – lakes and swamps on the highland plateau of the island – seems stable, but none of it is currently protected. Similarly, the species appears to be unprotected under Indonesian legislation. The proposal indicates that *C. mccordi* was previously considered an isolated population of *Chelodina novaeguineae*, a species that is much more widely distributed and that became legally protected in 1999.

The only known use of *C. mccordi* is for the international pet trade. Before 1994, exports of this species seem to have been referred to as '*C. novaeguineae'*. The actual size of the trade is unclear, but it can be inferred from the proposal that, during the trade peak between 1994 and 2000, several hundreds of animals were exported. Indonesia established annual harvest quotas for *C. mccordi* from 1998 till 2001 at levels that, according to declared exports, were never attained. The proponents note that traders in Indonesia consider the species as commercially extinct but that occasionally specimens continue to show up in trade, suggesting that exploitation persists. The species is bred in captivity in Europe and North America. Attempts are underway to set up conservation programmes for this species, including the establishment of *ex situ* assurance colonies.

Consideration needs to be given to the enforcement implications of an inclusion of this species in Appendix II because of the similarity of *C. mccordi* with other species of *Chelodina*, none of which is listed in the Appendices.

The proponents argue that inclusion in Appendix II would help control the trade and allow monitoring of international transactions. It would also result in transferring jurisdiction for the management of this species from the Fisheries Department to the Indonesian CITES Management Authority. The information presented in the proposal indicates that, unless international trade is strictly regulated, this species would meet the criteria for inclusion in Appendix I.

This proposal stems from recommendations formulated at a technical workshop on the conservation of and trade in tortoises and freshwater turtles in Kunming, China, in 2002, and is thereby supporting actions directed to Parties referred to in paragraph h) of Resolution Conf. 11.9 (Rev. CoP12).

Proposal 24

Crocodylus acutus **– Transfer of the population of Cuba from Appendix I to Appendix II.**
[in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 4, paragraph B. 2 e) and Resolution Conf. 11.16]

(Cuba)

Provisional assessment by the Secretariat

Cuba seeks the transfer of its population of American crocodile *Crocodylus acutus* from Appendix I to Appendix II under the Resolution on ranching (Resolution Conf. 11.16). The data in the supporting statement suggest that the population of this species in Cuba is probably not small but its area of distribution is limited. Nevertheless, this limited distribution is not combined with any other circumstances that would imply that inclusion in Appendix I is appropriate. Specimens of the species are in demand in international trade. The Cuban population of the species therefore appears to meet the trade criterion but not the biological criteria. Controls on the operators allowed to harvest and maintain American crocodiles in Cuba are overseen by State authorities. Under the proposal, eggs and hatchlings from up to 40 per cent of the nests in the Delta del Cauto Faunal Refuge ranching area are to be taken annually, i.e. about 1,500 – 2,000 eggs and hatchlings. Similar numbers were removed annually between 1987 and 1996 without noticeable detrimental impact. Studies quoted show that climatic factors alone result in the loss of 38.1 per cent of the nests annually in the Delta del Cauto Faunal Refuge study area. The contents of these nests, which would be destroyed anyway in the normal course of events, could be harvested with little impact on the wild population. However it is not clear what proportion of them could be collected before they were destroyed and therefore how much of the 40 per cent of the nest planned for harvesting and mentioned above, would be additional to the nests lost to natural climatic factors. When grown on in captivity, some specimens are reintroduced to the wild. In the past it seems that, of around 14,000 wild eggs and hatchlings collected, around 2,000 were subsequently released back into the wild. However the proposal does not say how large or frequent these reintroductions will be in the future. Products from the ranching (skins, meat, live animals, tourist souvenir specimens, and if there is a demand, other parts or derivatives) will be marked to avoid confusion with crocodile products of other origins. However confirmation of how this will be done is needed for products other than skins and live animals. In addition to boosting local employment, the financial benefits of the ranching will be used for the crocodile conservation programme, improvement of the crocodile farms and the conservation of local wildlife and its habitat.

Other than requiring more clarity on the product marking to be undertaken and specimens to be released back into the wild, the proposal appears largely to comply with the provisions of Resolution Conf. 11.16.

Proposal 25

Crocodylus niloticus **– Transfer from Appendix I to Appendix II of the population of Namibia.**
[in accordance with Article II, paragraph 2 (a), of the Convention, and Resolution Conf. 9.24 (Rev. CoP12), Annex 4, paragraph B. 2. b)]

(Namibia)

Provisional assessment by the Secretariat

Nile crocodiles *Crocodylus niloticus* in Namibia are reported to have recovered from over-harvesting in the 1960s and 1970s with populations now at normal or high levels, although precise details are lacking. Extrapolation from population estimates in protected areas, suggests that the total Namibian population is not small but, because of its habitat requirements, its distribution in the country may be limited. However, there are no aggravating factors associated with this restricted distribution that might threaten the species.

The transfer to Appendix II is proposed largely to facilitate trade in hunting trophies of this crocodile from the Namibian population. Other harvesting for export is not planned.

The species is well protected by Namibian law and appropriate enforcement controls and requirements to comply with the Convention appear to be in place in the country.

Proposal 26

Crocodylus niloticus **– Maintenance of the population of Zambia in Appendix II, subject to an annual export quota of no more than 548 wild specimens (including hunting trophies, including problem-animal control). This quota does not include ranched specimens.**

(Zambia)

Provisional assessment by the Secretariat

The Nile crocodile *Crocodylus niloticus* population in Zambia was transferred from Appendix I to Appendix II in 1985 under the provisions of Resolution Conf. 3.15 on Ranching. At the time, the proponents did not envisage a substantial offtake of specimens from the wild for export but rather export from ranching operations. Now Zambia wishes to seek Conference approval for the export of 548 wild specimens a year in addition to specimens derived from ranching.

The current Resolution on Ranching is Resolution Conf. 11.16, which recommends that Parties whose population of a species is transferred to Appendix II under the provisions of the Resolution limit the manner of exploitation of wild populations to those techniques described in their proposals and not, for example, later initiate new short-term programmes for taking wild animals without notifying the Secretariat. Any Party planning any such change in their management regime for the species should inform the Secretariat, which, in consultation with the Animals Committee, should determine whether the changes proposed substantially alter the original ranching programme, and undermine or jeopardize the conservation of the wild population. In cases where they do, the Secretariat can request the country concerned to present an amendment proposal to the Conference of the Parties.

However, the Zambian population of this species was transferred to Appendix-II without restriction or annotation under the provisions of the earlier Resolution, which contained no such caveats. Zambia is therefore under no formal obligation to seek the approval of the Conference of the Parties for the action it proposes to take, although the Conference will doubtless appreciate being kept informed of such developments.

Proposal 27

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

(Madagascar)

Provisional assessment by the Secretariat

This proposal seeks the inclusion in Appendix II of the 11 species of gecko of the genus *Uroplatus*, which is endemic to Madagascar.

The supporting statement is confused in saying that *Uroplatus alluaudi*, *U. ebenaui U. guentheri, U. lineatus U. malama, U. malahelo* and *U. phantasticus* qualify for inclusion in Appendix II under "Article II para. 2b A." and that the rest of the species in the genus (*U. fimbriatus U. henkeli, U. sikorae* and *U. pietschmanni*) qualify under "Article II para 2b B.". No such sub-articles exist. The proponent could be referring to Annex 2a A and Annex 2a B of Resolution Conf. 9.24 (Rev CoP12) respectively but this is not clear.

The supporting statement contains very little information about *Uroplatus guentheri, U. malama, U. malahelo* or *U. pietschmanni* and none of these is mentioned as being recorded in international trade.

Uroplatus alluaudi is known from a single specimen found in 1990. Its distribution is thought to be limited to an area of one national park where the specimen was found. Thirty seven specimens of the species were reported to have been exported in 2000-2001 but it may be that these were specimens of another similar species. No information is presented to suggest that specimens of *Uroplatus alluaudi* might be specifically sought.

For the other species that have been recorded in trade and upon which information is presented in the supporting statement (*Uroplatus lineatus, U. fimbriatus, U. ebenaui, U. henkeli, U. phantasticus* and *U. sikorae*), many have a wide if fragmented distribution in Madagascar. There is however virtually no information on the population status or trends of these species. The supporting statement contains much repeated text in the different species accounts and sometimes text related to the 'wrong' species has been pasted in, making it difficult to follow the information provided. All these species appear to have been subject to international trade at levels that are fairly constant and vary between 673 and 1,973 a year. No detrimental impact of this trade is documented in the supporting statement.

Proposal 28

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

(Madagascar)

Provisional assessment by the Secretariat

One of three species in this genus of leafnose snakes (*Langaha madagascariensis*) is fairly widespread in Madagascar, the two others are poorly known but seem to have much more limited distributions. At least two of the species do appear to be in trade but the trade volumes are very low and the data on the populations of the species are so limited that it is difficult to assess whether current levels of offtake for international trade may have a detrimental impact. The proposal shows no evidence of trade over an extended period in the commoner species and, although the two species that appear to be rarer might be affected by trade, there is no evidence that the little trade in them that has taken place (in one of them) so far) is anything other than opportunistic.

The proposal suggests inclusion of the species in Appendix II under Article II paragraph 2b B. but this is clearly an error as no such paragraph exists. The precise justification for the proposal therefore remains unclear.

Proposal 29

Stenophis citrinus **(NB: this species is referred to as *Lycodryas citrinus* in the proposal) – Inclusion in Appendix II.**

(Madagascar)

Provisional assessment by the Secretariat

This is a distinctive but little-known snake from Madagascar. There is evidence of international trade, however this amounts to only 15 specimens in the years 2001-2003 inclusive. The known range is quite small, although the exact distribution of the species may be larger as suggested in the proposal. There is no evidence that the species is threatened or declining and it seems unlikely that the levels of trade reported could pose any serious threat to the species. There is some suggestion that specimens may be removed from protected areas, but particularly whilst the species remains unprotected elsewhere within its range, CITES listing cannot address this matter.

Proposal 30

Atheris desaixi **– Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a]

(Kenya)

Provisional assessment by the Secretariat

This viper is endemic and restricted to a limited area of Kenya.

The proposal contains no information on the conservation status or population trends of the species, although it suggests that habitat loss and trade may be expected to cause a decline in the population.

The supporting statement reports frequent interception of smuggled snakes of this species, but gives no details. It says that the species is protected by domestic law but documents that 27 snakes were (legally?) exported between November 1999 and May 2000. This is the only evidence presented of any international trade.

On the basis of the information contained in the supporting statement, the problem for this species seems to be one of control at the national level. The supporting statement does not spell out how inclusion of *A. desaixi* in Appendix II would complement domestic measures.

Proposal 31

Bitis worthingtoni **– Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a]

(Kenya)

Provisional assessment by the Secretariat

This viper is endemic to parts of Kenya. The supporting statement does not contain any information on the conservation status or population trends of the species, although it presumes that habitat loss and trade may be expected to cause a decline in the population.

The supporting statement reports the "frequent interception of smuggled snakes" of this species in Kenya, but does not provide quantified information which would help to facilitate understanding of the scope of the problem. It notes that 19 specimens entered Germany in 1999, stating that these were illegally imported. The species is reported to be protected in Kenya but the supporting statement also refers to 37 specimens exported by a Kenyan-based trader to various countries between November 1999 and May 2000. The legal status of the species and of the specimens that were exported from Kenya remains to be clarified.

On the basis of the information presented, the problem for the species seems to be one of control at the national level. The supporting statement does not spell out how its inclusion in Appendix II would complement domestic measures.

Proposal 32

Carcharodon carcharias **– Inclusion in Appendix II with a zero annual export quota.**

(Australia and Madagascar)

Provisional assessment by the Secretariat

A proposal to include the great white shark *Carcharodon carcharias* in Appendix I was submitted by Australia and the United States of America at the 11th meeting of the Conference of the Parties (CoP11). It was amended at CoP11 to include the species in Appendix II, but rejected. Australia subsequently listed this species in Appendix III in October 2001 (with no annotation, i.e. a listing that applies only to live or dead specimens).

The proposal indicates that *C. carcharias* is widely distributed and found off coastal and offshore shelves in temperate and sub-tropical areas. Populations seem mostly resident, but seasonal and long-distance migrations may take place. The species is rather long-lived and has a low reproductive rate, reaching sexual maturity at 8 to 12 years and producing every two to three years on average, seven young after a 12-month gestation period.

No global population figures or trends are provided in the proposal, but it notes that the species appears uncommon to rare compared to other large sharks, while population trend data in four range States (Australia, Croatia, South Africa and United States of America) indicate important declines in recent decades.

The species is not targeted by large commercial pelagic fisheries, but may be taken in sport fisheries, incidentally as bycatch or opportunistically for curios, and in artisanal fisheries.

The proposal contains anecdotal information on international trade in *C. carcharias* products, suggesting that levels of this trade seem relatively small and largely limited to jaws, teeth and occasionally fins. Only five transactions appear to have been recorded by in the annual reports of Parties since the inclusion of the species in Appendix III, but their full details are not provided. According to the proposal, the high value of great white shark products indicates significant demand, but it is unclear on what this assumption is based. It is also stated that a thriving international trade exists in jaws and teeth through the Internet, but this is not further substantiated. However, it appears that continued unregulated harvesting of *C. carcharias* for international trade may have a detrimental impact on the species.

The proponents argue that including all three large shark species in the CITES Appendices (*Rhincodon typus* and *Cetorhinus maximus* are both already included in Appendix II) would reduce the complications regarding enforcement for certain items in trade; identification of jaws and teeth of *C. carcharias* is apparently relatively easy for non-experts, while whole very large fins would almost certainly come from one of these three species. For these and other specimens that may appear in trade (e.g. processed fins, fin soup, oil, skin, leather, fresh meat, processed meat, bones, skulls, etc.), the proponents refer to a DNA test that is stated to be cheap and accurate. It is however unclear in which States this test is available, or how it could be used in developing countries if it is not available.

The proponents consulted the range States of this species and the comments that were received are attached to the proposal.

The proposal aims to list *C. carcharias* in Appendix II with a zero annual export quota. The consequence of establishing this quota in an annotation would be that any export of any specimen of the species would be prohibited. *De facto*, this would be more restrictive than an Appendix-I listing, which would for instance still allow for the export of specimens for non-commercial purposes or personal use.

The proponents argue that the inclusion of *C. carcharias* in Appendix II with a zero quota would help ensure that exploitation was regulated and monitored and that international trade was not detrimental to its survival. It seems that the intention of the proponents is to eliminate all trade because this proposal would rule out any international transaction in specimens of this species. However, where range States have provided full protection to *C. carcharias*, this seems to have driven harvest and trade underground.

Further it should be noted that several major causes of death of white sharks, such as sport fishing and bather-protection programmes, take place in coastal waters and have to be regulated under national legislation. Additionally, the proposal does not address the issue of introduction from the sea, and how Parties should deal with those introductions.

Proposal 33

Cheilinus undulatus **– Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B.]

[Fiji, Ireland (on behalf of the Member States of the European Community) and the United States of America]

Provisional assessment by the Secretariat

The United States of America submitted a proposal to include the humphead wrasse *Cheilinus undulatus* in Appendix II at CoP12, but this was narrowly rejected. The current proposal is more comprehensive, and includes new and updated information.

C. undulatus is widely distributed in the Indo-Pacific region, where it is associated with healthy coral ecosystems. Densities are naturally low, and reported to decrease significantly (i.e. by 10 fold or more) in areas that are fished even at light to moderate levels. Japan comments that its fishery of this species around the Ryukyu Islands has been sustainable over the past five years, but this interesting case is not further analysed or commented upon in the proposal. Elsewhere, local depletions and extirpations are documented, with serial overfishing occurring in the Indo-Pacific. Possible reasons for the high sensitivity to overfishing of this large, long-lived species are reported to include its reproductive biology (hermaphroditic, with sex changing from female to male when maturing; spawning in aggregations), long generation time, and low rates of replacement and of intrinsic population increase.

The main threat to *C. undulatus* is targeted fisheries at all life stages for the live reef food trade in Asia (juveniles for direct sale or for 'grow-out' culturing), with a small number entering the aquarium trade. Only live specimens are reportedly entering international trade. Demand as an expensive luxury food item is predicted to increase.

The proponents argue that the form in which specimens are traded and the unmistakable characteristic shape in all age and size classes make *C. undulatus* readily identifiable. They further note that modes of transport have shifted markedly in recent years from sea to air, and that airports offer better monitoring opportunities than sea ports, which would further facilitate enforcement of CITES controls.

The proponents argue that listing this species in Appendix II would strengthen efforts to regulate and manage *C. undulatus* fisheries at national level, provide the necessary legal framework to regulate international trade, ensure sustainability through the making of non-detriment findings, and reduce illegal, unregulated or unreported (IUU) fishing and trade.

The proponents consulted the range States of *C. undulatus* and have included in the supporting statement the comments that were received.

Proposal 34

***Ornithoptera* spp., *Trogonoptera* spp. and *Troides* spp. in Appendix II – Deletion of the annotation "*sensu* D'Abrera".**

[Switzerland (as Depositary Government, at the request of the Nomenclature Committee)]

Provisional assessment by the Secretariat

As explained in the supporting statement, birdwing butterflies in the genera *Ornithoptera* spp., *Trogonoptera* spp. and *Troides* spp. were included in Appendix II in 1979 with the annotation "*sensu* D'Abrera". This was to clarify that, at the same time, a publication by B. D'Abrera was adopted as the nomenclatural reference for these butterflies. D'Abrera's publication specifies the names of the species within the three genera that are covered by CITES. This is actually highly unusual. Nomenclatural references for all other species in the CITES Appendices are established through Resolutions and on the basis of the work of the Nomenclature Committee, not through specifications in the Appendices.

This proposal aims to remove the nomenclatural reference "*sensu* D'Abrera". The adoption of the proposal will not alter the CITES status of *Ornithoptera* spp., *Trogonoptera* spp. and *Troides* spp. The nomenclature of these genera would however become specified in the regularly updated Resolution on Standard nomenclature, as for other CITES-listed species.

More information on the rationale for this proposal is presented in the report of the Nomenclature Committee to CoP13 (see document CoP13 Doc. 9.3)

Proposal 35

Lithophaga lithophaga **– Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a)]

[Italy and Slovenia (on behalf of the Member States of the European Community)]

Provisional assessment by the Secretariat

The European date mussel *Lithophaga lithophaga* is proposed to be listed in Appendix II to help regulate its international trade and to avoid utilization that is incompatible with its survival. The species seems widely distributed in the Mediterranean and along the Atlantic coast from Morocco to Senegal, where it lives in limestone sea rock from sea level to a depth of 20 m. It would appear to be common wherever suitable habitat remains, with estimated densities of 300 to 1,600 individuals per square meter, of which the large majority are juveniles smaller than 5 cm. Animals larger than 5 cm are suitable for human consumption. They usually occur is densities of up to 100 individuals per square meter. The animals burrow holes in limestone substrates and can currently only be harvested by destroying rocks.

The proposal presents information on local population declines in certain range States as a result of habitat alteration through coastal development and destruction of rocks for collecting *L. lithophaga*. Apparently, the latter principally concerns easily accessible rocks and sites, i.e. littoral rocks at a depth of up to 2 meters. It remains unclear from the proposal how these relatively localized threats impact the global conservation status of *L. lithophaga*. This species is said to play an important pioneer role in coastal limestone rock habitat, and destructive fishing methods negatively impact this ecosystem. Restoration of sites damaged by harvesting of the species is apparently very slow or impossible.

The only reported use of *L. lithophaga* is local and international trade as a sea food delicacy for human consumption, mainly within the western Mediterranean range States of this species, particularly Italy and Spain. The proposal suggests that "exploitation and commerce of *L. lithophaga* will continue to increase", but it is unclear from the information presented on what this assumption is based. It should be noted that trade in *L. lithophaga* between EU Members States such as Spain, Italy and Slovenia would remain largely uncontrolled if the species were included in Appendix II.

Legal international trade in *L. lithophaga* seems to be very limited because many range States in the Mediterranean ban its collection, utilization and export, or fully protect the species. The only data on legal transactions indicate that Serbia and Montenegro used to export 30 tons of *L. lithophaga* each year to neighbouring countries until 2003 when it banned exploitation. The proposal provides information on illegal exploitation and trade within a few range States where the species is traditionally consumed or in demand, with over 6,000 kg of *L. lithophaga* confiscated in Croatia, Italy and Slovenia in recent years. Only anecdotal information is provided concerning possible illegal international trade between North Africa and Europe. It is unclear on what basis a statement mentioning "increasing level of illegal marketing" is made. Overall, the exploitation of and trade in *L. lithophaga* seem to concern a limited number of range States of this species only, and to be geographically relatively restricted.

The proponents indicate that specimens of *L. lithophaga* that appear in international trade are distinctive, but it is unclear whether other species in this globally distributed genus are traded and could potentially be confused with *L. lithophaga*.

Proposal 36

Helioporidae spp., Tubiporidae spp., Scleractinia spp., Milleporidae spp. and Stylasteridae spp. – Amendment of the annotation to these taxa to read:
Fossils, namely all categories of coral rock, except live rock (meaning pieces of coral rock to which are attached live specimens of invertebrate species and coralline algae not included in the Appendices and which are transported moist, but not in water, in crates) are not subject to the provisions of the Convention.

[Switzerland (as Depositary Government, at the request of the Animals Committee)]

Provisional assessment by the Secretariat

The purpose of this annotation is to clarify that live rock, as described, is not exempted from CITES controls. The Animals Committee came to this conclusion because the removal of live rock may potentially have a great impact on coral reefs. This annotation follows the recommendation in Resolution Conf. 11.10 (Rev. CoP12) that Parties adopt the principles and practice of an ecosystem approach when permitting the export of corals.

If proposal CoP13 Prop. 1 or proposal CoP13 Prop. 2 is adopted (providing a general exemption for fossils of all species in the Appendices) this annotation should be amended to read:

"The general exemption for fossils does not apply to live rock (meaning pieces of coral rock to which are attached live specimens of invertebrate species and coralline algae not included in the Appendices and which are transported moist, but not in water, in crates)."

Proposal 37

***Hoodia* spp. – Inclusion in Appendix II, with an annotation to read as follows:**
Designates all parts and derivatives except those bearing the label "Produced from *Hoodia* spp. material obtained through controlled harvesting and production in collaboration with the CITES Management Authorities of Botswana/Namibia/South Africa under agreement no. BW/NA/ZA xxxxxx)".

(Botswana, Namibia and South Africa)

Provisional assessment by the Secretariat

Hoodia spp. plants occur in summer rainfall areas in Angola, Botswana, Namibia and South Africa in a wide variety of arid habitats, from coastal to mountainous, mostly with patchy distributions. Some species are threatened and declining, others are still relatively common.

The plants are in demand because of their pharmaceutical value, particularly for their qualities as an appetite suppressant. All the material used to manufacture the products (widely advertised on websites) is thought to be derived from wild-harvested plants. Cultivation trials have been set up in Namibia and South Africa but plants have not yet reached the stage of harvesting.

The proponents state that (unregulated?) harvesting for commercial purposes is becoming a large potential threat. Harvesting requires cutting off the above ground parts of the plant and it is relatively easy to destroy a large proportion of a small population. The legal international trade appears well regulated in three countries (Botswana, Namibia and South Africa), but illegal exports have been reported in Botswana and South Africa while Namibia has experienced attempts of illegal collecting. The potential impact of illegal trade is considered to be very high because of the threat of over-exploitation after patenting of the active compound (P57) by the CSIR in South Africa, extracted from *H. gordoni*.

The three proponent countries have national legislation to protect the species. They argue that an Appendix-II listing would strengthen the role of range States in ensuring that trade in these species is sustainable, but is also expected to reduce the current illegal trade.

The proponents would like to apply an exemption from CITES provisions for all parts and derivatives bearing the label "Produced from *Hoodia* spp. material obtained through controlled harvesting and production in collaboration with the CITES Management Authorities of Botswana/ Namibia/ South Africa, under agreement no. BW/NA/ZA xxxxx". However, from the supporting statement it seems that no such agreement between specific manufacturers/distributors or agents exists at present.

A listing of this type would mean that finished pharmaceutical products made from plants artificially propagated outside the three proponent countries would be subject to the provisions of the Convention, even though the proponents state that "such products present complications for enforcement and have traditionally been exempt for medicinal plant species included in Appendix II".

Overall it would seem that the result of the adoption of this proposal would leave the vast bulk of trade in *Hoodia* spp. outside CITES controls, thus perhaps defeating the object of including the genus in the Appendices. The practicality and efficacy of a simple label permitting material to be excluded from CITES controls also needs further consideration.

Proposal 38

Euphorbiaceae (Appendix II) – Annotation to read as follows:
Artificially propagated specimens of *Euphorbia lactea* are excluded from the provisions of the Convention when they are:
a) grafted on rootstocks of *Euphorbia neriifolia* L.;
b) colour mutants; or
c) crested-branch forming or fan-shaped.

(Thailand)

Provisional assessment by the Secretariat

This proposal seeks to exempt artificially propagated cultivars of a particular species of the succulent Euphorbiaceae, similar to the one adopted for *Euphorbia trigona* at CoP10. This particular species is popular among succulent enthusiasts. However, some observations should be made.

- The wild species of *E. lactea* are dark green, with pale greyish bands along the midrib. It should therefore be made very clear what exactly is understood by 'colour mutants' (e.g. the ones of uniform colour, various shades of grey to white, with or without some green stripes).

- Normally only the crested forms [in which the plant no longer grows lengthwise but the top is deformed into a comb-like structure that is flattish (fan shaped) or has a more contorted, undulating upper ridge (crest)] are grafted, and perhaps the annotation should reflect this by combining a) and c).

- For a non-expert, the crested forms may easily be confused with similar forms of some species of Cactaceae. Nevertheless, the presence of milky juice, once the plant is cut, is a clear sign that the specimen concerned is from the *Euphorbia*.

- The proposal does not provide any details of trade in wild specimens (the species is indigenous to India).

The annotation makes clear that it is only the artificially propagated specimens of *Euphorbia lactea* that are to be excluded from CITES controls, however this would mean that the rootstock of *Euphorbia neriifolia* L. would remain subject to control, thus defeating the object of paragraph a).

Proposal 39

Euphorbiaceae (Appendix II) – Annotation to read as follows:
Artificially propagated specimens of *Euphorbia milii* are not subject to the provisions of the Convention when they are:
a) traded in shipments of 100 or more plants;
b) readily recognizable as artificially propagated specimens.

(Thailand)

Provisional assessment by the Secretariat

This little shrub is a popular house plant. Many varieties and hybrids are available varying in flower size and in colour from red to yellow. It blooms freely most of the year, although it normally becomes dormant in summer. It is a very popular species that is widely cultivated worldwide. Some of the improved hybrids have resulted from crosses with *Euphorbia lophogona* but the proposal does not refer to this species.

The species is indigenous to Madagascar, from where it is described in about a dozen varieties. The proposal makes no reference to the quantities that are traded from Madagascar (either as wild-collected or artificially propagated). The wild-collected specimens might not be easy to differentiate from artificially propagated as is suggested in the proposal. One way to overcome this would be not to apply the exemption to specimens originating in Madagascar (as is suggested in paragraph 4.3.1), but because of the exemption elsewhere, smuggling would be difficult to combat, even with the suggested limitation of not less then 100 specimens per shipment.

Proposal 40

Orchidaceae in Appendix II – Annotation to read as follows:
Artificially propagated specimens of Orchidaceae hybrids are not subject to the provisions of the Convention when:

a) they are readily recognizable as artificially propagated specimens;
b) they do not exhibit characteristics of wild-collected specimens;
c) shipments are accompanied by documentation such as an invoice that indicates clearly the vernacular name of the orchid hybrids and is signed by the shipper.

Specimens that do not clearly meet the criteria for the exemption must be accompanied by appropriate CITES documents.

(Thailand)

Provisional assessment by the Secretariat

Of the three proposals related to the possible exclusion of orchid hybrids from the CITES Appendices, this is the one which would have the greatest impact by excluding all hybrids of Appendix-II orchid species.

The supporting statement cites paragraph f) under "RESOLVES" of Resolution Conf. 9.24 (Rev. CoP12) which states that species of which all specimens in trade have been artificially propagated should not be included in the Appendices if there is no probability of trade taking place in specimens of wild origin. However, many species of orchid are traded as specimens of wild origin, even if the majority of the specimens in trade are man made hybrids with such species in their ancestry.

This proposal also goes beyond the approach envisioned by the Plants Committee, that is that only hybrids that are readily recognizable should be excluded from the Appendices. Even when the condition is added that the hybrid specimens should be in flower and potted, it would in many cases be difficult for an enforcement officer to determine whether he is dealing with a species or a hybrid. In a non-flowering stage this would be virtually impossible.

Furthermore, the invoice [referred to in paragraph c) of the proposed annotation] should mention the scientific name of the hybrid, not the vernacular name.

The proposal does not refer to hybrids with at least one parent of an Appendix-I species in their ancestry. These hybrids are currently regarded as being included in Appendix II, as mentioned in paragraph 4.1.2. If the intention is to exclude these as well, the enforcement problems would only increase as there would be the opportunity for increased illegal trade in specimens of species of *Paphiopedilum* and *Phragmipedium* (Appendix I).

Proposal 41

Orchidaceae in Appendix II – Annotation to exclude artificially propagated hybrids of the following taxa, exclusively under the condition that specimens are flowering, potted and labelled, professionally processed for commercial retail sale and that they allow easy identification:
Cymbidium
Interspecific hybrids within the genus and intergeneric hybrids
Dendrobium
Interspecific hybrids within the genus known in horticulture as "*nobile*-types" and "*phalaenopsis*-types", both of which are clearly recognizable by commercial growers and hobbyists
Miltonia
Interspecific hybrids within the genus and intergeneric hybrids
Odontoglossum
Interspecific hybrids within the genus and intergeneric hybrids
Oncidium
Interspecific hybrids within the genus and intergeneric hybrids
Phalaenopsis
Interspecific hybrids within the genus and intergeneric hybrids
Vanda
Interspecific hybrids within the genus and intergeneric hybrids
The annotation to specifically read as follows:
Artificially propagated specimens of hybrids are not subject to the provisions of the Convention when:

a) they are traded in flowering state, i.e. with at least one open flower per specimen, with reflexed petals;
b) they are professionally processed for commercial retail sale, e.g. labelled with printed labels and packaged with printed packages;
c) they can be readily recognized as artificially propagated specimens by exhibiting a high degree of cleanliness, undamaged inflorescences, intact root systems and general absence of damage or injury that could be attributable to plants originating in the wild;
d) plants do not exhibit characteristics of wild origin, such as damage by insects or other animals, fungi or algae adhering to leaves, or mechanical damage to inflorescences, roots, leaves or other parts resulting from collection; and
e) labels or packages indicate the trade name of the specimen, the country of artificial propagation or, in case of international trade during the production process, the country where the specimen was labelled and packaged; and labels or packages show a photograph of the flower, or demonstrate by other means the appropriate use of labels and packages in an easily verifiable way.

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

(Switzerland)

Provisional assessment by the Secretariat

This proposal has been extensively discussed by the Plants Committee and evolved from its review of the listing of the Orchidaceae species in the Appendices. It is based on a similar proposal developed for CoP12. However, for that proposal, the proponent added a number of conditions not discussed by the Plants Committee (and of which only the exemption for *Phalaenopsis* hybrids was approved). These included, amongst other things, a requirement for a certain quantity of specimens (see also proposal CoP13 Prop. 42). Also, the genera listed in the proposal to CoP12 were not entirely the same as in the present one. In its comments on the proposal to CoP12 Switzerland argued that, for enforcement reasons, the specimens concerned should be flowering and potted, as it is proposing here.

The choice of the genera is very balanced and, when traded in flower, the hybrids can be easily recognized, as is evident from the illustrations provided with the proposal. Nevertheless, the practical application of such a long and complicated annotation needs to be fully considered.

If proposal CoP13 Prop. 40 is adopted, this proposal need no longer be discussed.

Proposal 42

Orchidaceae in Appendix II – Amendment of the annotation regarding *Phalaenopsis* hybrids to read:
Artificially propagated specimens of hybrids within the genus *Phalaenopsis* are not subject to the provisions of the Convention when:

a) specimens are traded in shipments consisting of individual containers (i.e. cartons, boxes or crates) containing 20 or more plants each;
b) all plants within a container are of the same hybrid, with no mixing of different hybrids within a container;
c) plants within a container can be readily recognized as artificially propagated specimens by exhibiting a high degree of uniformity in size and stage of growth, cleanliness, intact root systems and general absence of damage or injury that could be attributable to plants originating in the wild;
d) plants do not exhibit characteristics of wild origin, such as damage by insects or other animals, fungi or algae adhering to leaves, or mechanical damage to roots, leaves, or other parts resulting from collection; and
e) shipments are accompanied by documentation, such as an invoice, which clearly states the number of plants and is signed by the shipper.

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

[Switzerland (as Depositary Government, at the request of the Plants Committee)]

Provisional assessment by the Secretariat

At its 14th meeting, the Plants Committee discussed a survey by the United States of America on the effectiveness of the annotation to *Phalaenopsis* (Orchidaceae) to exempt hybrids under certain conditions. That annotation includes a condition that the individual containers contain at least 100 plants (the other conditions were identical to the ones proposed here). This high number is one of the reasons for which this exemption has been rarely, if ever, used. The Plants Committee therefore recommends that the minimum quantity be reduced to 20 plants per container.

The supporting statement does not refer to the frequent use of so-called mixed trays (trays with 9 or 12 pots of different hybrids of *Phalaenopsis*), in which case the exemption can not be used because of condition b).

In the comments on the proposals to CoP12 it was indicated that in non-flowering state, it would be impossible to differentiate between specimens of artificially propagated hybrids and artificially propagated species. (It is relatively easy to determine whether the plants belong to the genus *Phalaenopsis*). It would therefore seem more effective to delete the condition of having only one hybrid per container, and replace it by the requirement that the specimens should be in flower.

However, the practical application of long and complicated annotations such as this needs to be fully evaluated.

If proposal Cop13 Prop. 40, or proposal CoP13 Prop. 41 is adopted, this proposal need not be discussed.

Proposal 43

Cattleya trianaei **– Transfer from Appendix I to Appendix II.**

(Colombia)

Provisional assessment by the Secretariat

This species was included in Appendix I in 1975. Since 1995 it has been under the current annotation that designates all parts and derivatives, except: seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers. Because most of the subpopulations are small, and as a result of the overexploitation that took place in the past, this species may qualify for inclusion in Appendix I. All other species of the genus *Cattleya* are currently listed in Appendix II. The trade in these specimens and their hybrids takes place when they are not flowering, and this makes it difficult to differentiate Appendix-I from Appendix-II specimens.

Nevertheless, from the information provided in the supporting statement, it is clear that international trade is not a threat to the wild population of this species. *Cattleya trianaei* is an endemic species of the Colombian Andes and is the national flower of Colombia. For these reasons, campaigns for its protection have been implemented. Surveys of its biology and ecology have been carried out to help implement control measures and maintain remnant populations.

Most of the international trade in this species is in artificially propagated specimens produced by five nurseries registered under the Colombian regulations.

The proposal does not include details of any protection under national legislation in Colombia.

Proposal 44

Vanda coerulea **– Transfer from Appendix I to Appendix II.**

(Thailand)

Provisional assessment by the Secretariat

This orchid has been listed in Appendix I since 1979. It has a very wide distribution and although the supporting statement gives only very general information, it might be supposed that the population is not small. There have been declines in some populations in the past because of over-collecting but these have been halted according to the supporting statement. Reintroductions have been made in parts of its range and populations are said to be recovering.

The species is in trade in the form of artificially propagated specimens and it is in demand. However because the main interest is in 'elite clones' and these are difficult to locate in the wild, the demand for wild collected specimens is likely to be small. Export of wild-collected specimens are said to be prohibited in all range States.

Proposal 45

Cistanche deserticola **– Addition of annotation #1, i.e.:**
Designates all parts and derivatives, except:
a) seeds, spores and pollen (including pollinia);
b) seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers; and
c) cut flowers of artificially propagated plants.

(China)

Provisional assessment by the Secretariat

Following the deletion of an earlier annotation in the Appendices for this species (referring to roots - although this parasitic species does not have any) parts and derivatives (the most commonly traded commodities of this species of medicinal interest) are no longer covered by the provisions of the Convention. The currently proposed annotation seeks to correct this omission, so that all relevant parts and derivatives in trade are covered.

Proposal 46

***Chrysalidocarpus decipiens* (NB: this species is referred to as *Dypsis decipiens* in the proposal) – Transfer from Appendix II to Appendix I.**

(Madagascar)

Provisional assessment by the Secretariat

This palm tree species has been listed in Appendix II since 1975 [except for seeds, spores and pollen (including pollinia), seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers; and cut flowers of artificially propagated plants].

Its distribution is now restricted to relict forest in certain areas of central Madagascar. The known population appears to be very small (around 200) and the area of distribution restricted. The population size is now so low that it is vulnerable to a variety of human-induced threats.

The proposal states that legal trade takes place in the form of seeds and seedlings and that in the short term this poses a great threat to the species. Seeds are not covered under the existing Appendix-II listing but it might have been expected that the proponents could provide statistics to confirm the export of seedlings in the past. If the species is included in Appendix I, seeds would be covered by the listing to the extent that they are readily recognizable.

Proposal 47

Taxus wallichiana **– Amendment of the annotation (currently annotation #2), to read:**
Designates all parts and derivatives, except:
a) seeds and pollen; and
b) finished pharmaceutical products.

(China and the United States of America)

Provisional assessment by the Secretariat

When the proposal to include *Taxus wallichiana* in Appendix II was adopted at the ninth meeting of the Conference of the Parties (CoP9, Fort Lauderdale, 1994), it had an annotation exempting seeds, flasked seedlings, cut flowers and **finished pharmaceutical products.** At the 11th meeting (CoP11, Harare, 2000), the Depositary Government presented a proposal to harmonize the annotations to several plant species of medicinal interest (proposal 11.53, submitted by Switzerland as Depositary Government at the request of the Plants Committee). Despite interventions that this new annotation would actually reduce the controls for *Taxus wallichiana* it was adopted by the Conference. The current annotation exempts seeds, flasked seedlings, cut flowers and **chemical derivatives and finished pharmaceutical products.**

The proponents point out that, by excluding chemical derivatives, the current annotation fails to capture the majority of the trade in specimens of this species, rendering the listing ineffective. The important products in trade are the extracts (paclitaxel or paclitaxel-equivalent components) rather than the actual plant biomass (leaves etc.) from which these extracts are taken, mainly in the country of origin of the species concerned. The proposal resulted from discussion in the Plants Committee when reviewing the listings of various plant taxa.

However, it should be noted that between CoP9 and CoP11 no trade in chemical extracts was recorded in the CITES annual reports.

The reference to synonymy needs to be considered by the Nomenclature Committee.

Proposal 48

Taxus chinensis, T. cuspidata, T. fuana, T. sumatrana **and all infraspecific taxa of these species – Inclusion in Appendix II with the following annotation:**
Designates all parts and derivatives, except:
a) seeds and pollen; and
b) finished pharmaceutical products.
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(China and the United States of America)

Provisional assessment by the Secretariat

The supporting statement presents the limited information that is available on the status of and trade in *Taxus chinensis*, *T. cuspidata*, *T. fuana* and *T. sumatrana*, focusing particularly on the situation in China. Very little or no information is presented regarding the other range States of these taxa (i.e. Indonesia, Japan, the Russian Federation, the Philippines, the Republic of Korea and Viet Nam). The proposal does not mention that *T. cuspidata* is a popular garden plant, of which many cultivars are in trade. It also does not clarify whether there are hybrids between the four Asian *Taxus* species that are the subject of the proposal and the five *Taxus* species that would not be included in the Appendices if the proposal were to be adopted.

The proposal stems from a review of the genus *Taxus* by the Plants Committee, which concluded that the Appendix-II listing and annotation of *Taxus wallichiana* (#2) was ineffective because it was not covering the main substances in international trade, and that the listing of the other Asian *Taxus* species and infraspecific taxa of these species in Appendix II would assist in regulating trade and ensuring that exports are not detrimental. The proposal addresses these issues, and complements proposal CoP13 Prop. 47 concerning a new annotation for *Taxus wallichiana*. The same annotation is proposed for the listing of *Taxus chinensis*, *T. cuspidata*, *T. fuana* and *T. sumatrana,* i.e. covering the main commodities in trade, chemical extracts (paclitaxel and paclitaxel-equivalent compounds).

Proposal 49

***Aquilaria* spp. and *Gyrinops* spp. – Inclusion in Appendix II**
[in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraphs A. and B. i), and Annex 2 b]

(Indonesia)

Provisional assessment by the Secretariat

Aquilaria malaccensis was listed in the CITES Appendix II in 1995 under annotation #1. Listing one species out of more than 15 species producing agarwood appeared to create worldwide problems on look-alike products in trade. The trade is in the form of wood chips, powder and oils, and it is very difficult to determine which species of *Aquilaria* or *Gyrinops* these are derived from.

Very little information is provided on the population size and trend of this species in the various range States. Some species of *Aquilaria* are now also collected from protected areas. Agarwood collectors generally cut all potential agarwood trees to determine whether they may be infected and thus produce the valuable infected wood.

Demand for agarwood has been increasing for years, but exports from Indonesia decreased from 300 tons in 2000 to 150 tons in 2001. There is no explanation provided for this decrease.

Nowhere in the supporting statement is reference made to the substantial amount of work carried out by the Plants Committee and others since 1998 (although a document discussed at the last Plants Committee meeting (Namibia, 2004) is mentioned in the list of references.

In the supporting statement, no reference is made to comments from other range States, and it is not clear whether the proponent has sought such comments.

There is no reference to parts and derivatives in the proposal. As a consequence, only whole plants whether dead or alive would be covered if this proposal were adopted [cf. Article I, paragraph (b)(iii)], and so the trade in agarwood products would remain largely unregulated. Under the current Rules of Procedure of the Conference of the Parties, the proposal may not be amended to cover these products, because that would mean an extension of the scope of the current proposal, which is not permitted.

Proposal 50

***Gonystylus* spp. – Inclusion in Appendix II**
[in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraphs A and B i), and Annex 2b, paragraph B] with annotation #1, i.e.:
Designates all parts and derivatives, except:
a) seeds, spores and pollen (including pollinia);
b) seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers; and
c) cut flowers of artificially propagated plants.

(Indonesia)

Provisional assessment by the Secretariat

Ramin has been included in Appendix III with annotation #1 since 6 August 2001, on the request of Indonesia. Malaysia has entered a partial reservation, which is applicable only to all recognizable parts and derivatives except sawn timber and logs.

The supporting statement contains much information about the population size and trends. The proponent gives a very detailed explanation of how the conservation status of ramin has deteriorated over the last 10 years. Many species of ramin have been categorized as vulnerable according to the 2000 IUCN Red List of Threatened Species. All populations of ramin throughout the range have declined to a very low level.

Ramin is one of the major export timbers of Southeast Asia and it has a wide range of uses. Six of the 30 species of the genus *Gonystylus* are currently known to be commercially valuable.

Illegal logging has increased in protected areas which may indicate the scarcity of the species outside these areas. The species is in great demand in the international timber trade and illegal international trade is seriously undermining the domestic management initiatives that aim to ensure that trade is sustainable. It is not clear whether the proponent has consulted all range States.

The proposed annotation would result in CITES controls being applied to all timber products. The practical application of such a wide listing needs to be considered further.