

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



Fifteenth meeting of the Conference of the Parties
Doha (Qatar), 13-25 March 2010

Summary record of the fifth session of Committee I

17 March 2010: 09h15 - 12h10

Chairman: J. Donaldson (South Africa)
Secretariat: R. Bolješić
D. Morgan
S. Nash
Rapporteurs: J. Caldwell
C. Lippai
K. Malsch
C. McLardy

62. Periodic review of the Appendices

The Secretariat introduced document CoP15 Doc. 62. It noted the long history of the periodic review process but considered that the review had become ineffective and inefficient since 2002. It highlighted that less than 10 species reviews had been concluded and no new proposals to amend the Appendices had resulted from the process since CoP11. It suggested that a revised procedure was necessary. It identified that the lack of a preambular paragraph in Resolution Conf. 14.8 provided no context to the Resolution and indicated that the Parties believed the purpose of the review was twofold: to indicate the effectiveness of the Convention in the context of the Strategic Vision and to ensure that species included in Appendices I and II continued to meet the listing criteria. In order to allow the scientific committees to check that species were included in the correct Appendix, it identified that financial support for the periodic review was required as outlined in document CoP15 Doc. 7.2.1. It drew attention to the draft decisions and the draft resolution in the Annexes for streamlining and focusing the periodic review and suggested this might be done through a working group.

Mexico, supported by China, Egypt, the United States of America and the Chairs of the Animals and Plants Committees, believed that it was premature to consider revision of Resolution Conf. 14.8 and that the proposed amendments were unnecessary. They highlighted that the main problem with the existing framework under Resolution Conf. 14.8 was the lack of financial resources to undertake reviews and proposed rejection of the document. Mexico also drew attention to more than 20 species that they had reviewed under the process, several of which had become the object of proposals to amend the Appendices as a result, which had apparently been overlooked by the Secretariat. The United States pointed out that the scientific committees were still reviewing taxa such as the Felidae that had been selected under the process. China further urged Parties to recognize the importance of the mechanism. Israel concurred with the call to reject the document, and further suggested that any working group should consider eliminating the periodic review entirely.

Australia supported by Thailand also considered the process to be very important, especially for developing countries. They felt the document had merit in outlining the purpose of the periodic review but that there should be further discussion on the involvement of the Standing Committee relating to the species to be reviewed. They supported the establishment of a working group.

Spain, on behalf of the European Union and its Member States, drew attention to the difficulties in identifying experts to carry out periodic reviews. They noted that the number of proposals generated as a

result of the process did not adequately reflect the work done, as many species had been determined to be correctly listed, a point also made by the United States. They did not support the link between the periodic review and indicator 1.4.2 of the Strategic Vision as this was relevant only to non-CITES species, a view shared by the United States. They were in favour of the Secretariat's call for funding in paragraph 17 but opposed the draft decision in Annex 1. They supported the establishment of a working group and wished to participate.

Humane Society International believed that the periodic review had reached valid conclusions on the proper placing of species in the Appendices but did not support its continuation. They did not accept the process as an indicator of the Convention but felt that Objective 1.4 of the Strategic Vision should be inclusive of species not currently listed, and that more strategic reviews of candidate species that could meet the listing criteria were required.

The Secretariat clarified that the document had resulted from an instruction from the Parties in the costed programme of work and that the number of species reviewed through the process, and the number of resulting proposals outlined in paragraphs 12 and 5 respectively, had been well researched and were correct. It would continue to support the Animals and Plants Committees in undertaking the review should the document be rejected.

Australia and Spain on behalf of the European Union and its Member States agreed with the Chair that a working group was unnecessary. The document was rejected with the exception of paragraph 17, which was endorsed.

63. Criteria for the inclusion of species in Appendix I and II

The Secretariat introduced document CoP15 Doc. 63 and noted the amendments to the criteria for listing species in the Appendices that had been first applied at CoP14. It reminded the Parties of its obligation to provide advice on amendment proposals using the criteria adopted. It has been disturbed by allegations that it had misinterpreted the criteria and believed the source of the misunderstanding was paragraph 2a B of Resolution Conf. 9.24 (Rev. CoP14). It reiterated its impartiality in the assessment of proposals to amend the Appendices and its willingness to follow any clear guidance provided by Parties on the criteria. It stressed that clarification on the interpretation of the criteria from Parties was needed and suggested establishment of an intersessional process to consider the draft decisions in the Annex.

The United States believed that any intersessional working group should be tasked with clarifying the interpretation of paragraph 2a B of Resolution Conf. 9.24 (Rev. CoP14), but not its amendment. They suggested that the difficulties in the criteria arose only for commercially exploited aquatic species, and that this should be the focus of the group. This view was supported by Chile and Spain on behalf of the European Union and its Member States. Canada supported the establishment of an intersessional working group with participation from Food and Agriculture Organisation of the United Nations (FAO) and IUCN. The United States did not support the commissioning of the proposed report in the draft decision in order to avoid the financial and time implications that would result.

New Zealand emphasized the need for the criteria to be science-based and supported restricting the task of the working group to consider only paragraph 2a B of Resolution Conf. 9.24 (Rev. CoP14). They could support the draft decisions if they were amended.

Japan believed the listing criteria needed to be easily understood. They drew attention to the link between the terms "reducing" within paragraph 2a B of the listing criteria and "decline" as defined in the footnote to Annex 5 of Resolution Conf. 9.24 (Rev. CoP14). They proposed deletion of the draft decisions directed to the Secretariat and the Animals and Plants Committees and suggested some alternative text to the draft decision directed to the Standing Committee, which Norway supported. They proposed establishment of a working group at the 62nd meeting of the Standing Committee with participation from the FAO and other interested parties. Namibia agreed with this view. Japan suggested the working group should propose draft amendments to the listing criteria and report to CoP16.

China welcomed the comments made by the Secretariat on the impartiality of its assessments on the proposals to amend the Appendices, and also agreed with the other Parties that stated that any working group on this subject should focus narrowly on the interpretation of Annex 2. a. B and not to re-examine the criteria themselves.

The United Kingdom of Great Britain and Northern Ireland suggested the establishment of a working group of Committee I to concentrate on paragraph 2a B of Resolution Conf. 9.24 (Rev. CoP14) to formulate draft decisions to guide the intersessional working group. They stressed that the mandate of the working group should consider commercially exploited aquatic species and comparable terrestrial taxa.

FAO intervened to announce that their position remained unchanged from that expressed in documents CoP14 Inf. 64 and document SC58 Inf. 6. They noted fundamental differences in interpretation still remained and reminded the Parties that the adoption of the FAO criteria for listing aquatic marine species at CoP13 was fundamental to the agreement on the Memorandum of Understanding between FAO and CITES. Expressing their interest to participate in the working group, they urged the Parties to discuss the issues openly, transparently and on the basis of the best scientific information available.

A working group was established comprising Argentina, Australia, Canada (chair), Chile, China, Germany, Japan, Namibia, New Zealand, Norway, the United Kingdom, the United States, FAO, IUCN and Pew Environmental Group.

The Committee accepted that no further action was needed with respect to paragraph 25 of document CoP15 Doc. 10.2, which had been referred to the Committee by the Plenary in conjunction with item 63.

49. Tortoise and freshwater turtles

The Committee accepted that the United States would chair the working group on this agenda item.

68. Proposals to amend Appendices I and II

Mexico, on behalf of the United States and the Plants Committee, introduced proposal CoP15 Prop. 25 regarding the deletion of annotations #1 and #4 and the replacement of those annotations with a new annotation for plant taxa listed in Appendix II. The proposal also included an amendment to footnote 6. They noted that the proposal was primarily the result of deliberations by the Plants Committee in response to Decision 14.130.

As co-proponent, the United States expressed their support for the Secretariat's proposed changes to the wording of paragraph a) as included in document CoP15 Doc. 68 Annex 2. They recognized that the exemption for fruits included within paragraph d) of the proposed annotation was narrower than the current exemption included within #4, and called on the Parties to voice their opinions on that point. They noted that concerns had been raised by IUCN and TRAFFIC regarding increased implementation burdens without adding any clear conservation benefits.

Spain, on behalf of the European Union and its Member States, supported the intent of the proposal to simplify the plant annotations and exclude finished products of *Euphorbia antisyphilitica*, but agreed with the United States that paragraph d), as proposed, would overly restrict the exemption of artificially propagated plants and create enforcement difficulties. They recommended the following amendment to paragraph d) of the proposed annotation:

d) fruits and parts and derivatives thereof of naturalized or artificially propagated plants of the genera *Vanilla* (Orchidaceae), ~~*Opuntia* subgenus *Opuntia* (Cactaceae), *Hylocereus* and *Selenicereus* (Cactaceae)~~ and of the family Cactaceae;

They also expressed their desire for guidance materials to be prepared for customs authorities to aid implementation of the proposal. With this in mind, they proposed the following draft decision directed to the Plants Committee:

The Plants Committee shall:

- 1) Prepare clarification (i.e. a glossary or an illustrated brochure to be made available to enforcement authorities) and guidance on the meaning of "packaged and ready for retail trade" and other terms used in the Annotations, and;
- 2) Report at CoP16 and if necessary prepare additional amendment proposals for CoP16.

China and Thailand supported the draft proposal, with China noting that the change to the annotations provided clarity and were more appropriate than the existing annotations. Switzerland welcomed the

proposed annotation, noting, in particular, that paragraph f) would help to reduce the administrative burden associated with monitoring the trade in *Euphorbia antisyphilitica* wax that was having no direct effect on the conservation of the species.

Mexico had no objections to the draft decision and to the changes to paragraph d) as proposed by Spain, on behalf of the European Union and its Member States, provided the co-proponent, the United States, agreed. The United States, while not disagreeing with the proposed amendments, reiterated their concerns that the narrowing of paragraph d) in comparison to the original annotation #4 might still be problematic. On further reflection, the United States endorsed the proposal, noting that if the original paragraph d) of annotation #4 was used then it would expand the original intent of #1 which only included *Vanilla*.

The Chair of the Plants Committee supported both the proposal to amend the wording of paragraph d) and the draft decision.

Proposal CoP15 Prop. 25 was accepted with paragraph a) as amended by the Secretariat and paragraph d) as amended by Spain, on behalf of the European Union and its Member States. The draft decision was also accepted.

The United States, on behalf of Mexico, introduced proposal CoP15 Prop. 28, noting that delisting of *Euphorbia misera* had arisen from the periodic review of the Appendices as there was minimal international trade that did not appear to be a factor affecting the status of the species.

The Chair of the Plants Committee and Spain, on behalf of the European Union and its Member States, supported the proposal and it was accepted by consensus.

Brazil introduced proposal CoP15 Prop. 29, highlighting the need to change the number of the annotation as the intent of the proposal was not to amend the existing annotation #11. Brazil stressed the severe decline in wild populations of *Aniba rosaeodora* across its range due to logging pressure for the international market and remarked on the high value of rosewood essential oil for the perfume industry.

Spain, on behalf of the European Union and its Member States, welcomed the proposal and stressed the importance of developing tools for the effective and robust identification of the species in trade. They noted that essential oils produced from *Aniba rosaeodora*, particularly where oils were blended with cheaper, synthetic linalool oil, could pose challenges for Customs officials. To assist with identification, they proposed a draft decision directed to trading range States, importing Parties and the Plants Committee with the following text:

Trading range States and importing Parties working with the Plants Committee, should:

- 1) identify the best methods or potential methods for identification of essential oil and, if required, wood;
- 2) produce identification material and guidance;
- 3) identify appropriate annotations to compliment the proposed identification methods;
- 4) explore whether additional species need to be listed to support effective identification and regulation of wood and oil;
- 5) explore mechanisms for making non-detriment findings for this species;
- 6) report on their work to CoP16 and, if necessary, prepare additional amendment proposals for CoP16.

Brazil and Norway agreed with the proposed text, recognizing that similar aromatic oils and look-alike species were not included in the current proposal. Mexico welcomed the proposal given the evident heavy trade and conservation issues of the species, but requested clarification on the numbering of the proposed annotation, which the Secretariat provided.

Costa Rica, on behalf of the 25 countries of the Central and South America and the Caribbean region, expressed regional support for the proposal.

Australia expressed grave concern over inclusion of essential oils in the annotation as they considered this would cause problems with enforcement. They suggested an exclusion for finished products, to which Spain, on behalf of the European Union and its Member States, agreed and proposed inclusion of the following text in parentheses after essential oils: “excluding finished products packaged and ready for retail trade.” The Chair of the Plants Committee, noting that the proposed text would resolve several issues regarding finished products and essential oils, and Brazil, expressed their support.

The United States requested clarification from the Secretariat, in the spirit of keeping annotations concise, whether inserting text that *excluded* products within an annotation designed to designate which parts and derivatives were *included* was appropriate. The Secretariat replied that the proposed text merely clarified the use of the term ‘essential oil’. Brazil concurred with this clarification and stressed that the proposed text would simplify implementation and help to avoid compliance issues.

The proposal was accepted with the amended annotation number and the amendment proposed by Australia. The draft decision suggested by Spain, on behalf of the European Union and its Member States was also accepted by consensus.

After brief announcements by the Secretariat, the session was closed at 12h10.