

Comments from the Parties and comments and recommendations from the Secretariat

F A U N A

Proposal 1

***Canis lupus* – Addition of an annotation to the species *Canis lupus* listed in Appendices I and II reading: "Excludes the domesticated form and the dingo which are referenced as *Canis lupus familiaris* and *Canis lupus dingo*".**

Proponent: Switzerland, as Depositary Government, at the request of the Animals Committee

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The species *Canis lupus* (wolf) has been included in the CITES Appendices since 1997. It did not appear to be considered that domestic dogs or dingoes were included in this listing, but more recently adopted standard taxonomic references mention them under the name *Canis lupus*.

The proponent notes that under the current adopted standard taxonomic reference for mammals, domestic dogs and dingoes are considered subspecies of the wolf with the names *Canis lupus familiaris* and *C. l. dingo* respectively, and that these subspecies were never intended to be included with the listing of *Canis lupus* in the Appendices. At its 23rd meeting (Geneva, April 2008), the Animals Committee agreed to request the Depositary Government to propose an amendment to the listing of *C. lupus* to clarify this.

Adoption of the proposal would bring domestic dogs and dingoes into line with domestic cats, which, as an annotation to the Appendix-II listing for Felidae spp. makes clear, are not subject to the provisions of the Convention.

This proposal may be considered a substantive annotation in terms of Resolution Conf. 11.21 (Rev. CoP14) on *Use of annotations in Appendices I and II* and it has been submitted as such in accordance with Article XV of the Convention. However, the Secretariat considers that, as it is a simple clarification, the provisions of Annexes 3 and 4 to Resolution Conf. 9.24 (Rev. CoP14) should not be applied.

Comments from Parties and intergovernmental bodies

Egypt:

We agree (according to the taxonomic reference for mammals, domestic dogs and dingoes are considered subspecies of the wolf with the names *Canis lupus familiaris* and *Canis lupus dingo* respectively and that these subspecies were never intended to be included with the listing of *Canis lupus* in the Appendices).

Rwanda:

Support.

Recommendation by the Secretariat

This proposal clarifies the listing for *C. lupus* by excluding the domesticated forms. On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.

Proposal 2

Lynx rufus – Deletion from Appendix II.

Proponent: United States of America

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

L. rufus was included in Appendix II of CITES in 1977 along with all species of Felidae. The listing was based on Article II, paragraph 2(b), to ensure effective control of trade in other felids.

The species has twice been proposed for deletion from Appendix II. At the 13th meeting of the Conference of the Parties (CoP13, Bangkok, 2004), the proponent acknowledged the concerns of some Parties and observers regarding enforcement, arising from the similarity in appearance between *L. rufus* and other cat species, and agreed to withdraw the proposal in favour of Decision 13.93 directed to the Animals Committee. At the 14th meeting of the Conference of the Parties (CoP14, The Hague, 2007), the proponent stated that, if the proposal were accepted, the United States would list the species on Appendix III and conduct workshops on the techniques for identifying skins. Several Parties supported the proposal while others believed the proposal to be premature. The problem of look-alike species was also voiced by several Parties and organizations. In a vote on the matter in Committee I, 28 voted in favour, 63 against and 9 abstained, thus the proposal was not adopted as it was not supported by a two-thirds majority of representatives present and voting.

The supporting statement for present proposal has been updated to better address the concerns raised at CoP14. In relation to look-alike concerns, the proponent provides a brief summary of the outcome of a meeting held in Brussels in October 2008 for the purpose of discussing the degree of illegal trade in *Lynx* spp. related to *L. rufus* look-alike concerns. To facilitate species identification, the U.S. Fish and Wildlife Service had previously produced a Web-based *Lynx* identification manual designed for use by CITES authorities and other enforcement officials. However, information about whether this manual has been updated since CoP14 is missing and the proponent does not give a URL to the identification manual as in proposal CoP14 Prop. 2. The supporting statement also lacks the information on training of enforcement officers mentioned in proposal CoP14 Prop. 2.

The proponent provides new information on the status and distribution of the species in the United States, Canada and Mexico. The population appears stable or increasing, with range expansions noted in some areas, supporting the contention that the species does not meet the criteria in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14).

Concerning Annex 2 b of Resolution Conf. 9.24 (Rev. CoP14) the proponent analyses the trade data from 2002 to 2006 in the CITES trade database, which shows that 89 % of all legally traded items of *Lynx* spp. consisted of skins, of which 77 % were *L. rufus*. The United States and Canada exported or re-exported most of the items, while export and re-exports from other range States, including Mexico, were about 9 %. The proponent explains that since skins are almost always auctioned in a dry, untanned form, and are almost always complete, no significant look-alike problem will exist because such skins can be identified using guides it has produced. The supporting statement also gives new information based on data from the CITES trade database on the number of illegally traded specimens in the years 2005 and 2006, which proves to be negligible. With respect to possible impacts on the Appendix-I species *Lynx pardinus*, a survey of *Lynx* spp. range countries did not reveal any incidence of *L. pardinus* being illegally traded as *L. rufus*.

Comments from Parties and intergovernmental bodies

Egypt:

We conservative.

Information on population status and distribution of that particular species in both U.S.A. and other countries where that species inhabiting is scarce.

Rwanda:

Support.

Recommendation by the Secretariat

Lynx rufus does not meet the biological criteria of Resolution Conf. 9.24 (Rev. CoP14), Annex 2 a. It is unlikely that deleting this species from the Appendices would result in the species qualifying for inclusion in the Appendices in the near future under the precautionary measures in Annex 4, paragraph A. 4, of that same Resolution, as wild populations are healthy, not threatened and well managed.

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.

Proposal 3

***Ursus maritimus* – Transfer from Appendix II to Appendix I.**

Proponent: United States of America

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The polar bear (*Ursus maritimus*) was listed in Appendix II of CITES in 1975 under the higher-taxon listing of Ursidae.

The species has a circumpolar distribution on Arctic sea ice in five range States: Canada, Denmark (Greenland), Norway, the Russian Federation and the United States of America.

The proponent states that the available information indicates that polar bears are threatened with extinction in accordance with the biological criteria in Annex 1, paragraph C) ii) of Resolution Conf. 9.24 (Rev. CoP14), that is to say a marked decline in the population size in the wild, which has been inferred or projected on the basis of a decrease in area of habitat and a decrease in quality of habitat.

The species is dependent on sea ice and scientific evidence shows that polar bears are affected to a changing sea ice platform in many regions of the Arctic. Owing to their biological characteristics, polar bears have low reproductive potential. Due to the extreme nature of the environmental conditions where they occur, it is very difficult to characterize accurately the population status or trends. There are presently believed to be between 20,000 and 25,000 polar bears in 19 or 20 putative populations. The supporting statement does not provide information on the carrying capacity of the suitable habitat and availability of food sources.

According to the guidelines provided in Annex 5 of Resolution Conf. 9.24 (Rev. CoP14), the species should exhibit a marked historical decline to around 5 %-30 % of its population baseline or a recent decline of 50 % in its population size during the last three generations. However, the supporting statement speaks more of potential population declines in the future, rather than declines which have already occurred.

Concerning the trade criterion, the supporting statement demonstrates that the species is in international trade but not necessarily that such trade has or may have a detrimental impact on the status of the species, as required in Annex 5 of Resolution Conf. 9.24 (Rev. CoP14).

The supporting statement gives some rather contradictory information on the commercial use of this species. The principle domestic use of polar bears is said to be in Canada, Greenland (Denmark) and the United States, and for subsistence purposes. In Norway and the Russian Federation, commercial and subsistence use and sport hunting of polar bears are prohibited. However, according to the Marine Mammal Commission of the United States, commercial hunting and use of polar bear skins have been prohibited throughout the polar bear's range since 1973. Although it is difficult to equate these data accurately to a specific numbers of bears, the CITES trade database shows that, between 1992 and 2006, an average of 216 skins were exported annually and the level of commercial trade in skins has increased since the 1990s. Of skins exported, 87 % originated from and were exported by Canada, and 13 % originated from and were exported by Denmark (Greenland). It is interesting to note however, that the most significant importers were some of the range States. In Canada, the annual mean international export for 2004-2008 is said to be approximately 300 polar bears. This figure represents about 2 % of the Canadian polar bear population. Regulatory mechanisms directed specifically at potential threats to polar bears, such as overharvesting, exist in all of the countries where the species occurs, as well as in bilateral and multilateral agreements between the range countries.

The opinion of other range States on this proposal is either not indicated or not supportive. Canada stated that international trade is not a threat to the species population and a ban on trade will have no impact on quotas,

but it might have a negative impact on conservation. Norway noted that CITES Parties can also use the option of recommending a zero quota if continued trade is documented to affect the population negatively, rather than an Appendix-I listing. A preliminary recommendation made by the Russian Federation did not support an Appendix-I listing.

Resolution Conf. 8.3 (Rev. CoP13) on *Recognition of the benefits of trade in wildlife* recognizes that implementation of CITES-listing decisions should take into account potential impacts on the livelihoods of the poor. Although it does appear that the principle substantive use of this species is by native communities, the supporting statement does not address this issue.

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

Because of:

The proponent states that, the available information indicates that polar bears are threatened with extinction in accordance with the biological criteria in Annex 1, paragraph C) ii) of Resolution Conf. 9.24 (Rev. CoP14), that is to say a marked decline in the population size in the wild, which has been inferred or projected on the basis of a decrease in area of habitat and a decrease in quality of habitat.

According to the guidelines provided in Annex 5 of Resolution Conf. 9.24 (Rev. CoP14), the species should exhibit a marked historical decline to around 5 %-30 % of its population baseline or a recent decline of 50 % in its population size during the last three generations. However, the supporting statement speaks more of potential population declines in the future, rather than declines which have already occurred.

The CITES trade database shows that, between 1992 and 2006, an average of 216 skins were exported annually and the level of commercial trade in skins has increased since the 1990s, so potential threats to polar bears, such as overharvesting, exist in all of the countries where the species occurs.

Rwanda:

Support.

Recommendation by the Secretariat

The global population of polar bears does not appear to be small. The area of distribution of this species extends over several million square kilometres and is clearly not restricted at present. There is insufficient evidence that the species has undergone a marked decline in the population size in the wild large enough to fall under the guidelines in Annex 5 of Resolution Conf. 9.24 (Rev. CoP14). Based on the current knowledge, it would appear that the polar bear does not meet the biological criteria for inclusion in Appendix I.

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be rejected.

Proposal 4

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

"For the exclusive purpose of the following:

- a) trade in hunting trophies for non-commercial purposes;**
- b) trade in registered raw ivory (whole tusks and pieces) subject to the following:**
 - i) a one-off sale of 89,848.74 kg from registered government-owned stocks, originating in Tanzania (excluding seized ivory and ivory of unknown origin);**

- ii) only to trading partners that have been already designated by the Standing Committee, as having sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP14) concerning domestic manufacturing and trade. These are Japan designated as a trading partner at the 54th meeting (Geneva, October 2006), and China designated as a trading partner at the 57th meeting (SC57, Geneva, July 2008);
 - iii) not before the Secretariat has verified the registered government-owned stocks;
 - iv) the proceeds of the trade are used exclusively for elephant conservation, community conservation and development programmes within or adjacent to the elephant range in Tanzania;
 - v) Tanzania will not present further proposals to allow trade in elephant ivory from its population in Appendix II to the Conference of the Parties for the period from CoP15 and ending six years from the date of the single sale of ivory that is to take place in accordance with provisions in paragraphs b) i), b) ii), b) iii), b) iv). In addition such further proposal shall be dealt with in accordance with Decisions 14.77 and 14.78;
- c) trade in raw hides;
- d) trade in live animals to appropriate and acceptable destinations, as defined in Resolution Conf. 11.20.

The Standing Committee can decide to cause the trade in a), b), c) and d) above to cease partially or completely in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations as may be proposed by the CITES Secretariat.

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

Proponent: United Republic of Tanzania

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The Secretariat does not wish to pre-empt the findings of the Panel of Experts, which is to advise on the merits of this proposal under Resolution Conf. 10.9 on *Consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II*, and will therefore comment at a later stage.

Comments from Parties and intergovernmental bodies

Botswana:

Support.

Botswana supports the proposal by Tanzania to downlist her elephant population with an annotation because Tanzania has a robust, viable and healthy elephant population and no longer meets the criteria to be listed under CITES Appendix I. The said proposal further balances sustainable conservation objectives with sustainable community development objectives for the benefit of the elephants and the rural communities who coexist with the elephants.

Egypt:

The comment will be mentioned in CoP15.

Rwanda:

Reject.

Recommendation by the Secretariat

The Secretariat does not wish to pre-empt the findings of the Panel of Experts, which is to advise on the merits of this proposal under Resolution Conf. 10.9 on *Consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II*, and will therefore make its recommendation at a later stage.

Proposal 5

***Loxodonta africana* – Transfer of the population of Zambia from Appendix I to Appendix II for the exclusive purposes of allowing:**

- a) trade in hunting trophies for non-commercial purposes;
- b) trade in live animals to appropriate and acceptable destinations, as defined in Resolution Conf. 11.20;
- c) trade in raw hides;
- d) trade in registered raw ivory subject to the following:
 - i) a one-off sale of 21,692.23 kg as ivory from registered government-owned stocks, originating in Zambia (excluding seized ivory and ivory of unknown origin);
 - ii) only to trading partners that have already been designated by the Standing Committee, as having sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP14) concerning domestic manufacturing and trade: these are Japan designated as a trading partner at the 54th meeting (SC54 Geneva, October 2006), and China designated as a trading partner at the 57th meeting (SC57, Geneva, July 2008);
 - iii) not before the Secretariat has verified the registered government-owned stocks;
 - iv) the proceeds of the trade are used exclusively for elephant conservation and community conservation and development programmes within or adjacent to the elephant range in Zambia;
 - v) on a proposal from the Secretariat, the Standing Committee can decide to cause this trade to cease partially or completely in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

Proponent: Zambia

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The Secretariat does not wish to pre-empt the findings of the Panel of Experts, which is to advise on the merits of this proposal under Resolution Conf. 10.9 on *Consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II*, and will therefore comment at a later stage.

Comments from Parties and intergovernmental bodies

Botswana:

Support.

Botswana supports the Zambian proposal to downlist her elephant population to CITES Appendix II with an annotation. We recognize that African elephants are in competition with people and protected areas are inadequate to ensure the survival of elephants, especially in arid and semi-arid areas, where elephants depend on resources and space that are also used by people. We note that the Zambian proposal calls for responsible conservation that takes into account the people who coexist with the resources for sustainable existence of the resources because Conservation is in the hands of people.

Egypt:

The comment will be mentioned in CoP15.

Rwanda:

Reject.

Recommendation by the Secretariat

The Secretariat does not wish to pre-empt the findings of the Panel of Experts, which is to advise on the merits of this proposal under Resolution Conf. 10.9 on *Consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II*, and will therefore make its recommendation at a later stage.

Proposal 6

Loxodonta africana

i) **Remove the following paragraph from the annotation regarding the populations of *Loxodonta africana* of Botswana, Namibia, South Africa and Zimbabwe:**

h) no further proposals to allow trade in elephant ivory from populations already in Appendix II shall be submitted to the Conference of the Parties for the period from CoP14 and ending nine years from the date of the single sale of ivory that is to take place in accordance with provisions in paragraphs g) i), g) ii), g) iii), g) vi) and g) vii). In addition such further proposals shall be dealt with in accordance with Decisions 14.77 and 14.78.

ii) **Include an annotation regarding all populations of *Loxodonta africana*, as follows:**

"No further proposals concerning trade in African elephant ivory, including proposals to downlist elephant populations from Appendix I to Appendix II, shall be submitted to the Conference of the Parties for the period from CoP14 and ending twenty years from the date of the single sale of ivory that took place in November 2008. Following this twenty year resting period, any elephant proposals shall be dealt with in accordance with Decisions 14.77 and 14.78."

iii) **Remove paragraph (f) in the annotation to the CITES Appendices governing the elephant populations of Namibia and Zimbabwe:**

f) trade in individually marked and certified ekipas incorporated in finished jewellery for non-commercial purposes for Namibia and ivory carvings for non-commercial purposes for Zimbabwe.

Proponent: Congo, Ghana, Kenya, Liberia, Mali, Rwanda and Sierra Leone

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

Loxodonta africana was included in Appendix II in 1977 and transferred to Appendix I in 1989. The populations of Botswana, Namibia and Zimbabwe were transferred to Appendix II in 1997, and the population of South Africa in 2000. These transfers were subject to detailed annotations that were further modified during subsequent meetings of the Conference of the Parties. The current annotation was agreed to at CoP14. With regard to trade in raw ivory, it specifies that African elephant range States whose populations are already included in Appendix II (Botswana, Namibia, South Africa and Zimbabwe) should not submit further proposals to allow trade in elephant ivory for a period of nine years after the single sale of their ivory stockpiles (which took place in 2008, i.e. until 2017). These restrictions, regarding the submission of proposals for the four range States would not apply in case their proposals would concern other elephant specimens than ivory. They also do not apply to the other African elephant range States, which all have their populations in Appendix I and can therefore submit proposal concerning African elephants or trade in African elephant ivory.

Proposals to amend annotations, even where they do not affect the Appendix in which the populations of the species are presently listed, should be judged against all the criteria specified in Resolution Conf. 9.24 (Rev. CoP14). This is established through Resolution Conf. 11.21 (Rev. CoP14) on *Use of annotations in Appendices I and II*. It specifies that substantive annotations relating to species in Appendix I or II, such as

those that specify the types of specimens or export quotas, may be introduced, amended or deleted only by the Conference of the Parties in accordance with Article XV of the Convention, and that substantive annotations relating to geographically separate populations in Appendix I or II should be in compliance with the split-listing provisions contained in Resolution Conf. 9.24 (CoP14), Annex 3.

The objectives of the proposal appear to be twofold. Firstly, it seeks to replace the current paragraph h) of the annotation for the populations of *L. africana* of Botswana, Namibia, South Africa and Zimbabwe (i.e. those populations listed in Appendix II), with a new paragraph which would state that no proposals to amend the Appendices which concern trade in African elephant ivory should be submitted to the Conference of the Parties until 2028 and that any proposals submitted thereafter should be in accordance with the reviews of the status of the elephant, trade in its specimens and the impact of the legal trade and the decision-making mechanism for a process of trade in ivory to be developed in accordance with Decisions 14.77 and 14.78. This contrasts with the current paragraph h) which states that no proposals to allow trade in African elephant ivory from the populations of Botswana, Namibia, South Africa and Zimbabwe shall be submitted to the Conference of the Parties until November 2017 and that any such proposals submitted after that date should be in accordance with Decisions 14.77 and 14.78.

The wording of the proposed new annotation is however unclear in scope as it could imply that "no further proposals..., including proposals to downlist elephant populations from Appendix I to Appendix II, shall be submitted to the Conference of the Parties etc.", thereby seeking to prevent the submission of any such proposals for a period of 20 years, irrespective of whether they contain references to ivory. Such a provision would effectively 'freeze' the current split-listing of *Loxodonta africana* in the Appendices of CITES, with four populations in Appendix II and the remainder in Appendix I, for 20 years. The proponents may wish to clarify whether this was their intention.

The Secretariat notes that, in any case, the proposed new annotation would not eliminate all trade in ivory but still permit trade in hunting trophies for non-commercial purposes and trade in raw ivory as allowed under the provisions of the Convention and in compliance with Resolution Conf. 10.10 (Rev. CoP14) on *Trade in elephant specimens*.

Secondly, the proponents propose the deletion of paragraph f) of the annotation concerning the populations of *L. africana* of Botswana, Namibia, South Africa and Zimbabwe (i.e. those populations listed in Appendix II) with the effect that individually marked and certified ekipas incorporated in finished jewellery for non-commercial purposes from Namibia and ivory carvings for non-commercial purposes from Zimbabwe would, in future, be treated as specimens included in Appendix I.

The Secretariat notes that the suggested time-frames and restrictions on the submission of proposals are impossible to guarantee and are incompatible with the text of the Convention, as Article XV of the Convention permits any Party to propose an amendment proposal at or between the meetings of the Conference of the Parties (as shown by the present proposal which seeks to modify a nine-year restriction on the submission of proposals agreed to by consensus at CoP14). Furthermore, the Secretariat believes that the Parties should be ready to apply the criteria for including species in, or deleting them from, Appendix I or Appendix II at any time in the light of changing circumstances in order to act in the best interest of the conservation of the species concerned, and to adopt measures that are proportionate to the anticipated risks to the species.

Concerning the criteria in Resolution Conf. 9.24 (Rev. CoP14), the supporting statement demonstrates that *L. africana* is affected by trade. With respect to the biological criteria in Annex 1 to the Resolution, the proposal does not appear to demonstrate that the continental wild population is small, has a restricted area of distribution or demonstrated a marked decline in the population size in the wild. Equally, little information is presented on these factors in Namibia and Zimbabwe to demonstrate the necessity to delete paragraph f) of the current annotation for African elephants.

Annex 3 of Resolution Conf. 9.24 (Rev. CoP14) states that listing of species in more than one Appendix should be avoided in general. When split-listing does occur, this should generally be on the basis of national or continental populations, rather than subspecies. This is presently the case and would remain unchanged if the current proposal were to be adopted.

The supporting statement provides general information on the continental situation of *L. africana*, but with the exception of limited information on trade in worked ivory in Namibia and Zimbabwe, it does not contain specifics on the populations of these two range States, contrary to the provisions of Resolution Conf. 9.24 (Rev. CoP14), under the third RESOLVES. The proposal indicates that all African elephant range States were consulted and mentions an annex with certain responses, however this

annex was not contained in the supporting statement that the Secretariat received. It therefore remains difficult to evaluate compliance with Resolution Conf. 8.21 on *Consultation with range States on proposals to amend Appendices I and II*.

Comments from Parties and intergovernmental bodies

Botswana:

Reject.

Botswana is strongly opposed to revision of the annotation that relates to the elephant population of Botswana, Namibia, South Africa and Zimbabwe as adopted by the 14th Conference of Parties to CITES. The proposal to amend the annotation for elephant population of Botswana, Namibia, Zimbabwe and South Africa undermines the efforts by all the key players in the Hague, and the African and Donor countries who participated in the development of the draft African elephant action plan. The said proposal is also against the spirit of international cooperation and fundamental principles of CITES

Egypt:

The comment will be mentioned in CoP15.

Japan:

Regarding the trade in raw ivory of African elephants, the following terms were adopted at the 14th meeting of the Conference of the Parties (CoP14), after discussion within the Meeting of the African Elephant Range States held prior to CoP14. The terms are noted in the annotation of Appendix II for the populations of Botswana, Namibia, South Africa and Zimbabwe.

1. The volume of raw ivory to which was agreed as subject to transaction at the 12th meeting of the Conference of the Parties and those that was registered and verified by the Secretariat by the end of 31 January 2007 will be traded and dispatched in a single sale per destination from the above-mentioned four states.
2. No further proposals to allow trade in elephant ivory from populations already in Appendix II shall be submitted to the Conference of the Parties for the period from CoP14 and ending nine years from the date of the single sale of ivory that is to take place.

We consider that on the basis of the above decisions at CoP14, the proposal to amend the annotation as below is not acceptable because no apparent change in the inhibiting situation has been recognized and the nine-year term to prohibit trade in African elephant ivory has not ended: "No further proposals concerning trade in African elephant ivory, including proposals to downlist elephant populations from Appendix I to Appendix II, shall be submitted to the Conference of the Parties for the period from CoP14 and ending twenty years from the date of the single of ivory sale that took place in November 2008."

Rwanda:

Support.

Recommendation by the Secretariat

The proposal seeks to amend the current annotation for *L. africana* to the effect that no proposals to transfer *L. africana* populations from Appendix I to Appendix II, or concerning trade in ivory from populations in Appendix II be submitted for 20 years, thereby 'freezing' the current split-listing with four populations in Appendix II and the remainder in Appendix I. The Secretariat is of the opinion that the proposed restriction on the submission of proposals would limit the ability of Parties to exercise their rights, contrary to Article XV of the Convention. At any time, Parties should be able to take measures to act in the best interest of the species, including by amending the Appendices.

Concerning the Namibian and Zimbabwean populations of *L. africana*, the effect of the proposal is to amend the current annotations in order to deem more specimens of the species (i.e. ekipas and worked ivory) to be included in Appendix I and trade in them regulated accordingly. Such proposals must be assessed against the provisions of Resolution Conf. 9.24 (Rev. CoP14). In this context, the Secretariat considers that the proponents

have not demonstrated that the populations of *L. africana* in Namibia and Zimbabwe meet any of the criteria in Annex 1 of this Resolution. The Secretariat notes that the current annotation for the four Appendix II- listed populations of *L. africana* provides that "On a proposal from the Secretariat, the Standing Committee can decide to cause this trade to cease partially or completely in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on elephant populations", thereby ensuring additional, strong control mechanisms over the trade in elephant specimens from Namibia and Zimbabwe.

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be rejected.

Proposal 7

***Anas oustaleti* – Deletion from Appendix I.**

Proponent: Switzerland, as Depositary Government, at the request of the Animals Committee

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

Anas oustaleti has been included in Appendix I since 1 July 1975.

At its 24th meeting (Geneva, April 2009), the Animals Committee agreed that a proposal to delete this taxon from the Appendices would be prepared and that the Depositary Government would be requested to submit it at CoP15 on behalf of the Committee.

The contention of the proposal is that "the species does not meet the biological (Annex 1) and trade criteria (Annex 5) established in Conf. 9.24 (Rev. CoP14), but satisfies the 'possibly extinct' criteria (Annex 5)".

Although the supporting statement is relatively short, it gives a clear overview of the situation concerning this species. The supporting statement concludes that all available information indicates that the species is extinct. However in section 4.4, it is noted that researchers and managers in Guam and the Commonwealth of the Northern Mariana Islands where the species occurred believe that it is only probably extinct.

If the species is extinct, then it clearly would not meet the biological criteria in Annex 1 of Resolution Conf. 9.24 (Rev. CoP14). Were it to be rediscovered, it is highly likely that it would meet several of these criteria.

The supporting statement indicates that exhaustive surveys in known or suspected habitat at appropriate times and throughout its historic range have failed to record an individual specimen of this species, and that these surveys have taken place over a time-frame appropriate to the species life cycle and life form.

As the supporting statement notes, specimens of this species have been recorded in trade in 1993 and 2005. If the species does still exist, it could be supposed that such trade may have a detrimental impact on the status of the species.

The Secretariat recalls that Paragraph D in Annex 4 (Precautionary measures) of Resolution Conf. 9.24 (Rev. CoP14) states that:

Species that are regarded as possibly extinct should not be deleted from Appendix I if they may be affected by trade in the event of their rediscovery; these species should be annotated in the Appendices as 'possibly extinct'

Another argument that the supporting statement puts forward is that the name *A. oustaleti* is not found in the current standard nomenclatural reference for birds [Dickinson, E.C. (ed.) (2003): *The Howard and Moore Complete Checklist of the Birds of the World*. Revised and enlarged 3rd Edition. 1039 pp. London (Christopher Helm)], which was adopted at CoP14 in Resolution Conf. 12.11 (Rev. CoP14). From the eighth meeting of the Conference of the Parties (Kyoto, 1992) until CoP14, the adopted nomenclatural reference for birds included *A. oustaleti* under the species *Anas superciliosa* as it was considered to be probably a hybrid between this species and *Anas platyrhynchos*. Resolution Conf. 9.24 (Rev. CoP14) resolves that hybrids may be specifically included in the Appendices, but only if they form distinct and stable populations in the wild. It would appear that the birds which are subject to the present proposal do not fulfil this requirement.

Comments from Parties and intergovernmental bodies

Egypt:

We disagree.

If the species does still exist, it could be supposed that such trade may have a detrimental impact on the status of the species, so species that are regarded as possibly extinct should not be deleted from Appendix I.

Rwanda:

Support.

Recommendation by the Secretariat

Through the adoption of standard nomenclatural references, the Parties have recognized that the taxon *Anas oustaleti* is a hybrid. It is clear from the supporting statement that this hybrid cannot now be said to have a distinct and stable population in the wild as required under the second RESOLVES in Resolution Conf. 9.24 (Rev. CoP14).

For this reason, and on the basis of the available information prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.

Proposal 8

***Crocodylus moreletii* – Transfer from Appendix I to Appendix II with a zero quota for wild specimens.**

Proponent: Mexico

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

Crocodylus moreletii was included in Appendix I in 1975 and its CITES status has never been reviewed since then.

Most of the information in the supporting statement concerns Mexico which is said to represent 85 % of the natural distribution range of the species. Few data are presented concerning the other two range States, Belize and Guatemala.

The supporting statement contends that the biological criteria in Annex 1 of Resolution Conf. 9.24 (Rev. CoP14) are no longer met because the wild population is not small (it is estimated at 102,434 specimens, including approximately 19,462 adults); it does not have a restricted area of distribution (it is larger than 450,000 km² in total) and it is not declining.

Concerning the precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP14), the proponents seem to claim that two apply. Firstly, Annex 4, paragraph A 2 b) – the species is in demand for trade but the management of the species is such that it ensures satisfactory the implementation of the Convention and secondly paragraph A 2 c) – a zero export quota for wild specimens is an integral part of the amendment proposal.

The proposal is written in accordance with the format for proposals to amend the Appendices as set out in Annex 6 to Resolution Conf. 9.24 (Rev. CoP14) and the supporting statement seems to demonstrate that the biological criteria for Appendix-I listing are no longer fulfilled for *C. moreletii*. However, as a zero export quota for wild specimens is proposed, the overall purpose of the proposal is rather unclear.

The supporting statement contains much detail on the status of the species in captivity. Currently three farms producing specimens of *C. moreletii* in Mexico are included in the Secretariat's register of operations that breed Appendix-I animal species for commercial purposes, established under Resolution Conf. 12.10 (Rev. CoP14) on *Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes*, and a fourth registration has been applied for. It appears that there may be some doubt about whether the specimens in these farms are pure *C. moreletii* or hybridized with *Crocodylus acutus*. The proponent states that it will verify the facts of this matter to ensure that, if the proposal is adopted, the annotation concerning a zero export quota for wild specimens will be respected.

There are some look-alike taxa in international trade. The proponent states that the *CITES Identification Guide – Crocodylians* produced by Environment Canada in 1995 mentions that it is possible to differentiate specimens of this species even without receiving special training.

Guatemala was consulted and it supports the current proposal by Mexico. Belize is named as a co-proponent for the proposal but the Secretariat received no official confirmation of this from the Management Authority in that country.

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

The wild population is not small (it is estimated at 102,434 specimens, including approximately 19,462 adults); it does not have a restricted area of distribution (it is larger than 450,000 km² in total) and it is not declining.

Zero export quota for wild specimens is an integral part of the amendment proposal.

Rwanda:

Support.

Recommendation by the Secretariat

Although little detailed information about the species in Belize and Guatemala is known, the supporting statement shows that the biological criteria for Appendix-I listing are no longer fulfilled for *C. moreletii* in the Mexican part of its range (which represents 85 % of the natural range).

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.

Proposal 9

***Crocodylus niloticus* – Transfer of the Egyptian population from Appendix I to Appendix II.**

Proponent: Egypt

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

Crocodylus niloticus was listed in Appendix I of CITES in 1975. Since then a number of its populations have been transferred to Appendix II subject to ranching or quotas.

The proponent is proposing to "transfer the Egyptian population of *Crocodylus niloticus* from Appendix I to Appendix II in conformity with the preventative measures of ranching [Resolution Conf. 11.16 (Rev. CoP14)] included in Annex 4 2. d) of the Resolution Conf. 9.24 (Rev. CoP14)".

The precautionary measures specified in Annex 4 of Resolution Conf. 9.24 (Rev. CoP14) state that species included in Appendix I should only be transferred to Appendix II if they do not satisfy the relevant criteria in Annex 1, and in case of ranching, only when a ranching proposal is submitted consistent with the applicable Resolutions of the Conference of the Parties and is approved. The applicable resolution for ranching crocodylian species is Resolution Conf. 11.16 (Rev. CoP14).

In accordance with paragraph e) of Resolution Conf. 11.16 (Rev. CoP14), in order to be discussed at the next meeting of the Conference of the Parties, any proposal for amendment of the Appendices pursuant to this Resolution should be received by the Secretariat at least 330 days before that meeting. In consultation with the Animals Committee, the Secretariat should then seek appropriate scientific and technical advice to verify that the criteria specified in paragraph d) under RECOMMENDS of Resolution Conf. 11.16 (Rev. CoP14) have been met and to review the information and assurances in the proposal that are specified in paragraph d) of that Resolution.

The Secretariat therefore believes that the proposal was not submitted in accordance with paragraph e) of Resolution Conf. 11.16 (Rev. CoP14) and that its consideration against the biological criteria in Annex 1 of Resolution Conf. 9.24 (Rev. CoP14) and any of the other precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP14) would widen the scope of the proposal, contrary to the Rules of Procedure.

Comments from Parties and intergovernmental bodies

Egypt:

We agree due to:

Its overpopulation particularly in south of the Nile valley.

Transferring its populations from Appendix I to Appendix II with a preventative measure of ranching for a certain number of years.

Rwanda:

Support.

Recommendation by the Secretariat

Although it appears that the biological criteria for including this population of *C. niloticus* in Appendix I are no longer met, the Secretariat believes that, with respect to paragraph 2 d) of the precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP14), the proposal was not submitted in accordance with paragraph e) of Resolution Conf. 11.16 (Rev. CoP14).

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that in its present form this proposal be rejected.

Proposal 10

***Uromastyx ornata* – Transfer from Appendix II to Appendix I.**

Proponent: Israel

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

Uromastyx ornata was listed in CITES Appendix II in 1977.

This is a desert species occurring in rocky habitat in Egypt, Israel, Saudi Arabia and Yemen. Although the supporting statement says that the species may have occurred in Jordan and the Syrian Arab Republic in the past, there do not appear to be any authenticated references for the occurrence of the species in these countries. The current CITES standard nomenclatural reference for *Uromastyx* does not list the Syrian Arab Republic as a range State and the Syrian Arab Republic has confirmed to UNEP-WCMC that there are currently no records of the species on its territory.

The supporting statement provides substantial information on the species taxonomy and its biological and morphological characteristics, and contends that the species qualifies for inclusion in Appendix I under all of the biological criteria in Annex 1 of Resolution Conf. 9.24 (Rev. CoP14), specifically paragraphs A i) and v), B) iii) and iv) and C) i) and ii). However, it provides very little specific information on population size, area of distribution or the extent of any population decline.

The Secretariat notes that this species was reviewed by the Animals Committee at its 20th meeting (Johannesburg, March-April 2004) in the context of the Review of Significant Trade, but that the Committee concluded that levels of international trade being permitted at that time did not give rise to concerns that Article IV of the Convention was being improperly applied.

The species is clearly affected by trade. The supporting statement provides an analysis of data from the CITES trade database which shows that this species is in high demand for the pet trade, especially in North America, western Europe and Japan. The proponent states that, according to the trade records, there has been commercial captive breeding of this species in recent years in Jordan, Turkey, Ukraine, and the United States

and a significant number of specimens were traded under source codes C and F. However, no further investigation on the existence and nature of captive breeding operations was carried out.

The main direct human-induced threats to *U. ornata* are said to include illegal collection for meat and the pet trade, but also disturbance of the fragile desert habitat by vehicles and loss of habitat due to grazing. There is great domestic demand for the meat and skins of *U.* lizards and they are sold as meat in local markets.

It is important to stress the similarity between *U. ornata* and its sister species *Uromastyx ocellata*, since it seems that both species often enter international trade under incorrect names. The proponent claims that one expected benefit of transferring *U. ornata* to Appendix I is to control commercial trade in this species and to increase awareness among enforcement officials. However, it is difficult to believe that listing in Appendix I would solve this problem as it is not reasonable to expect that a non-expert will be able to identify the species. Israel has offered to prepare the identification sheet for this species for the CITES Identification Manual.

The opinion of the other range States is not indicated.

The proponent also proposes the adoption of a new standard reference which would move three species from the genus *Uromastyx* to the genus *Saara* (which is not currently in the CITES Checklist) and indicates the changes to the Appendices that would be needed if this reference were adopted. The Secretariat considers that it would be preferable to discuss this suggestion under Agenda item 35 and separately from the proposal to amend the Appendices.

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

Endangered species in Egypt, its number is dramatically decreasing.

Its population is being subjected to illegal collection for meat and the pet trade.

Rwanda:

Support.

Recommendation by the Secretariat

In spite of the lack of global estimates for *U. ornata*, available local data indicate that its range extends over a vast area that is neither highly fragmented nor known to be in diminishing. Population estimate based on the species' density in Israel suggests that the population in that country, which represents a minor part of the species range could number approximately 4,000 specimens. It seems unlikely that the species meets the biological criteria for inclusion in Appendix I. The Secretariat is not convinced that the inclusion of *U. ornata* in Appendix I would solve problem of illegal trade in this species, or increase awareness among enforcement officials, as claimed by the proponent.

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be rejected.

Proposal 11

***Ctenosaura bakeri*, *C. oedirhina* and *C. melanosterna* – Inclusion in Appendix II.**

Proponent: Honduras

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The title of the supporting statement is “*Discussion document for the Proposal of inclusion of the Group of iguanas of the genus Ctenosaura subgenus Loganiosaura in CITES Appendix II*”. This subgenus is comprised of four species: *C. palearis* (endemic to Guatemala), *C. melanosterna*, *C. bakeri* and *C. oedirhina* (all endemic to Honduras). However, the text of the proposal itself and the rest of the supporting statement seem to refer only to the latter three species. *C. palearis* is the subject of a separate proposal from Guatemala.

The supporting statement is not specific about which of the criteria in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14) are complied with, but stresses the precautionary approach as there is uncertainty with regard to either the status of a species or the impact of trade on the conservation of a species. It further contends that inclusion in Appendix II would be in the best interest of the conservation of the species concerned and proportionate to the anticipated risks to the species.

In general, the specific information provided by the proponent is rather incomplete and does not provide the information required in Annex 6 of Resolution Conf. 9.24 (Rev. CoP14). Basic details about the species are not present and there is no mention of population trends, national legal status, population monitoring, habitat conservation or management measures. Information on trade (national, international and illegal) is not broken down to species level, which makes it difficult to appreciate the situation for each taxon. Nevertheless, there does seem to be export of specimens of these species for the pet market, particularly to Europe and the United States, which would be in violation of national law.

In view of the similarity between the four species in this genus, it would be useful if the proponent could explain how implementation problems would be avoided if only one of the proposals from Honduras and Guatemala on *Ctenosaura* spp. were adopted at CoP15. This could result in complications for enforcement officials who would need to distinguish *C. bakeri*, *C. oedirhina* and *C. melanosterna* from *C. palearis*.

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

Inclusion in Appendix II would be in the best interest of the conservation of the species concerned and proportionate to the anticipated risks to the species.

Rwanda:

Support.

Recommendation by the Secretariat

The information provided in the supporting statement does not demonstrate that either of the criteria for inclusion in Appendix II are met.

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be rejected. The Secretariat believes that inclusion of the species in Appendix III may be more appropriate in the circumstances.

Proposal 12

***Ctenosaura palearis* – Inclusion in Appendix II.**

Proponent: Guatemala

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The supporting statement gives information and references on all the aspects of Resolution Conf. 9.24 (Rev. CoP14).

The proponent contends that *Ctenosaura palearis*, endemic to Guatemala, meets the biological criteria for inclusion in Appendix II under Annex 2 a) criteria A to Resolution Conf. 9.24 (Rev. CoP14): regulation of trade in this species is necessary to avoid it becoming eligible for inclusion in Appendix I in the near future. However, it is not clear which of the criteria for inclusion in Appendix I is expected to be met in the near future.

Information on population status is scarce, although *C. palearis* is said to be on the endangered species list of Guatemala and has been rated 'critically endangered' in the IUCN Red List of Threatened Species. Guatemala has estimated that there are roughly 2,500 to 5,000 specimens in the wild, which suggests that the population may be 'small' as defined in Resolution Conf. 9.24 (Rev. CoP14).

It is considered by the proponent to be a priority species for conservation, because of its key role in the ecosystem.

C. palearis is consumed domestically as a source of food. Additionally, it is exported for the pet market, especially to Europe and the United States of America, in contravention of national law.

In view of the similarity between the species, it would be useful if the proponent could explain how implementation problems would be avoided if only one of the proposals from Honduras and Guatemala on *Ctenorhina* spp. were adopted at CoP15. This situation could result in complications for the enforcement officials who would need to distinguish *C. bakeri*, *C. oedirhina* and *C. melanosterna* from *C. palearis*.

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

Endemic to Guatemala, meets the biological criteria for inclusion in Appendix II.

Information on population status is scarce, although *C. palearis* is said to be on the endangered species list of Guatemala and has been rated 'critically endangered' in the IUCN Red List of Threatened Species. Guatemala has estimated that there are roughly 2,500 to 5,000 specimens in the wild, which suggests that the population may be 'small' as defined in Resolution Conf. 9.24 (Rev. CoP14).

Rwanda:

Support.

Recommendation by the Secretariat

The information provided in the supporting statement does not demonstrate that either of the criteria for inclusion in Appendix II are met.

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be rejected. The Secretariat believes that inclusion of the species in Appendix III may be more appropriate in the circumstances.

Proposal 13

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

Proponent: Honduras and Mexico

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

Frogs of the genus *Agalychnis* are found in central and South America from Mexico to Colombia.

The supporting statement contends that two species, *A. callidryas* and *A. moreletii*, meet the biological criteria in paragraph B of Annex 2 a to Resolution Conf. 9.24 (Rev. CoP14), that is to say it is known, or can be inferred or projected, that regulation of trade in the species is required to ensure that the harvest of specimens from the wild is not reducing the wild populations to a level at which their survival might be threatened by continued harvesting or other influences.

Their populations are said to have declined, particularly in the case of *A. moreletii* which is considered 'critically endangered' in the IUCN Red List of Threatened Species.

The remaining three species in this genus, *A. annae*, *A. saltator* and *A. spurrelli* are proposed for listing as they are said to meet the criteria in Resolution Conf. 9.24 (Rev. CoP14), Annex 2 b, paragraph A, in that they resemble *A. callidryas* and *A. moreletii* to such an extent that enforcement officers are unlikely to be able to distinguish between them. This does indeed seem to be the case. Therefore the listing of the whole genus *Agalychnis* is proposed.

According to the supporting statement, *A. annae*, *A. callidryas* and *A. moreletii* are traded in the domestic and international markets as pets and are offered frequently on the internet.

The supporting statement gives detailed and specific information and references on most aspects of Resolution Conf. 9.24 (Rev. CoP14).

A. annae is endemic to Costa Rica; it is indicated that all range States of species in the genus were consulted and that Costa Rica, El Salvador and Nicaragua responded giving their support to this proposal.

The proponents have not clearly defined how they interpreted and applied Resolution Conf. 9.24 (Rev. CoP14) using sound and relevant scientific information, and recognizing flexibility and data-poor cases, as requested at the 58th meeting of the Standing Committee (Geneva, July 2009).

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

Their populations are said to have declined, which is considered 'critically endangered' in the IUCN Red List of Threatened Species.

Regulation of trade in the species is required to ensure that the harvest of specimens from the wild is not reducing the wild populations to a level at which their survival might be threatened by continued harvesting or other influences.

Rwanda:

Support.

Recommendation by the Secretariat

Agalychnis moreletii meets criterion A of Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14): regulation of trade in this species is necessary to avoid it becoming eligible for inclusion in Appendix I in the near future. The case for *A. callidryas* is less convincing.

However, this species, *A. annae*, *A. saltator* and *A. spurrelli* should be listed in Appendix II because specimens from these species resemble those of *A. moreletii* to such an extent that enforcement officers who encounter them would be unlikely to be able to distinguish between them.

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.

Proposal 14

***Neurergus kaiseri* – Inclusion in Appendix I.**

Proponent: Islamic Republic of Iran

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The proponent proposes to "transfer all populations of the unlisted yet critically endangered salamandrid species *Neurergus kaiseri*, endemic to four first order streams in highlands of the southern Zagros Mountains in Iran, to Appendix I of CITES", in accordance with criteria A ii), iii) and v), criteria B i), iii) and iv) and criterion C ii) in Annex 1 of Resolution Conf. 9.24 (Rev. CoP14). The Secretariat notes that *N. kaiseri* is currently not listed in any of CITES Appendices, so it may be included in, but not transferred to, Appendix I.

N. kaiseri is endemic to a restricted area of the Islamic Republic of Iran. The supporting statement gives comprehensive information on the species taxonomy, distribution, habitat and biological characteristics. However, it provides no information on the available habitat, such as estimated length/surface of suitable habitat.

Very little scientific evidence exists on *N. kaiseri* population structure, its size and trends. The species is naturally rare and its total population is estimated to number fewer than 1,000 mature individuals, which would give it a 'small' population size as defined in Resolution Conf. 9.24 (Rev. CoP14). It is believed that a majority of individuals is being concentrated geographically during one or more life-history phases. This species uses aquatic habitats mainly for breeding, while spending most of the year in terrestrial habitat. The species may meet the biological criteria A ii) and iii) in Annex 1 of Resolution Conf. 9.24 (Rev. CoP14). Although the wild population has a restricted area of distribution, the supporting statement gives little information about the factor mentioned in subparagraphs i), iii) or iv) of paragraph B in Annex 1 of Resolution Conf. 9.24 (Rev. CoP14), nor is a marked decline in terms of paragraph C of the same Annex described.

The main threats to *N. kaiseri* are said to be harvesting for national and international trade and the release of fish predators into the habitat of the species.

Very few trade records exist for *N. kaiseri*. Several sources indicate that this species is being exported to European countries and to Japan in violation of national law. Live specimens are said to be smuggled out of the Islamic Republic of Iran, probably via Azerbaijan, the Russian Federation and Ukraine. Captive breeding of *N. kaiseri* has rarely been scientifically documented, but captive-bred animals are being offered for sale at much lower prices than the wild-taken specimens.

No management measures for *N. kaiseri* exist and its habitat is not protected. The proponent provides no information on measures taken to combat illegal trade, including the cooperation with other countries. Nor does it mention if inclusion of this species in Appendix III has been considered.

The genus *Neurergus* has four species distributed in Iraq, the Islamic Republic of Iran and Turkey. The supporting statement describes all species in the genus *Neurergus*, but does not adequately address the look-alike issues and identification of *N. kaiseri* by non-experts.

With regard to paragraph B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14), the proponent has not clearly defined how it interpreted and applied Resolution Conf. 9.24 (Rev. CoP14) using sound and relevant scientific information, and recognizing flexibility and data-poor cases as requested at the 58th meeting of the Standing Committee (Geneva, July 2009).

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

The species is naturally rare and its total population is estimated to number fewer than 1,000 mature individuals, which would give it a 'small' population size as defined in Resolution Conf. 9.24 (Rev. CoP14). It is believed that a majority of individuals is being concentrated.

The main threats to *N. kaiseri* are said to be harvesting for national and international trade.

Several sources indicate that this species is being exported to European countries and to Japan in violation of national law.

Live specimens are said to be smuggled out of the Islamic Republic of Iran.

No management measures for *N. kaiseri* exist and its habitat is not protected.

Rwanda:

Support.

Recommendation by the Secretariat

The species may meet the biological criteria A ii) and iii) in Annex 1 of Resolution Conf. 9.24 (Rev. CoP14). Although the wild population has a restricted area of distribution, the supporting statement gives little information about the criteria mentioned in subparagraph i), iii) or iv) of paragraph B in Annex 1 of Resolution Conf. 9.24 (Rev. CoP14). A marked decline in terms of paragraph C of the same Annex is not demonstrated either.

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be rejected. The Secretariat believes that inclusion of the species in Appendix III may be more appropriate in the circumstances.

Proposal 15

***Sphyrna lewini*, *S. mokarran*, *S. zygaena*, *Carcharhinus plumbeus*, *C. obscurus* – Inclusion in Appendix II with the following annotation:**

"The entry into effect of the inclusion of these species in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve the related technical and administrative issues."

Proponent: Palau and United States of America

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The proponents contend that *Sphyrna lewini* meets criterion A in Annex 2 a to Resolution Conf. 9.24 (Rev. CoP14) because the recent rate of decline of the species is projected to drive this species down from the current population level to less than 20 % of its historical baseline within approximately a 10-year period.

The other species in the proposal are said to require inclusion in Appendix II because, in line with Criterion A in Annex 2 b to Resolution Conf. 9.24 (Rev. CoP14), the specimens which are traded (fins) resemble specimens of *S. lewini* to such an extent that enforcement officers are unlikely to be able to distinguish between them.

S. lewini, is a circumglobal shark species residing in coastal warm temperate and tropical seas. As a coastal pelagic semi-oceanic species, *S. lewini* occurs over continental and insular shelves and adjacent to deeper water. According to the proponents, few population assessments are available globally for *S. lewini*, but the existing demographic analyses have found that *S. lewini* has low intrinsic rates of population growth and productivity when compared to other sharks. The supporting statement shows greatest declines of hammerhead sharks including *S. lewini* in the Mediterranean Sea and the northwest Atlantic Ocean, where the long-term overexploitation is said to have caused historic declines to at least 15-20 % of the baseline population level. The proponents cite several catch rate surveys in Australian waters and in the south western Indian Ocean that also suggest a decline of *S. lewini*. However, the supporting statement does not clearly establish what the baseline level of the population is. Most declines are cited in terms of standardized catch-rate indices or fishing catch per unit effort over a fixed time. Often data are combined for all species in the genus *Sphyrna*.

The information in the supporting statement is rather unbalanced. In some aspects, the proponents give very detailed information that is rather difficult to assess. On the other hand, the supporting statement does not provide basic information such as the size, sex structure and reproductive capacity of *S. lewini*.

The proponents state that *S. lewini* is over-exploited for its fins, which are highly valued in trade. In the northwest Atlantic Ocean, *S. lewini* is caught as bycatch but also makes up a significant portion of recreational fishing landings. *S. lewini* meat is often considered unpalatable, but it is consumed domestically. Although trade information is not documented, the proponents state that hammerhead shark meat is also traded internationally. *S. lewini* is a preferred species for production of leather and liver oil, and jaws and teeth are also sold as curios. Specific information about overall quantities of imports or exports is not available. According to the proponents, international trade in *S. lewini* products is unregulated, and all trade is therefore legal. The supporting statement gives information on the trade in shark fins obtained by examination of the fin market of the Hong Kong Special Administrative Region of China. It is estimated that between 1.3 and 2.7 million shark specimens from the genus *Sphyrna* are harvested for the fin trade each year, equivalent to a biomass of 49,000–90,000 t. Overall, the supporting statement shows good evidence that the species is affected by trade, as defined in Resolution Conf. 9.24 (Rev. CoP14).

Information on the difficulties of distinguishing fins of *S. lewini* from the other species mentioned in the proposal, and indeed from other species of sharks, is rather sketchy. Fins from the species proposed for inclusion in Appendix II are said to be morphologically similar, being thin and falcate with the dorsal fin height longer than its base. The supporting statement does not address the identification problems for parts and derivatives such as leather, liver oil, jaws and teeth.

The table in paragraph 10 includes information from some Parties that do not appear to be range States and gives no information on consultation with some major shark fishing countries. The support indicated does not seem to reflect the actual responses from some range States.

An annotation is proposed to delay the entry into effect of the inclusion of the species in Appendix II by 18 months to allow Parties time to resolve technical and administrative issues. If the proposal were adopted, this would seem a sensible option.

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

Rate of decline of the species is projected to drive this species down from the current population level to less than 20 % of its historical baseline within approximately a 10-year period.

Chance for the enforcement officers to be able to distinguish between them. *Sphyrna lewini*, *S. mokarran*, *S. zygaena*, *Carcharhinus plumbeus*, *C. obscurus*.

Japan:

Japan objects to the inclusion of this species in Appendix II for the following reasons:

- i) In this proposal, most of the information and data referred to by the proponents for proposing the CITES listing lacks reliability since it is not directly related to this species but to hammerhead sharks in general inclusive of all *Sphyrna* species or simply all shark species caught together with this species.
- ii) It is suggested that Scalloped hammerhead sharks in all areas be listed in Appendix II by referring to the decline in fisheries in limited areas [northwest Atlantic (specifically Gulf of Mexico) and the Mediterranean] and applying it to other populations in the rest of the areas (South Atlantic, Indian Ocean and Pacific Ocean), which have not been considered or confirmed to be in critical situations. However, taking account of the differences in the population situation of Scalloped hammerhead sharks in every area, this kind of approach cannot be regarded as scientific.
- iii) One of the proponents of this proposal, which has one of the most depleted populations of this species in its waters, has not designated this species as "endangered" in its national legislation as it has done for other CITES listed species.
- iv) This proposal implies that this species has been over-exploited solely for their highly valued fins, especially in developing countries. The fact is, however, that this species is efficiently used through the use of its meat for domestic food and trading fins to acquire foreign currency. Inclusion of this species in Appendix II without considering the socio-economic aspects of this species would seriously hamper sustainable use of marine life resources in countries dependent on these precious resources.
- v) Scalloped hammerhead sharks are largely traded in processed forms such as fillets or dressed but not in the form of whole bodies. Therefore, it is difficult to identify and differentiate them from other shark or fish species. For this reason, in the regulation of international trade under CITES, implementation problems such as administrative burdens, burdens for traders and confusion in trade are likely to arise.
- vi) As for the four "look-alike species", the proponents provided very little information on catches in limited areas (mainly western north Atlantic). Moreover, there is almost no information indicating the difficulty to differentiate their fins from those of Scalloped hammerhead sharks. The proponents referred to the similarity of the shape of fins as a basis for designating the other four species as look-alike species. However, this approach is inappropriate. If this were to be justified, many other shark species with a healthy status could be listed in Appendix II, which would hinder sustainable use of fishery resources.
- vii) If this species were to be listed in Appendix II, it would become difficult to collect scientific information, which is usually obtained through fisheries activities. Such a situation could lead to a lack of scientific evidence necessary for conservation and management as well as sustainable use of this species in the future.

Rwanda:

Support.

FAO:

The FAO Ad Hoc Expert Panel concluded that the available evidence supports the proposal to include Scalloped hammerhead (*Sphyrna lewini*) in CITES Appendix II in accordance with Article II paragraph 2(a), along with the look-alike species, Great hammerhead shark (*S. mokarran*) and Smooth hammerhead shark (*S. zygaena*), in accordance with Article II paragraph 2(b). However, it considered that there is insufficient evidence to also include Sandbar shark (*Carcharhinus plumbeus*) and Dusky shark (*C. obscurus*) in accordance with Article II paragraph 2(b), due to inadequate evidence relating to “look-alike” considerations.

The Panel concluded that this was a species of low productivity.

When evaluated on a population by population basis, two historically large Scalloped hammerhead populations proposed for listing were considered to meet the Appendix II decline criterion.

In the northwest Atlantic Ocean, the most robust information is from a population assessment based on multiple data sets that showed an extent of decline of 83% between 1981 and 2005. This meets the Appendix II decline criterion for a low productivity species. In the southwest Atlantic Ocean, hammerhead sharks were targeted by several fisheries that have subsequently collapsed (overall extent of decline up to 90%). Scalloped hammerhead appear to have been relatively abundant in the past in this area, but are now generally too sparse to support target fisheries.

Information for judging the extent of decline elsewhere is only available for a few areas. In the Pacific Ocean, datasets that provide compelling evidence of substantial declines include beach-protection net data from the southwest Pacific that indicate a 65-85% decline over a 44 year period spanning 1963-2007, and sightings data from the eastern Pacific that indicate a 71% decline over a 12 year period spanning 1992-2004. In the western Indian Ocean, beach-protection net data indicate a 64% decline over a 25 year period spanning 1978-2003.

Although the Panel was not able to locate reliable time series of data for other areas, consideration of life history information (philopatry, coastal distribution, vulnerability to fishing at all stages of life, and behaviour) and high demand for fins led the Panel to conclude that levels of decline are likely to be similar elsewhere. Based on these considerations and evidence of substantial declines that meet or nearly meet the Appendix II decline criteria in all areas where adequate time series exist, the Panel considered that, overall, Scalloped hammerhead meets the decline criterion for Appendix II.

Fins for this species are in demand and are of relatively high value in the world market, and there is evidence that international trade has resulted in targeting of this species for its fins. Currently, it appears that several target fisheries have collapsed and most catches constitute bycatch from fisheries targeting other species.

In the area where the largest decline has been observed, the northwest Atlantic, increasingly stringent management measures are being implemented for a species complex of which Scalloped hammerhead is a part, which may mitigate risk. In other areas, finning bans may support management but there are no strong management measures in place for this species.

With respect to the proposal to list four other shark species (Great hammerhead shark, Smooth hammerhead shark, Sandbar shark, Dusky shark) in accordance with Article II paragraph 2(b), the Panel concluded that the information available justified the case for Great and Smooth hammerheads, but did not justify the case for Sandbar and Dusky sharks, as products from these two species do not resemble those of the Scalloped hammerhead to the extent that regulation of trade was required to protect the Scalloped hammerhead. Evidence was available that fins of Scalloped and smooth hammerhead are not separated in the Hong Kong market, so there is clear justification for an Article II paragraph 2(b) listing of the latter. Similarly, fins of these two species and the Great hammerhead closely resemble each other, such that the latter species might be included in a “look-alike” group. However the reasoning provided for including Sandbar and Dusky shark, and for not including other species of sharks, did not appear strong.

Assessing Article II paragraph 2(b) proposals for exploited sharks whose fins are in trade is complicated by a lack of information on the “taxonomy” of fins (as might be provided in an identification guide) and the lack of standards in CITES for making decisions on Article II paragraph 2(b) listings. The former difficulty is being addressed by the US which is preparing an identification guide to fins, and the latter could be addressed by a

technical consultation on Article II paragraph 2 (b) listings of commercially exploited aquatic species, perhaps organised by FAO.

Recommendation by the Secretariat

As the supporting statement indicates, the harvest of *S. lewini* has undoubtedly led to major declines in some areas and the species would therefore meet criterion A in Annex 2 a to Resolution Conf. 9.24 (Rev. CoP14) for inclusion in Appendix II. The supporting statement does not clearly indicate that the fins from the five species covered by this proposal are treated in a single marketing category by traders. It has been recorded that fins from *S. lewini*, *S. mokarran* and *S. zygaena* are traded in a single marketing category, while traders often sort fins of carcharhinid species separately from this category. The United States of America intends to prepare an information document prior to CoP15 that will, among others, address the identification issues.

In line with the conclusions of the FAO *Ad Hoc* Expert Advisory Panel, and on the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted for *S. lewini*, *S. mokarran* and *S. zygaena* but rejected for *C. plumbeus* and *C. obscurus*, as in the form in which they are traded, specimens from these two species do not resemble those of the *S. lewini* to such an extent that enforcement officers who encounter them would be unlikely to be able to distinguish between them.

Proposal 16

***Carcharhinus longimanus* – Inclusion in Appendix II with the following annotation:**

"The entry into effect of the inclusion of *Carcharhinus longimanus* in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve the related technical and administrative issues."

Proponent: Palau and United States of America

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

According to the proponents, *Carcharhinus longimanus* is one of the most widespread shark species, ranging across entire oceans in tropical and subtropical waters where it is a high trophic level predator in open ocean ecosystems. The proponents claim that although population data are not available, there are indications that over-exploitation is or may be occurring and therefore the species would qualify for an Appendix-II listing under Annex 2 a, paragraph A, to Resolution Conf. 9.24 (Rev. CoP14). Although it is not stated specifically, the contention appears to be that, according to the criteria in the Resolution, within 5 to 10 years, this low-productivity species will exhibit a marked decline in its population size to 15 %-20 % of its historical baseline.

However, a footnote in the proposal says that, even if these criteria were not met and where data on population abundance are not available, the species should be included in Appendix II when there are indications that over-exploitation is or may be occurring and the regulation of trade could benefit the conservation of the species.

The supporting statement is comprehensive and detailed in some aspects and incomplete and weak in others. There are no stock assessments available for this species and, as such, the population size of *C. longimanus* is unknown. Catch trend data are used to contend that the species has experienced very substantial reductions in population size in the greater part of its range. The proponents claim that it is likely that populations in the northwest Atlantic Ocean and in the central and eastern Pacific Ocean are seriously depleted, while the population dynamics and stock structure in the Indian Ocean are not known.

Specimens of *C. longimanus* are commonly taken as bycatch in tuna and swordfish fisheries, which poses the biggest threat to the species, while there are just a few small-scale targeted fisheries for this species. The high value of their large fins and the low value of the meat, encourage finning rather than the release of bycatch.

The proponents claim that, despite the lack of reliable data, information on the trade in *C. longimanus* fins can be obtained by examination of the Hong Kong SAR fin market one of the most important in global trade in shark fins generally. However, Hong Kong SAR shark fin traders use different market categories that do not correspond to the ones used in the principal market, mainland China. This makes it very difficult to assess the amount of fins from *C. longimanus* traded globally. The estimate provided in the supporting statement (220,000-1,210,000 in the year 2000) is very broad and may be interpreted in different ways.

There is no control of trade in this species any very few species-specific international or domestic management measures are in place. *C. longimanus* is listed on Annex I of the UN Convention on the Law of the Sea, and several regional fisheries management organizations require full utilization of sharks caught and recommend the live release of incidentally caught sharks.

It is not clear from the supporting statement which range States were contacted in the consultation process. The table in paragraph 10 seems to include information from some Parties that are not range States and gives no information on consultation with some major shark fishing countries. In general, Parties that were consulted are undecided about the proposal.

An annotation is proposed to delay the entry into effect of the inclusion of the species in Appendix II by 18 months to allow Parties time to resolve technical and administrative issues. If the proposal were adopted, this would seem a sensible option.

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

There are indications that over-exploitation is or may be occurring and therefore the species would qualify for an Appendix-II.

Within 5 to 10 years, this low-productivity species will exhibit a marked decline in its population size to 15 %-20 % of its historical baseline.

Information on the trade in *C. longimanus* fins can be obtained by examination of the Hong Kong SAR fin market one of the most important in global trade in shark fins generally.

Japan:

Japan opposes the inclusion of this species in Appendix II for the following reasons:

- i) In this proposal, it is suggested that the Ocean whitetip shark in all areas be listed in Appendix II by referring to the decline of population in limited areas (northwest Atlantic, central and eastern Pacific) and applying it to other populations in the rest of the areas, which have not been considered to be in critical situations. However, taking account of the differences in the population situation of the Ocean whitetip shark in every area, this kind of approach cannot be regarded as scientific.
- ii) Most of the data referred to by the proponents lack reliability since they combined different data acquired during different periods in different methods and also applied a downward trend observed in a short period to a much longer period.
- iii) Conservation and management measures and efforts taken by countries concerned and Regional Fisheries Management Organizations (RFMOs) have not been sufficiently taken into account. Both ICCAT (International Commission for the Conservation of Atlantic Tunas) and WCPFC (Western and Central Pacific Fisheries Commission) have designated this species as one of important shark species and started collecting various data such as catch statistics and biological parameters in preparation for population analyses. It is expected that the Scientific Committee of WCPFC will finalize the population analyses this year. IATTC also has commenced preparatory work for population analyses and organized a workshop last year for this purpose. Last year, IOTC developed a new fish aggregation device (FAD) in order to minimize by-catch of this species in purse seine fisheries. As such, RFMOs have promoted substantial activities for conservation and management of this species. Therefore, a final decision should be made after carefully examining RFMOs' activities. Hasty and inappropriate inclusion of this species with insufficient scientific evidence should be avoided.
- iv) If this species were to be listed in Appendix II, it would become difficult to collect scientific information, which is usually obtained through fisheries activities. Such a situation could lead to a lack of scientific evidence necessary for conservation and management as well as sustainable use of this species in the future.

Rwanda:

Support.

FAO:

The FAO Ad Hoc Expert Panel concluded that, on balance, the available evidence supports the proposal to include the Oceanic whitetip shark, *Carcharhinus longimanus*, in CITES Appendix II.

The Panel concluded that this was a species of low productivity.

There is a paucity of quantitative data with which to determine global trends in this widely-distributed tropical Oceanic shark. All the available indices are based on fishery catch per unit effort (CPUE). Two regional studies provide long time series (45-50 years) that show historical extents of decline conforming to the Appendix II decline criterion, and a short (10 yr) recent time series in one area also shows a historical extent of decline consistent with the Appendix II decline criterion. Information from other areas is very limited and difficult to interpret.

In the Northwest Atlantic, the longest time series (1950s to 1990s) shows a substantial decline consistent with the Appendix II decline criterion. This series is based on different approaches in the early and late parts of the time series (research vessels and commercial vessels with observer coverage respectively), but areas sampled and gear used were generally consistent and efforts were made to standardise the data sets. Trends in longline CPUE for large pelagic teleost species show larger declines than were seen over similar periods from more detailed stock assessments, raising questions about the reliability of long-term CPUE trend information; however no stock assessments of Oceanic whitetip are available. Indices from the northwest Atlantic covering more recent periods (1992-2005) showed continuing declines.

In the central Pacific, the longest time series (1950s to 1999-2002) shows a substantial decline consistent with the Appendix II decline criterion. As with the northwest Atlantic, approaches in early and late periods were different (research vessels and observed commercial longliners respectively) and areas covered were also somewhat different, but gear was similar and efforts were made to standardise the data sets. Interpretation of this series is complicated by the same issue as for the northwest Atlantic, a discrepancy between population trends over long periods in CPUE series and in more detailed assessments for teleost species, but again no detailed assessment of Oceanic whitetip is available for comparison. A set of shorter time series (1960s to early 1990s) shows declines in four subareas of the central Pacific, but not to levels consistent with the Appendix II decline criterion, when information uncorrected for depths of sets is considered. When corrected data is considered, trends are conflicting. However this document indicates that further standardisation is required. More recent series (1995-2005) show a continuing large decline.

In the eastern Pacific, the only available index shows a very large historical extent of decline, consistent with the Appendix II decline criterion, over a short time period (1994-2006). This is based on information from a purse seine fishery which takes relatively low numbers of this species, and occurred after a lengthy period during which this species would have been harvested in longline fisheries, suggesting that such a rapid decline during this recent period may not reflect population changes reliably.

Fins for this species are in demand and of high value in the world market, and there is evidence that international trade is driving exploitation. This species is generally not targeted, but is taken as bycatch in fisheries targeting other species. The Panel noted that a large proportion of individuals captured as bycatch could be released alive.

Demand in the international shark fin trade and bycatch in high-seas tuna fisheries constitute important risk factors for the species. Each of the five Tuna Regional Fisheries Management Organizations has a management measure requiring vessels to have fins onboard that total no more than 5% of the weight of sharks onboard, up to the first point of landing. A number of countries have adopted finning bans but no species-specific international or domestic management measures are in place. Sustainable management requires that, where they had not done so, range States develop and implement National Plans of Action for sharks.

With respect to the likely effectiveness of a CITES Appendix II listing, the Panel concluded that the resulting regulatory measures could aid management of this species by improving catch monitoring and encouraging assessments of sustainability of harvests. Most harvests would be from international waters, falling under the "introduction from the sea" provisions of the Convention. These would require catch documentation to the

species level and that a non-detriment finding indicating that the harvest was sustainable be provided for all catches moving from international waters to the jurisdiction of a State.

Recommendation by the Secretariat

It is evident that *C. longimanus* is heavily exploited as by-catch throughout its range. The species is vulnerable to overexploitation and there is evidence demonstrating declines in almost all cases where the populations were monitored. The stocks of unknown status may be already undergoing the same pressure or this can be expected while there is no indication of substantial unexploited stocks. Fins of this species are in demand on the world market owing to their high price, and there is sufficient evidence that international trade is driving exploitation. *C. longimanus* is one of the few species in trade with a specific marketing category used by major fin traders. It is important to note that, if the proposal is adopted, most harvest would fall under the "introduction from the sea" provisions of the Convention that would require a certificate of introduction from the sea to the species level and a non-detriment finding.

In line with the conclusions of the FAO *Ad Hoc* Expert Advisory Panel, and on the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.

Proposal 17

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

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

Proponent: Palau and Sweden*

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

Lamna nasus was proposed for inclusion in Appendix II at CoP14. In a vote on the matter in Committee I, 54 voted in favour, 39 against, and 12 abstained, thus the proposal was not adopted as it was not supported by a two-thirds majority of representatives present and voting.

The supporting statement is an updated version of that presented at CoP14, with new data and extra information in its Annex on species distribution, available population and catch data, scientific synonyms and the proponents' interpretation of Resolution Conf. 9.24 (Rev. CoP14).

According to the proponents this species occurs over a very wide oceanic area in both the northern and southern hemispheres in the marine environment not under the jurisdiction of any State as well as in the territorial waters of over 40 countries. The population status is only known in detail for parts of its range – in particular the northwest Atlantic. Recent stock assessments in the northwest Atlantic confirm the findings from the previous proposal. However, stock size elsewhere is largely unknown.

Paragraph A of the proposal summarizes the contentions of the proposal. Firstly, north and southwest Atlantic and Mediterranean stocks of this species meet paragraph A of Annex 2 a to Resolution Conf. 9.24 (Rev. CoP14), that is to say that within 5 to 10 years this low-productivity species will exhibit a marked decline in its population size to 15 %-20 % of its historical baseline. Secondly, "other southern hemisphere stocks" qualify under paragraph B of Annex 2 a to Resolution Conf. 9.24 (Rev. CoP14) and, thirdly, remaining stocks should be listed under paragraph A of Annex 2 b to Resolution – the look-alike criterion.

Elsewhere in the supporting statement, however, mention is made of "the three-generation period against which recent declines should be assessed", but in Resolution Conf. 9.24 (Rev. CoP14), this applies to terrestrial species. Recent marked declines for commercially exploited aquatic species should be assessed against the guideline in the footnote to the definition of decline in Annex 5 to the Resolution.

The proponents provide data to show that north Atlantic and Mediterranean stocks of the species have already experienced a marked decline which may qualify them for inclusion in Appendix I in the near future. The proponents predict that, based on past fisheries' development and shifting of effort from the northeast Atlantic to

* On behalf of the European Community's Member States acting in the interest of the European Community.

the northwest Atlantic, it can be projected that southern hemisphere stocks are likely to experience similar decreases unless international trade regulation provides sustainable management.

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

Management measures seem to be inadequate or missing in most range States. According to the proponent, an Appendix-II listing would provide incentives for adopting measures for sustainably managing and trading in *L. nasus*.

There is said to be a considerable market for *L. nasus* products within the European Union, with the European Union Member States fishing most of the global reported catch. It is important to note that, since CoP14, the European Union entered total allowable catch management in 2008. A quota and a maximum landing size were introduced to protect large females. The European Union Regulation also prohibits the removal of shark fins and subsequent discarding of the body by the European Union vessels in all waters, and non-European Union vessels in European Community waters. In addition, a European Community Action Plan for the Conservation and Management of Sharks has been finalized.

Regarding possible identification problems, the mako shark (*Isurus oxyrinchus*) may be misidentified as *L. nasus* in Mediterranean fisheries. Although the identification of whole sharks is straightforward using existing keys. Available DNA analysis permits identification of specimens of *L. nasus*, including being able to distinguish specimens from different hemispheres.

The proponents have consulted all range States and, although their opinions are not stated, the proponents explain that additional information and recommendations received during this process have been considered.

The proponents propose that the entry into effect of the inclusion of the species in Appendix II be delayed by 18 months, which would allow Parties to resolve technical and administrative issues. This would seem sensible, and the Secretariat recommends, that if the proposal were adopted, the listing should include the proposed annotation.

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

Within 5 to 10 years this low-productivity species will exhibit a marked decline in its population size to 15 %-20 % of its historical baseline.

Stocks are likely to decrease unless international trade regulation provides sustainable management.

An Appendix-II listing would provide incentives for adopting measures for sustainably managing and trading in *L. nasus*.

Japan:

Japan opposes the inclusion of this species in Appendix II for the following reasons:

- i) In this proposal, it is suggested that the Porbeagle shark in all areas be listed in Appendix II by referring to the decline in population in limited areas (North Atlantic and Uruguayan pelagic water) and applying it to other populations in the rest of the areas (most of southern hemisphere), which have not been considered to be in critical situations. However, taking account of the differences in the population situation of the Porbeagle shark in every area, this kind of approach cannot be regarded as scientific.
- ii) It is not scientific to analogize, with only a few pieces of information regarding a limited population off Uruguay, that populations in the southern hemisphere are declining as the case is in the North Atlantic. In fact, it has been reported to CCSBT (Commission for Conservation of Southern Bluefin Tuna) that CPUE

of by-catch of this species in tuna long-line fisheries operating in the CCSBT area has been stable for more than ten years, and that population of this species in the CCSBT area is considerably large.

- iii) Conservation and management measures and efforts taken by each countries concerned and Regional Fisheries Management Organizations (RFMOs) have not been sufficiently taken into account. ICCAT in collaboration with ICES organized last year an ad hoc joint stock assessment meeting and concluded that the populations in the north Atlantic could recover even with the current management measures.
- iv) Porbeagle sharks are largely traded in processed forms such as fillets or dressed but not in the form of the whole bodies. Therefore, it is difficult to identify and differentiate them from other shark or fish species. For this reason, in the regulation of international trade under CITES, implementation problems such as administrative burdens, burdens for traders and confusion in trade are likely to arise.
- v) If this species were to be listed in Appendix II, it would become difficult to collect scientific information, which is usually obtained through fisheries activities. Such a situation could lead to a lack of scientific evidence necessary for conservation and management as well as sustainable use of this species in the future.

Rwanda:

Support.

FAO:

The FAO Ad Hoc Expert Panel concluded that the available evidence supports the proposal to include Porbeagle shark, *Lamna nasus*, in CITES Appendix II.

When evaluated on a population by population basis, the historically large Porbeagle populations in the north Atlantic (northeast and northwest) and Mediterranean were considered to meet the Appendix II decline criterion.

Porbeagles in the northeast Atlantic Ocean were considered to meet the Appendix II decline criterion, with no evidence that the decline has ceased. Past management has been inadequate. The decline in population abundance of the northwest Atlantic meets the Appendix II decline criterion, although the population is currently recovering. Although no stock assessment has been performed, the tuna trap catch data for Porbeagle in the Mediterranean indicate that this population also meets the Appendix II decline criterion. New assessments for the southwest Atlantic indicated substantial declines, but results were too uncertain to determine whether Porbeagle in this region meet the decline criterion for Appendix II.

The status of other southern hemisphere populations (excluding the southwest Atlantic) was considered to be above Appendix II decline thresholds. The proposal refers to additional stocks that qualify under Article II paragraph 2(b), which the Panel was not able to identify.

The Panel took note of the wording of CITES Resolution Conf. 9.24 (Rev. CoP14) indicating that Parties had resolved to adopt measures that are proportionate to the anticipated risks to the species when considering proposals to amend the Appendices. In this case, the Panel considered that populations representing most of the historical abundance of the species globally met the decline criteria for Appendix II. Therefore, listing the smaller, less exploited southern hemisphere populations as well would be consistent with the proportionate risks to the species as a whole.

Although adequate management measures are in place in some regions, there are others where appropriate management is urgently needed. Risk to the northwest Atlantic population is mitigated by population rebuilding and the implementation of both Canadian and United States management plans designed to rebuild stocks. In other populations, sustainable management requires that, where they have not done so, range States develop and implement National Plans of Action for sharks.

In the event of a CITES listing, Porbeagle caught in EU waters would likely be traded within the EU, and thus not be subject to CITES trade limitations. In the northwest Atlantic, most Porbeagle are harvested within the EEZs under rigorous management, which should form the basis for non-detriment findings. A CITES listing would also result in better monitoring of catches entering international trade from all stocks. Introduction from the Sea would only be an important issue for high seas longline fleets, which sometimes take Porbeagle shark as bycatch.

In its 2007 deliberations, the Panel concluded that the species did not meet the biological decline criterion for inclusion in CITES Appendix II. The additional information available to the current Panel included a stock assessment for the northeast Atlantic and additional information for the Mediterranean and southwest Atlantic stocks. On the basis of this additional information, the species as a whole now warrants listing under Appendix II.

Recommendation by the Secretariat

It appears that the North Atlantic and the Mediterranean stocks of *L. nasus* already meet the biological criteria for inclusion in Appendix I with a marked historical decline to less than 10 % of the baseline. Other populations, which together encompass most of the global stock of the species, meet the marked decline criterion for inclusion in Appendix II. Despite the fact that very little information is available on south-east Atlantic / south-western Indian Ocean stock, this stock occupies a small part of the range of the species and its status is not likely to affect the status of the species as a whole. Therefore, listing the smaller, less exploited southern hemisphere populations for look-alike reasons would be consistent with the proportionate risks to the species. An Appendix-II listing would also result in better monitoring of catches entering international trade from all stocks.

In line with the conclusions of the FAO *Ad Hoc* Expert Advisory Panel, and on the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.

Proposal 18

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

"The entry into effect of the inclusion of *Squalus acanthias* in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve related technical and administrative issues, such as the development of stock assessments and collaborative management agreements for shared stocks and the possible designation of an additional Scientific or Management Authority."

Proponent: Palau and Sweden *

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

This species was proposed for inclusion in Appendix II at CoP14. In a vote on the matter in the plenary session, 55 voted in favour, 58 against, and eight abstained, thus the proposal was not adopted as it was not supported by a two-thirds majority of Representatives present and voting.

The supporting statement is thorough and detailed, and explains that the species has a wide distribution in temperate and boreal coastal seas of both the northern and southern hemispheres. The stock situation is complex. For the purpose of assessment against the CITES listing criteria, the proposal recognizes 14 stocks, but population size information is aggregated for a number of these in Section 4.2. Many of the stocks inter-mix to a greater or lesser extent, often during regular migratory movements.

The supporting statement contends that seven of the stocks of the species qualify for inclusion in Appendix II under the criterion in paragraph A of Annex 2 a to Resolution Conf. 9.24 (Rev. CoP14), that is to say, it is known, or can be inferred or projected, that the regulation of trade in the species is necessary to avoid it becoming eligible for inclusion in Appendix I in the near future (i.e. 5-10 years). All the stocks concerned are said to be close to meeting criterion C in Annex 1 for inclusion in Appendix I - a marked decline in the population size in the wild.

Section A says that "the Northeast Pacific (Alaska to California) coastal stock" is possibly excluded from this judgment, but Table 9 states that it is only the "Northeast Pacific - Alaska" stock that does not qualify under this criterion.

According to Annex 5, such a marked decline for a species proposed for inclusion in Appendix II should be a historical decline to 10-20 % of the baseline level of abundance for a high productivity species, 15-25 % for a medium productivity species, and 20-30 % decline for a low productivity species. The proponents provide evidence that, because of its aggregating habit, late maturity, low reproductive capacity, longevity, long generation time and extremely low intrinsic rate of population increase, the species has a low productivity, therefore a historical decline to 20-30 % of the baseline abundance would be sufficient.

* On behalf of the European Community's Member States acting in the interest of the European Community.

In relation to the stocks that the proponents claim meet the criterion under paragraph A of Annex 2 a:

- Northeast Atlantic: references cited describe declines of biomass to 2-11 % of "initial biomass", 5.2-6.6 % of 1905 levels and 5.2-7.1 % of that of 1955, which are well in excess of the guideline in Resolution Conf. 9.24 (Rev. CoP14), although the methodology used by these references is not specifically stated.
- Western Mediterranean: the species is said to have vanished from the Western Mediterranean during the past 30 years.
- Northwest Atlantic – United States: The spawning stock biomass decreased by about 80 % between 1991 and the early 2000s, caused by removal of large females. It increased following implementation of a recovery plan, but medium-term prospects are unfavourable because of poor recruitment in previous years.
- Northwest Pacific – Japan: No stock estimates are provided, but landings and catch per unit effort is reported to have declined very substantially: down 99 % between 1952 and the 2000s and 80-90 % between the 1970s and 1990s.
- Northeast Pacific – Hecate Strait: Catch per unit effort is reported to have declined between 1984-2003 and mature females declined by more than 95 % over the same period, although little detail is given in the supporting statement about how this figure is arrived at.
- Northeast Pacific – Puget Sound: This stock is said to be at a low level of abundance and commercial catch per unit effort fell in the 1990s, but further information is not provided.
- Northeast Pacific – Georgia Strait: Populations are said to have declined substantially since 1987, but biomass has possibly risen between 1997 and 2001. Longline fishery catch per unit effort appears stable but mean fish size, fecundity and the percentage of the quota landed have declined, whilst 80 % of landings in the commercial fishery are juvenile fish.

Whilst a number of attributes related to these stocks and their fisheries indicate a poor conservation status, precise information to confirm a historical decline to 20-30 % of the baseline abundance is absent in a number of cases.

The proposal goes on to contend that four further stocks qualify for Appendix II under paragraph B of Annex 2 a to Resolution Conf. 9.24 (Rev. CoP14). That is to say, it is projected that regulation of trade in the species is required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences. In relation to these stocks, the proponents say that declines in landings are reported in the Eastern Mediterranean and in Northwest Atlantic – Canada. However, little stock status information is provided for these. Various references state that the biomass of the species in the Black Sea stock is estimated to be between 60,000 and 100,000 t. For the Northwest Pacific – Russia stock, the Russian Federation is said not to target the species. The proponents stress that in view of the likely increase in demand (particularly following the closure of the European Union fishery in 2007) and the fact that they are largely unmanaged or poorly monitored, these stocks may experience similar decreases (i.e. to a historical decline of 20-30 % of the baseline abundance) within the next decade. Aggregating mature females are often targeted for fishing and loss of these individuals and resulting changes in the sex ratio have negative consequences for the species.

Overall, for most northern hemisphere stocks, the supporting statement does provide good evidence that inclusion in Appendix II would be in the best interest of the conservation of the species and proportionate to the anticipated risks it runs.

Finally, the proposal states that the northeast Pacific – Alaska, southwest Pacific – New Zealand and southwest Atlantic - Argentina stock qualify for inclusion because specimens of the species in the form in which they are traded (mostly meat) will so resemble products from the populations that qualify for Appendix II under Annex 2 a that an enforcement officer is unlikely to be able to distinguish between them. This seems an understandable consideration, and in any case, Annex 3 of Resolution Conf. 9.24 (Rev. CoP14) states that split-listings that place some populations of a species in the Appendices, and the rest outside the Appendices, should normally not be permitted.

The main product in international trade is meat, with the European Union countries being the main market. It is clear from the proposal that levels of international trade are substantial. Although the proponents make reference to improved means of identifying specimens of this species in trade, it is likely that controlling the international trade in specimens of *S. acanthias* would be challenging and would require training and identification support.

The proponents state that all 62 range States were consulted about the proposal and 13 responded. Their opinions are not given in section 10 of the supporting statement as recommended in paragraph a) iii) of the operative part of Resolution Conf. 8.21, although it is reported that additional information and recommendations received from them have been considered.

The proponents propose that the entry into effect of the inclusion of the species in Appendix II be delayed by 18 months, which would allow Parties to resolve technical and administrative issues. This would seem sensible, and the Secretariat recommends that, if the proposal were adopted, the listing should include the proposed annotation.

Comments from Parties and intergovernmental bodies

Argentina:

The available scientific information and trade and landing data are consistent in showing that, within the Exclusive Economic Zone of the Argentine Republic, this species has not been overexploited in the past and is certainly not subject to overfishing at the moment.

Based on the official data from the national authority in charge of fisheries, it has been possible to evaluate the exact levels of export of this species since 2008, given that, before that date, the same Customs tariff was applied to all species of sharks. The volume of exports of *Squalus acanthias* for 2008 was 37 tons, which is a very small volume when compared to total exports of the fishing industry.

There is no evidence whatsoever to support the inclusion of the southern hemisphere populations in CITES Appendix II. It does not seem reasonable to include these populations as "look-alike species", given that there are other tools that are much more powerful (e.g. Regulations 1005/2008 1010/2010 of the European Union) to control commercial trade in these populations, whose sustainability is not at risk.

The Argentine Republic has adopted National Plans of Action to combat illegal, unregulated and unreported fishing, as well as plans to conserve and exploit sharks sustainably, and specific regulations have been passed to this end.

It must also be mentioned that the Argentine competent authorities are working on improving all mechanisms to control, monitor and trace the landings and trading in all our marine fish resources, including sharks, in order to implement the requirements of Resolutions 1005/2008 and 1010/2010 of the European Union, whose aim is to strengthen the fight against illegal, unregulated and unreported fishing of these species.

Additionally, it is worth recalling that, at the 14th meeting of the Conference of the Parties held in The Hague from 3 to 15 June 2007, it was decided not to include these two species in CITES Appendix II, and that this decision was supported by the conclusions of the FAO *ad hoc* expert panel, which had advised against their inclusion.

Since then, no new scientific information related to this species has emerged that would justify its inclusion in CITES Appendix II.

Consequently, Argentina rejects the inclusion of *Squalus acanthias* in CITES Appendix II, as there is no available scientific evidence that would justify it.

Egypt:

We agree.

Has a marked decline in the population size in the wild.

To avoid it becoming eligible for inclusion in Appendix I in the near future (i.e. 5-10 years).

Japan:

Japan opposes the inclusion of this species in Appendix II for the following reasons:

- i) In this proposal, it is suggested that the Spiny dogfish in all areas be listed in Appendix II by referring to the decline in fisheries in limited areas (Eastern North Atlantic and the Mediterranean, Western North Pacific) and applying it to other populations in the rest of the areas, which have not been considered to be in critical situations. However, taking account of the differences in the population situation of the Spiny dogfish in each area, this kind of approach cannot be regarded as scientific.
- ii) Spiny dogfish are largely traded in processed forms such as fillets or dressed but not in the form of whole bodies. Therefore, it is difficult to identify and differentiate them from other shark or fish species. For this reason, in the regulation of international trade under CITES, implementation problems such as administrative burdens, burden for traders and confusion in trade are likely to arise.
- iii) If this species were to be listed in Appendix II, it would become difficult to collect scientific information, which is usually obtained through fisheries activities. Such a situation could lead to a lack of scientific evidence necessary for conservation and management as well as sustainable use of this species in the future.

Rwanda:

Support.

FAO:

The FAO Ad Hoc Expert Panel concluded that the available evidence does not support the proposal to include Spiny dogfish, *Squalus acanthias*, in CITES Appendix II.

The Panel agreed that this was a species of low productivity. When evaluated on a population by population basis, most of the Spiny dogfish populations do not meet the decline criteria.

A historically-fished population of Spiny dogfish in the Mediterranean and the large population in the northeast Atlantic Ocean are considered to meet the extent of decline criterion. Directed fishing in the EU was prohibited in 2007 and bycatch quotas have subsequently been reduced. In the northwest Pacific, the decline may meet the Appendix II decline criterion.

The historical extent of decline in population abundance does not meet the Appendix II decline criterion for the following regions defined in the proposal: northwest Atlantic (USA and Canada), northeast Pacific (Alaska, Hecate Strait, Puget Sound, Georgia Strait) and the Black Sea. The Panel noted that certain stocks covered in the proposal had been inappropriately subdivided into additional units.

In the southern hemisphere, surveys in the southwest Pacific indicate stable abundance, while those in the southwest Atlantic show modest declines. No information on abundance trends is available for other populations in the southern hemisphere, such as those around Australia, South Africa and Chile.

Absolute abundance estimates are often difficult to evaluate in the context of CITES criteria, but in the case of Spiny dogfish, the global population estimate is in the order of one billion individuals, which mitigates risk of extinction.

International trade of *Squalus acanthias* is the key driver of exploitation in most areas, except the northeast Atlantic where most of the catch is traded internally within EU markets. There has been a serious fisheries management failure for the northeast Atlantic Spiny dogfish population, which has led to the closure of the directed fishery. Catches from the northeast Atlantic stock, both internally traded in the EU and imported, need to be further curtailed. In the event of a CITES listing, Spiny dogfish caught in EU waters would likely be traded within the EU, and thus not be subject to CITES trade limitations. The Panel noted that the EU has adopted a Shark Action Plan and looks forward to its implementation.

In other areas, Spiny dogfish populations will benefit from improved management. Federal and state U.S. fishery management plans have been implemented for the northwest Atlantic stock, but could benefit from better coordination internally and with Canada. All other areas in which *Squalus acanthias* is harvested need to

be closely monitored to ensure that catches remain sustainable. Sustainable management requires that, where they have not done so, range States develop and implement National Plans of Action for sharks.

If *Squalus acanthias* is listed on Appendix II key implementation issues will include difficulties in differentiating *Squalus acanthias* products from other sharks in trade.

The proposal states that some populations of Spiny dogfish should be listed on Appendix II because of conservation concerns (in accordance with Article II paragraph 2(a)), while others should be listed because of inability to distinguish products from those listed for conservation reasons (in accordance with Article II paragraph 2(b)). While it is almost certainly true that differentiating products from different Spiny dogfish populations would be impossible by enforcement officers without specialized equipment or training, the approach of listing different populations of the same species under Article II, paragraphs 2 (a) and 2 (b) needs careful consideration. Ultimately the result of adoption of this approach could lead to a situation whereby one (perhaps relatively small) population was listed under paragraph 2 (a) and the rest of the species under paragraph 2 (b) even though the species as a whole is in a healthy state.

The Panel took note of the wording of CITES Resolution Conf. 9.24 (Rev. COP 14) indicating that Parties had resolved to adopt measures that are proportionate to the anticipated risks to the species when considering proposals to amend the Appendices. In this case, the Panel considered that listing some stocks (New Zealand, Argentina, and Alaska) in accordance with Article II paragraph 2 (b) would be inconsistent with the proportionate risks to the species as a whole, since populations representing most of the historical abundance of the species globally were considered not to meet the criteria for listing in accordance with Article II paragraph 2 (a).

In the 2007 deliberations of the Panel, the Panel concluded that the species did not meet the biological decline criteria for listing in CITES Appendix II. The additional information available to the current Panel included evidence of improved management actions in the northeast Atlantic, updated stock assessments for the northwest Atlantic, which indicated an improved prognosis due primarily to reduced fishing mortality and recovering recruitment, and additional information for the northwest Pacific and southwest Atlantic stocks. For the northwest Pacific, in light of all the available information, it remains unclear whether the decline criterion is met. The additional information reinforces the previous conclusion of the Panel that the species as a whole does not warrant listing under Appendix II.

Recommendation by the Secretariat

The Secretariat concurs with the FAO *Ad Hoc* Expert Advisory Panel that marked population declines in some stocks, particularly in the north-east Atlantic, Mediterranean and parts of the north-west Pacific, have been large enough to justify an inclusion in Appendix II. The status in other parts of the range of the species is less clear-cut. However, given that demand for meat does appear to be a driver for international trade, it does not seem unreasonable to conclude that, for other populations which are close to meeting the marked population decline guideline (north-west Atlantic and south-west Atlantic), in line with paragraph B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14), regulation of trade in the species is required to ensure that the harvest of specimens is not reducing the wild populations to a level at which its survival might be threatened by continued harvesting or other influences.

Because of the form in which they are traded, it is unlikely that enforcement officers would be able to distinguish between specimens from stocks which meet the criteria for inclusion in Appendix II in Annex 2 b a of Resolution Conf. 9.24 (Rev. CoP14) and those which do not. Consequently, remaining populations would qualify for inclusion in Appendix II under Annex 2 b A of the Resolution.

The difference between the recommendation of the Secretariat on this proposal and the opinion of the FAO *Ad Hoc* Expert Advisory Panel, which recommends rejecting it, can be attributed to differences in interpretation of the listing criteria (see document CoP15 Doc. 63).

On the basis of the available information prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.

Proposal 19

Thunnus thynnus – Inclusion in Appendix I.

Proponent: Monaco

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

This species was the subject of previous proposals to amend the Appendices at the eighth meeting of the Conference of the Parties (Kyoto, March 1992), when Sweden proposed the inclusion of the western Atlantic population in Appendix I and the eastern Atlantic population in Appendix II. These proposals were withdrawn during the meeting.

The species is found in the North Atlantic Ocean and the Mediterranean Sea, in waters down to a depth of around 200 m.

The proponent demonstrates that the species is certainly affected by trade and claims, in paragraph 15 of its summary, that the species qualifies under two of the biological criteria for inclusion in Appendix I:

- The wild population is small, with a majority of individuals being concentrated geographically during feeding and spawning and has a high vulnerability to intrinsic factors (behavioural factors, specifically migration and aggregating behaviour) [Annex 1, paragraph A, subparagraphs iii) and v) of Resolution Conf. 9.24 (Rev. CoP14)].
- A marked decline in the population size in the wild which has been observed as ongoing or having occurred in the past (but with a potential to resume) or is inferred or projected on the basis of levels or patterns of exploitation, high vulnerability to intrinsic factors and (for the west stock only) decreasing recruitment. [Annex 1, paragraph C, subparagraphs i) and ii] of Resolution Conf. 9.24 (Rev. CoP14)].

With respect to the former, however, population size information is only provided for part of the range: the Mediterranean Sea – where the genetically effective population size is given as 400-700 individuals, although the supporting statement does not indicate the total size of this population.

The marked decline cited, uses spawning stock biomass (the quantity of specimens able to spawn – expressed in terms of weight) as a measure of abundance. It is determined by a virtual population analysis based on catch estimates, undertaken by the Standing Committee on Research and Statistics (SCRS) of the International Commission for the Conservation of Atlantic Tunas. The methodology for this is not explained in the supporting statement, although it is reported that the SCRS is concerned about the lack of data to undertake this exercise. Even though it notes that the relation between the two is complex, the supporting statement treats the species as two separate stocks: West Atlantic stock and East Atlantic and Mediterranean stock, divided by the 45°W meridian.

In accordance with the footnote to the definition of "decline" in Annex 5 to Resolution Conf. 9.24 (Rev. CoP14), using calculations of the natural mortality rate, the supporting statement explains that the species has a low productivity. Thus a historical decline to 15-20 % of the baseline level of abundance would be a guideline for qualification for its inclusion in Appendix I.

In order to assess whether the species has undergone a 'marked decline' in terms of paragraph C in Annex 1 to Resolution Conf. 9.24 (Rev. CoP14), and its associated definition in Annex 5, the supporting statement speaks of a baseline level of abundance either of virgin biomass or of peak estimated biomass.

The CITES listing criteria stress that the data used to estimate or infer a baseline for extent of decline should extend as far back into the past as possible. In relation to Atlantic bluefin tuna, the supporting statement says that the species is said to have exhibited a historical decline to 10-20 % of its virgin biomass, although the latter is not explained further.

More information is given in relation to historical declines relative to peak estimated biomass. For the East Atlantic and Mediterranean stock, the supporting statement states that, by 2007, the population had declined to 25.8 % of its 1957 baseline and also that by 2007, the West Atlantic stock had declined to 17.6 % of its 1970 baseline. As fishing for this species is said to have been undertaken for centuries in the Mediterranean Sea and since the 1920s, increasingly in the northeast Atlantic, it seems likely that populations may have been higher before these baselines.

The supporting statement does not attempt to combine these figures to assess whether the species as a whole has undergone a marked historical decline to 15-20 % of baseline level of abundance (for a low productivity species) in line with the guidance in Annex 5 to Resolution Conf. 9.24 (Rev. CoP14).

Concerning the recent rate of decline, the supporting statement states that most of the decline in the East Atlantic and Mediterranean stock has occurred recently, and that continued fishing at current fishing mortalities is expected to drive the stock abundance down to about 18 % of the 1970 baseline level of abundance and 6 % of the virgin biomass. Although the time-frame for this projected decline is not mentioned, it is concluded that, overall, it will almost certainly result in a decline to below 20 % of its baseline level of abundance within the next 10 years, thus complying with the guidelines for inclusion in Appendix I. In contrast, most of the declines in the West Atlantic stock are said to have occurred during the period from 1970 to 1985 and, since 1992, populations have fluctuated between 18 % and 27 % of the 1975 level (rather than the 1970 baseline cited elsewhere in the supporting statement).

The proposal makes it clear that most of the catch enters international trade and appears to be clearly affected by trade, as defined in Annex 5 of Resolution Conf. 9.24 (Rev. CoP14).

The supporting statement is detailed and well referenced. Other range States for the species were consulted on a draft of the proposal, and although their opinions are not given in section 10 of the supporting statement as recommended in paragraph a) iii) in the operative part of Resolution Conf. 8.21, a summary of them and the proponent's response to them is provided in an Annex.

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

The wild population is small, with a majority of individuals being concentrated geographically during feeding and spawning and has a high vulnerability to intrinsic factors (behavioural factors, specifically migration and aggregating behaviour).

A marked decline in the population size in the wild which has been observed as ongoing or having occurred in the past.

Japan:

Japan objects to the inclusion of this species in Appendix I for the following reasons:

1. The stock condition of Atlantic Bluefin Tuna does not meet the criteria for CITES Appendix I listing and the species is not threatened with extinction.

a) Monaco's proposal assumes that the spawning biomass stock of the east Atlantic Bluefin Tuna will decline to 18% of the 1970 level, which is claimed to meet the criteria for Appendix I listing. However, this assumption has already lost ground, since the 2007 level fishing mortalities (i.e., total allowable catch (TAC) at 29,500 metric tons), which the assumption is based on, can no longer be applied as a valid figure, now that ICCAT (International Commission for the Conservation of Atlantic Tunas), an international body in charge of management of this species, adopted the following measures at its 2009 annual meeting last November:

i) The measures in 2010

- Reduction of TAC down to 13,500

This is equivalent to a 40% reduction from the previous year's TAC level, and a 54% reduction from the above-mentioned TAC of 29,500 metric tons in 2007.

- Reduction of the allowable fishing period by 50% (from 2 months to 1 month) in the Mediterranean for purse seine fisheries

Reduction of over-capacity of fishing vessels by 25%.

ii) The measures in 2011 and thereafter

- All the fisheries on the species shall be suspended if the scientific committee of ICCAT detects a serious threat of fishery collapse.
- A three-year recovery plan will be established with the goal of achieving the spawning stock biomass which will provide a maximum sustainable yield through 2022 with at least a 60% probability.
- Continued reduction of over-capacity.

b) Although Monaco's proposal claims that the stock of western Atlantic Bluefin Tuna continues at a level of approximately 15-18% of its pre-exploitation biomass, the Scientific Committee of ICCAT demonstrates that the stock will recover if the measures agreed upon at the ICCAT in 2008 are implemented.

c) It should be noted that there was no consensus on the listing of the Atlantic Bluefin Tuna in the Appendix I at the FAO expert meeting held in December 2009.

2. Conservation and management of Atlantic Bluefin Tuna should be implemented within the framework of ICCAT.

a) For the purpose of the sustainable use of fishery resources, trade restrictions alone are not an effective tool, and the resource management of Atlantic Bluefin Tuna should be left to ICCAT, which can appropriately take comprehensive measures, from catch through trade. For sustainable use of Atlantic Bluefin Tuna, ICCAT is the most effective organization.

b) Now we are in a situation in which measures taken by ICCAT should be more respected and prioritized, as the strengthened management measures, as described in 1.(1), were agreed to by consensus in November 2009 at the annual meeting of ICCAT.

3. Atlantic Bluefin Tuna is not species to be effectively addressed by CITES, and its listing in Appendix I would result in various negative effects, including an increased burden at market and confusion in trade and distribution, caused by complication and intricacy of process.

a) Atlantic Bluefin Tuna is not the type of species that can be effectively addressed by CITES, for the following reasons:

i) It is estimated that the absolute number of spawning stock biomass of the East Atlantic solely is about a million, which is much above the number of other species listed in CITES Appendices. The large population is one of the mitigating factors to reduce the risk of the species from being endangered.

ii) The large scale of international trade, exemplified by the fact that annual imports only by Japan are around 20,000 tons, and the wide and various consumption patterns are other elements that distinguish Atlantic Bluefin Tuna from other species on CITES Appendices that can be effectively regulated under CITES.

b) Listing Atlantic Bluefin Tuna on CITES Appendix I should be avoided, as it would eventually result in various negative effects.

Tens of thousands of tons of Atlantic Bluefin Tuna are traded annually and they are traded in various forms such as fresh and frozen, round and filet as well as in other processed forms. Restrictions of trade, if introduced, would influence a large number of traders and put a heavy burden on them with cumbersome procedures.

Rwanda:

Support.

FAO:

A majority of the FAO Ad Hoc Expert Advisory Panel considered that the available evidence supported the proposal to include Atlantic bluefin tuna, *Thunnus thynnus* (Linnaeus, 1758), in CITES Appendix I.

The Panel's deliberations were assisted especially by the Report of the Extension of the ICCAT Standing Committee on Research and Statistics (SCRS) Meeting to Consider the Status of Atlantic Bluefin Tuna Populations with respect to the CITES Biological Listing Criteria held in October, 2009. The Panel concurred with the view of that meeting that the species did not meet the criterion that the wild population was sufficiently small to warrant listing under Appendix I.

In terms of the decline criterion for listing, the Panel again concurred with the view of that SCRS meeting that Atlantic bluefin tuna as a whole were near the borderline between a low and a medium productivity species, and consequently followed that meeting's approach of considering depletion to below 15% of a baseline (expressed in terms of spawning biomass as is customary for commercially-exploited aquatic species) level as the threshold guideline for an Appendix I listing.

The key consideration for the Panel was the choice of the baseline biomass level to use in computing the current extent of depletion. If the maximum spawning biomasses (B_{max}) in the period assessed (which commenced in 1970) are taken to be the baselines against which these depletions are evaluated, then both the eastern (including Mediterranean) and western populations are assessed to be above the 15% threshold. They are however sufficiently close to this threshold to meet the decline criterion for an Appendix II listing. Alternatively, if the estimated pre-exploitation spawning biomasses (B_0) are used for this baseline, both populations of Atlantic bluefin tuna are below this 15% threshold and meet the decline criterion for listing on Appendix I.

Some members of the Panel considered that B_{max} was an adequate proxy for pre-exploitation spawning biomass B_0 as in their view the two were unlikely to differ substantially. They considered that the alternative of estimating B_0 in the manner adopted by the ICCAT SCRS was highly sensitive to certain key assumptions, such as for the relationship between spawning stock and recruitment which has proven to be problematic to estimate for bluefin tuna. Estimates of B_0 obtained by the SCRS for the eastern (including Mediterranean) population may be too high for various reasons. If the assessment is undertaken commencing in the early 1950s, it does not yield higher biomasses than the maximum obtained in the 1970+ assessment. As the annual catches prior to the 1950s are typically appreciably smaller than those that followed, the population was thus probably not greatly reduced by harvesting prior to the 1950s. Furthermore recruitment has shown systematic trends over recent decades, suggesting that B_0 also changes over time. Since recent recruitment has been above average levels, the values estimated for B_0 could be above the long-term average appropriate for a baseline.

However, the majority of members of the Panel considered that estimates of B_0 were preferable to use for the baseline because they took account of the reduction of the population by removals prior to the start of the assessment series, noting that the CITES Resolution Conf. 9.24 (Rev. CoP 14) states that data used to estimate or infer a baseline for extent of decline of a commercially exploited aquatic species should extend as far back into the past as possible. Furthermore, for the western population any net bias in the estimate of B_0 is likely to be less than for the east. Catches off Brazil early in the fishery's history could well have belonged to the western population and so should probably be taken into account in its assessment. Finally, the western population likely has lower productivity than its eastern counterpart. Thus conclusions concerning this western component of the population meeting the Appendix I decline criteria are more strongly founded.

There was consensus in the Panel that the evidence available supported the inclusion of Atlantic bluefin on Appendix II.

An Appendix I listing would be likely to reduce the bluefin catches from both component populations. This would assist to ensure that recent unsustainable catches in the east Atlantic and Mediterranean are reduced.

Although reported catches from the western component of the resource have not exceeded the Total Allowable Catch over the past 2-3 decades, there have been serious flaws in the recent management of the eastern component, including TACs set above scientific recommendations at unsustainable levels, and a large illegal component of the fishery making appreciable catches. However, in 2009 there have been important improvements in ICCAT's eastern management approach, with the TAC for 2010 being reduced to 13,500 t, a commitment to tie future TACs to SCRS advice, and a rebuilding plan based upon projections of reaching B_{MSY} in 2023 with 60% probability (assuming perfect implementation). The 2009 report of the ICCAT SCRS also

comments that the appreciable differences between reported and estimated catches noted for 2007 had declined considerably for 2008, which could reflect improved implementation of regulatory and control mechanisms in the Mediterranean.

The proponent argued that the listing proposal included provision for downlisting to Appendix II, should stock status improve. It should be noted that implementation of a listing on Appendix I would impact many of the indices and the associated catch at size/age from the various bluefin fisheries, with unknown impacts on ability to monitor stock trends.

ICCAT:

See Annex 4.

Recommendation by the Secretariat

The Secretariat concurs with the majority of the FAO *Ad Hoc* Expert Advisory Panel, that this species meets the criteria for inclusion in Appendix I. A marked decline in the population size in the wild has been observed as ongoing.

The Secretariat notes that this determination and its consequences differ from the actions of the International Commission for the Conservation of Atlantic Tunas (ICCAT), which, at its 21st regular meeting (9-15 November 2009, Porto de Galinhas, Brazil), considered the conservation status of this species and decided to continue to permit fishing and the international trade that accompanies it.

On the basis of the available information prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.

Proposal 20

***Dynastes satanas* – Inclusion in Appendix II.**

Proponent: Plurinational State of Bolivia

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The proponent contends that *Dynastes satanas*, endemic to the Plurinational State of Bolivia, meets the biological criteria for inclusion in Appendix II under paragraph A in Annex 2 a to Resolution Conf. 9.24 (Rev. CoP14), that is to say regulation of trade is necessary to avoid it becoming eligible for inclusion in Appendix I in the near future. However, it is not made clear which of the criteria for inclusion in Appendix I are likely to be complied with in the near future.

Although the species appears to be restricted to a relatively small area of the Plurinational State of Bolivia, very little specific information is presented on the size of the wild population, area of distribution or any population declines. The proponent is undertaking studies on the biology and population status of the species. It explains that, since this is an endemic taxon with a very reduced and fragmented habitat, it is inferred that populations in the wild are small.

The Plurinational State of Bolivia indicates that it has taken some measures to ensure more responsible management of and sustainable trade in this species, and that regulation of its trade through an Appendix-II listing would support efforts undertaken by the national authorities. Although some information is provided on habitat conservation, it is not mentioned whether the species occurs in any protected areas.

No legal trade exists in this species, although there seems to be a strong demand in the international market for specimens of *D. satanas* as pets, for entomologists, collections and captive-breeding operations.

Seven other species are mentioned as look-alike taxa, although whether this fact would complicate an Appendix-II listing of *D. satanas* is not specified.

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

Population status of the species is an endemic taxon with a very reduced and fragmented habitat, in the wild are small.

No legal trade exists in this species, although there seems to be a strong demand in the international market for specimens of *D. satanas* as pets, for entomologists, collections and captive-breeding operations.

Rwanda:

Support.

Recommendation by the Secretariat

The supporting statement demonstrates that *D. satanas* meets the criterion in paragraph A of Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14), because its small population size, restricted area of distribution and declining population indicate that it needs to be included in Appendix-II in order for it to become eligible for inclusion in Appendix I in the near future.

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.

Proposal 21

Coralliidae spp. (*Corallium* spp. and *Paracorallium* spp.) – Inclusion of all species in the family in Appendix II with the following annotation:

"The entry into effect of the inclusion of species in the family Coralliidae in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve the related technical and administrative issues."

Proponent: Sweden* and United States of America

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

These species were proposed for inclusion in Appendix II at CoP14. In a vote on the matter in the plenary session, 65 voted in favour, 55 against, and seven abstained, thus the proposal was not adopted as it was not supported by a two-thirds majority of representatives present and voting.

The present proposal aims to include all species of the genera *Corallium* and *Paracorallium* in Appendix II (currently 31 described species), with an annotation to delay the entry into effect of the listing for 18 months. The seven harvested species [*Corallium rubrum*, *C. secundum*, *C. lauuense* (*C. regale*), *Paracorallium japonicum*, *C. elatius*, *C. konojoi* and *C. sp. nov.*] are proposed for listing on the basis of Criterion B in Annex 2 a, and the remaining 24 described species are proposed on the basis of Criterion A of Annex 2 b – for 'look-alike' reasons.

The proposal repeats many of the elements of the proposal submitted by the United States at CoP14, but the proponents have substantively expanded the sections relating to species characteristics, status and trends, threats, utilization and trade, and species management. The proponents have also provided an extensive reference list, which reflects new research findings on Corallidae biology and ecology, and impacts of the fishery (particularly in relation to deep-water populations).

The proponents argue that species in trade are intensively harvested to supply international demand for jewellery and other products, and their biological characteristics of extreme longevity, late age of maturity, slow growth and low fecundity make them particularly vulnerable to over-exploitation. The proponents refer to a reduction in landings in excess of 60-80 % since the 1980s, but further explain that successful reproduction and

* On behalf of the European Community's Member States acting in the interest of the European Community.

maintenance of healthy populations are critically dependent on the size of individual colonies, and the densities at which they occur. The size of the individual colonies determines the number of reproductive polyps, with small single-stem colonies having few polyps, and older, branching colonies having large numbers of reproductive polyps. The proponents argue that the reduction of the size structure of fished populations is equivalent to a reduction of 80-90 % of the reproductive polyps. The density of colonies also has a great impact on the viability of populations. Removing colonies increases the distance between colonies and makes their reproduction more difficult, and the selective removal of the largest colonies significantly reduces a population's reproductive potential. This can cause local extinction and make populations vulnerable to other stresses. The use of destructive collection methods has also led to habitat degradation. The proponents argue that Corallidae species in trade grow at rates one-half or less than previously reported, and reach sexual maturity 2-3 times later than previously believed. New stocks are rapidly exhausted after discovery, and the recovery of stocks from the impacts of harvesting is much slower than previously believed.

The proposal also adequately addresses implementation issues such as identification of products in trade, pre-Convention specimens, personal and household effects, and making non-detriment findings.

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

The proponents argue that species in trade are intensively harvested to supply international demand for jewellery and other products, and their biological characteristics of extreme longevity, late age of maturity, slow growth and low fecundity make them particularly vulnerable to over-exploitation.

The proponents refer to a reduction in landings in excess of 60-80 % since the 1980s, but further explain that successful reproduction and maintenance of healthy populations are critically dependent on the size of individual colonies, and the densities at which they occur.

Japan:

Japan opposes the inclusion of this species in Appendix II for the following reasons:

- i) The catch declines of this species observed in most areas do not reflect biomass declines. Landings of this species are subject to and influenced by economics such as price and demand of precious corals, price and demand of fish, and price of fuel. In Japan, most fishermen engaged in precious coral fishery are mainly engaged in other fishing activities.
- ii) Recently, precious coral fisheries have been under strict control both in the Pacific and the Mediterranean, and there exist no concern for over-exploitation of this species in both areas.

Rwanda:

Support.

FAO:

The FAO Ad Hoc Expert Panel concluded that the available evidence does not support the proposal to include all species in the family Coralliidae (*Corallium* spp. and *Paracorallium* spp.) in CITES Appendix II.

The Panel considered that populations representing a large proportion of the abundance of the seven species proposed for listing under Article II paragraph 2(a) (*Corallium rubrum*, *C. japonicum*, *C. secundum*, *C. elatius*, *C. konojoi*, *Corallium* sp. nov., *C. lauuense* (*C. regale*)) globally did not meet the decline criteria for Appendix II.

The Panel considers *Corallium rubrum* to be a low productivity species. Little is known about the life-history characteristics of the other 6 species under consideration but it is highly likely that they are also low productivity species.

The proposal depends heavily on catch statistics to support inclusion of the 7 species for listing under the Appendix II decline criterion. The Panel considered that these data were not very reliable, as landings are influenced by economics (such as price of coral, price of fish, price of fuel), management practices (such as

size limits, area closures), difference in spatial coverage, mixing of live and dead coral weights (Japan targets dead coral in some fisheries), differences in collection methods (SCUBA, submersibles, drags), and other factors. Nevertheless, these data can be useful to observe the extreme “boom and bust” cycles characteristic of this fishery when new beds are discovered.

The Panel observed that some fished areas in the Mediterranean demonstrate a historical extent of decline in a few metrics (trends in number of polyps per colony and population fecundity) commensurate with the Annex 5 guidelines on extent of decline for low productivity species. Decline to a lesser extent was found in the catches, maximum size of colonies, mean height and proportion of older colonies per stock. There has been a clear over-exploitation of shallow water beds which has led to a shift in harvesting to deeper water colonies. In some areas in the Mediterranean (for example the Costa Brava) only 9% of the colonies are sexually mature. However, in other areas (for example Sardinia) management measures have been implemented and recruitment appears strong.

In the Pacific including Hawaii, Japan, Taiwan Province of China, and in international waters there is no evidence to show extents of decline that meet the criteria for inclusion in Appendix II. In Hawaii, harvest of the family Coralliidae is under a management scheme and there has been an increase in population density since 1971. In Japan only three out of twenty-eight known areas with coral beds have been assigned for harvest. Little quantitative analysis has occurred of population dynamics in Japan or Taiwan Province of China. In the Philippines all areas with coral beds are closed to fishing (at least 11) and have never been exploited. Pacific seamounts have been overexploited, with catches exhibiting classic boom and bust dynamics. No fisheries occur on international sea mounts at present. The Panel concluded that the recent fisheries (last 20 years) in the Pacific appear to be small-scale and managed. The Panel noted that of the 7 species proposed for listing under the Appendix II decline criterion, no data are presented for *C. lauuense* (*C. regale*) to support its listing. *C. lauuense* is described by Baco and Hank (2005) as one of the more common deep-sea octocorals on the seamounts and islands of the Hawaiian Archipelago.

The data from all areas indicate that uncontrolled fisheries have depleted coral beds in the past. Some populations rely on refugia in inaccessible areas that might become accessible to the fisheries through new technology (ROVs, mixed gas diving etc). These exploited long-lived corals require effective local management to prevent unsustainable harvesting and this is not occurring across their full geographic distribution. Recovery of these low productivity species may take several decades. There is a risk that new fishing activities could be initiated in international waters leading to over-exploitation of coral on sea mounts.

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

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

In the 2007 deliberations of the Panel, the Panel concluded that the genus *Corallium* did not meet the biological decline criteria for listing in CITES Appendix II. The additional information available to the current Panel included a consideration about decline in number of polyps and a shift in depths of harvesting in the Mediterranean. The current proposal also increased the requested listing to the family Coralliidae. The additional information and scope of the proposal did not lead the Panel to change its previous conclusion related to the genus *Corallium*.

Recommendation by the Secretariat

The Secretariat considers that, on the basis of information provided by the proponents on the impact of fisheries on populations and reproductive potential, and taking into account new information on the biology of the species, the species *C. rubrum*, *C. secundum*, *C. lauuense* (*C. regale*), *P. japonicum*, *C. elatius*, *C. konojoi* and *C. sp. nov.* in the family Coralliidae meet criterion B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14). In the form in which they are traded, specimens of the remaining species in the family resemble the named species such that enforcement officers who encounter them are unlikely to be able to distinguish between them, therefore criterion A in Annex 2 b of the Resolution is satisfied.

The difference between the recommendation of the Secretariat on this proposal and the opinion of the FAO *Ad Hoc* Expert Advisory Panel which recommended rejection, can be attributed to differences in interpretation of the listing criteria (see document CoP15 Doc. 63).

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.

FLORA

Proposal 22

Operculicarya decaryi – Inclusion in Appendix II.

Proponent: Madagascar

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The supporting statement does not follow the format provided for such documents in Annex 6 to Resolution Conf. 9.24 (Rev. CoP14) and is substantially incomplete. It does make clear which section of the listing criteria in the Resolution it contends are complied with.

The species is endemic to Madagascar and, according to the supporting statement, appears to be limited to one province in the south of the country, where it does however have a wide distribution, including in some protected areas.

The supporting statement says that, in 2006, 400 specimens were counted at one site and that a similar number is found at other sites, but it does not say how many other sites exist. The supporting statement says that the species is categorized as "Vulnerable" according to the IUCN Red List of Threatened Species criteria, but it is actually not listed in the IUCN Red List of Threatened Species and no further explanation is provided.

The species is apparently used as an ornamental plant nationally and an increasing number of specimens are exported as seedlings, presumably for the same purpose, with 2,647 specimens reported as exported in 2006.

It is not clear whether the species is afforded any legal protection in Madagascar.

The proposed listing includes no annotation. Consequently, in line with Resolution Conf. 11.21 (Rev. CoP14) on *Use of annotations in Appendices I and II*, if the proposal were adopted, all readily recognizable parts and derivatives would be subject to CITES controls.

With regard to paragraph B in Annex 2 a to Resolution Conf. 9.24 (Rev. CoP14), the proponent has not clearly defined how it interpreted and applied Resolution Conf. 9.24 (Rev. CoP14) using sound and relevant scientific information, and recognizing flexibility and data-poor cases as requested at the 58th meeting of the Standing Committee (Geneva, July 2009).

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

The species is endemic to Madagascar, is categorized as "Vulnerable" according to the IUCN Red List of Threatened Species criteria.

Rwanda:

Support.

Recommendation by the Secretariat

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

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be rejected.

Proposal 23

***Operculicarya hyphaenoides* – Inclusion in Appendix II.**

Proponent: Madagascar

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The supporting statement gives little specific information on this endemic species from Madagascar. It does not indicate under which criteria of Resolution Conf. 9.24 (Rev. CoP14) the species would qualify for inclusion in Appendix II. However, the wild population does appear to be small and fragmented.

Information on population trends is not mentioned and therefore it is not possible to conclude that the population is decreasing. However, the proposing statement indicates that the taxon is rated 'endangered' in Madagascar. *Operculicarya hyphaenoides* is found in non-protected areas and it is claimed to be overharvested.

There is domestic consumption of as well as international trade in live plants, and some trade statistics are presented in the supporting statement. The proposal does not present information on illegal trade, population monitoring, management measures or look-alike species.

The proposed listing included no annotation. Consequently, in line with Resolution Conf. 11.21 (Rev. CoP14) on *Use of annotations in Appendices I and II*, if the proposal were adopted, all readily recognizable parts and derivatives would be subject to CITES controls.

With regard to paragraph B in Annex 2 a to Resolution Conf. 9.24 (Rev. CoP14), the proponent has not clearly defined how it interpreted and applied Resolution Conf. 9.24 (Rev. CoP14) using sound and relevant scientific information, and recognizing flexibility and data-poor cases as requested at the 58th meeting of the Standing Committee (Geneva, July 2009).

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

Information on population trends to decrease. However, the proposing statement indicates that the taxon is rated 'endangered' in Madagascar, is found in non-protected areas and it is claimed to be overharvested.

Rwanda:

Support.

Recommendation by the Secretariat

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

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be rejected.

Proposal 24

Operculicarya pachypus – Inclusion in Appendix II.

Proponent: Madagascar

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The supporting statement does not follow the format provided for such documents in Annex 5 to Resolution Conf. 9.24 (Rev. CoP14) and is rather incomplete. Although not explicitly stated, the proposal to include the species in Appendix II appears to be made on the basis of paragraph B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14).

The species is endemic to Madagascar and, according to the supporting statement, appears to be limited to a small area in the south of the country, perhaps just two sites. At one site of about 15 ha, at a date unspecified, 705 specimens were counted in 1 ha. The second site is said to contain roughly the same number of plants. The supporting statement says that the species was categorized in 2006 as "Critically Endangered" according to the IUCN Red List of Threatened Species criteria, but it is actually not listed in the IUCN Red List of Threatened Species and no further explanation is provided.

The species is used nationally as an ornamental plant and its bark is used for medical purposes. International trade takes place, but the type of specimen involved is not made clear. Exports peaked at 1,212 individuals in 2004. It is stated that harvesting could result in a lack of natural regeneration. The species is also threatened by fire.

It is not clear whether the species is afforded any legal protection in Madagascar, but it does not grow in any protected areas.

The proposed listing includes no annotation. Consequently, in line with Resolution Conf. 11.21 (Rev. CoP14) on *Use of annotations in Appendices I and II*, if the proposal were adopted, all readily recognizable parts and derivatives would be subject to CITES controls.

With regard to paragraph B in Annex 2 a to Resolution Conf. 9.24 (Rev. CoP14), the proponent has not clearly defined how it interpreted and applied Resolution Conf. 9.24 (Rev. CoP14) using sound and relevant scientific information, and recognizing flexibility and data-poor cases as requested at the 58th meeting of the Standing Committee (Geneva, July 2009).

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

The species is endemic to Madagascar and, according to the supporting statement, appears to be limited to a small area in the south of the country, perhaps just two sites.

Rwanda:

Support.

Recommendation by the Secretariat

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

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be rejected.

Proposal 25

CACTACEAE spp. and all taxa with annotation #1 – Delete annotations #1 and #4 and replace them both with the following new annotation for plant taxa listed in Appendix II:

"All parts and derivatives, except:

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

Amend footnote 6 as follows (delete struck-through text):

Artificially propagated specimens of the following hybrids and/or cultivars are not subject to the provisions of the Convention:

- *Hatiora x graeseri***
- *Schlumbergera x buckleyi***
- *Schlumbergera russelliana x Schlumbergera truncate***
- *Schlumbergera orssichiana x Schlumbergera truncate***
- *Schlumbergera opuntoides x Schlumbergera truncate***
- *Schlumbergera truncata* (cultivars)**
- Cactaceae spp. colour mutants ~~lacking chlorophyll~~, grafted on the following grafting stocks: *Harrisia 'Jusbertii'*, *Hylocereus trigonus* or *Hylocereus undatus***
- *Opuntia microdasys* (cultivars).**

Proponent: Mexico and United States of America, on behalf of the Plants Committee

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

This proposal is the result of deliberations in the Plants Committee arising from Decision 14.130.

Annotation #1 is widely applied to Appendix-II plant listings and Annotation #4 is applied to the listing of Cactaceae in Appendix II. Both annotations #1 and #4 contain similar elements, and combining them will reduce the number of annotations. However, the main reason to combine the annotations is to enable greater precision in describing which parts and derivatives are excluded from the provisions of the Convention.

The proposed new annotation excludes seedpods (fruits) of Orchidaceae spp. as well as seeds, which is a logical clarification as, otherwise, the seedpods would not be exempt but the seeds within them would be. The proposed annotation would not apply to any Cactaceae spp. seeds exported from Mexico, whereas the current annotation #4 only excludes Mexican cacti originating in Mexico.

The Secretariat believes the wording in the proposed annotation could be simplified to avoid making reference to what, confusingly, is an exception of an exception (though the Secretariat recognizes this formulation appears in other annotations), with the following:

"Designates all parts and derivatives, except: a) seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia). The exemption does not apply to seeds from Cactaceae spp. exported from Mexico;"

The proposed annotation is also more precise in that it would specifically exclude fruits including parts and derivatives, of naturalized or artificially propagated plants of the genera *Hylocereus* and *Selenicereus*, and stems and flowers, including parts and derivatives, of naturalized or artificially propagated plants of the genus *Selenicereus*. Such parts and derivatives, together with those of the genus *Opuntia* subgenus *Opuntia*, would be the only ones excluded.

The proposed annotation would exclude finished products of *Euphorbia antisyphilitica* packaged and ready for retail trade. This is based on discussions at the 18th meeting of the Plants Committee (Buenos Aires, March 2009). However, it appears that *E. antisyphilitica* is often referenced in ingredient listings under the older name *E. serifera*, and to reduce confusion the proposed annotation should make reference to this, perhaps with the addition "often traded under the incorrect designation *Euphorbia serifera*".

The amendment to Footnote 6 is to eliminate confusion related to technical interpretations.

Overall the proposal aims to simplify and clarify the listings to which the new annotation refers.

The Secretariat considers this proposal to be an amendment to substantive annotations. The Parties have agreed in Resolution Conf. 11.21 (Rev. CoP13) that substantive annotations relating to species in Appendix I or II may be introduced, amended or deleted only by the Conference of the Parties in accordance with Article XV of the Convention. However, as the proposal does not involve geographically separate populations or transferring a species from Appendix I to Appendix II, the provisions and precautionary measures contained in Resolution Conf. 9.24 (Rev. CoP14) Annexes 3 and 4 do not apply.

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

The Parties have agreed in CoP13 that, substantive annotations relating to species in Appendix I or II may be introduced but amended or deleted only by the Conference of Parties.

The proposal does not involve geographically separate populations or transferring a species from Appendix I to Appendix II.

Rwanda:

Support.

Recommendation by the Secretariat

The proposal made by the proponents would improve the clarity of the annotations and the Secretariat has also proposed some further small text modifications for Cactaceae seeds and *E. antisyphilitica* nomenclature in its provisional assessment above.

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.

Proposal 26

***Zygosicyos pubescens* – Inclusion in Appendix II.**

Proponent: Madagascar

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The supporting statement does not follow the format provided for such documents in Annex 6 to Resolution Conf. 9.24 (Rev. CoP14) and is rather brief. Although not explicitly stated, the proposal to include the species in Appendix II appears to be made on the basis of paragraphs A or B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14).

The species is endemic to Madagascar and, according to the supporting statement, has been found at only one locality of unspecified size, where 150 specimens were located in an area of 3 ha on a date not mentioned. The supporting statement says that the species was categorized in 2006 as "Endangered" according to the IUCN Red List of Threatened Species criteria, but it is actually not listed in the IUCN Red List of Threatened Species and no further explanation is provided.

The species is used nationally as an ornamental plant and seedlings are exported, with a peak of 32 specimens exported in 2006.

It is not clear whether the species is afforded any legal protection in Madagascar, but it does not grow in any protected areas.

The proposed listing includes no annotation. Consequently, in line with Resolution Conf. 11.21 (Rev. CoP14) on *Use of annotations in Appendices I and II*, if the proposal were adopted, all readily recognizable parts and derivatives would be subject to CITES controls.

With regard to paragraph B in Annex 2 a to Resolution Conf. 9.24 (Rev. CoP14), the proponent has not clearly defined how it interpreted and applied Resolution Conf. 9.24 (Rev. CoP14) using sound and relevant scientific information, and recognizing flexibility and data-poor cases as requested at the 58th meeting of the Standing Committee (Geneva, July 2009).

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

The species is endemic to Madagascar and, according to the supporting statement, has been found at only one locality of unspecified size.

The supporting statement says that the species was categorized in 2006 as "Endangered" according to the IUCN Red List of Threatened Species.

The species is used nationally as an ornamental plant.

Rwanda:

Support.

Recommendation by the Secretariat

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

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be rejected.

Proposal 27

***Zygosicyos tripartitus* – Inclusion in Appendix II.**

Proponent: Madagascar

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

It is not indicated under which criteria of Resolution Conf. 9.24 (Rev. CoP14) this species endemic to Madagascar would qualify for inclusion in Appendix II. However, the wild population does appear to be small and fragmented.

Information provided in the supporting statement is scarce, but it indicates that the species has been rated as 'vulnerable' in the country.

Domestic trade exists for ornamental purposes and the level of exports of live plants does seem to have been increasing over the last few years.

No information is provided on the legal status at the national level and there is no mention of illegal trade. The proposal does not indicate whether Madagascar is monitoring the status of the populations and whether there are look-alike species to consider.

The proposed listing includes no annotation. Consequently, in line with Resolution Conf. 11.21 (Rev. CoP14) on *Use of annotations in Appendices I and II*, if the proposal were adopted, all readily recognizable parts and derivatives would be subject to CITES controls.

With regard to paragraph B in Annex 2 a to Resolution Conf. 9.24 (Rev. CoP14), the proponent has not clearly defined how it interpreted and applied Resolution Conf. 9.24 (Rev. CoP14) using sound and relevant scientific information, and recognizing flexibility and data-poor cases as requested at the 58th meeting of the Standing Committee (Geneva, July 2009).

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

Information provided in the supporting statement is scarce, but it indicates that the species has been rated as 'vulnerable' in the country.

Domestic trade exists for ornamental purposes and the level of exports of live plants does seem to have been increasing over the last few years.

Rwanda:

Support.

Recommendation by the Secretariat

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

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be rejected.

Proposal 28

***Euphorbia misera* – Deletion from Appendix II.**

Proponent: Mexico and United States of America

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

Euphorbia misera has been included in CITES Appendix II since 1975 under the generic listing of *Euphorbia* spp.

This species is native to coastal areas of north-western Mexico and of the south-western United States. *E. misera* is among the dominant perennial species occurring in coastal scrub habitat.

Information in the supporting statement is comprehensive and balanced.

According to the proponent, little is known about the ecology of *E. misera* and there are no global population estimates. *E. misera* is a slow growing species and little is known about its reproduction and population structure. The species is intrinsically vulnerable to extinction due to its limited and fragmented distribution and low reproductive output. There is insufficient information to determine the extent to which genetic exchange occurs between remaining localities.

According to CITES trade data, international trade in wild plants does not appear to be a factor affecting the status of this species. Since its listing in 1975, there has been only one reported trade of *E. misera*. The proponents state that there have been no reports of illegal wild collection or of illegal international trade.

In the United States, *E. misera* is traded domestically as a cultivated ornamental plant. In Mexico, *E. misera* is known as a medicinal plant. According to the proponents, this species is easily propagated from cuttings or seed, and plants are widely available commercially. The proponents state that habitat destruction and grazing are the main threats to this species and that CITES listing does not improve its status in the wild.

The species is legally protected in both range States. In the United States, the remaining habitat of *E. misera* is either remote or inaccessible, or on protected land. In Mexico, half of the known distribution records of the species are located within protected areas.

The present proposal appears to demonstrate that *E. misera* is not affected by trade as defined in Annex 5 to Resolution Conf. 9.24 (Rev. CoP14). In line with the precautionary measure in paragraph A 4 of Annex 4 to Resolution Conf. 9.24 (Rev. CoP14), it seems unlikely that, were it to be deleted from Appendix II, it would qualify again for inclusion in the Appendices in the near future.

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

The species is intrinsically vulnerable to extinction due to its limited and fragmented distribution and low reproductive output. There is insufficient information to determine the extent to which genetic exchange occurs between remaining localities.

Rwanda:

Support.

Recommendation by the Secretariat

The Secretariat maintains the view in its provisional assessment, that *E. misera* is not affected by trade as defined in Annex 5 to Resolution Conf. 9.24 (Rev. CoP14). Furthermore, in line with the precautionary measure in paragraph A 4 of Annex 4 to the same Resolution, it seems unlikely that, were it to be deleted from Appendix II, it would qualify again for inclusion in the Appendices in the near future.

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.

Proposal 29

***Aniba rosaeodora* – Inclusion in Appendix II with the following annotation:**

"#11 Designates logs, sawn wood, veneer sheets, plywood and essential oil."

Proponent: Brazil

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

This species occurs in the Bolivarian Republic of Venezuela, Brazil, Colombia, Ecuador, France (French Guiana), Guyana, Peru and Suriname, but most of the remaining specimens are reported to occur in Brazil.

The supporting statement is fairly comprehensive in many respects.

The proponent contends that *Aniba rosaeodora* qualifies for inclusion in Appendix II as it meets the criterion in paragraph A of Annex 2 a to Resolution Conf. 9.24 (Rev. CoP14), although it does not state which of the Appendix-I criteria are likely to be met in the near future.

Large-scale declines in populations are inferred from loss of forest cover and overexploitation in the region, and areas where the species was formerly widespread and cut for essential oil are now exhausted. Wild populations of *A. rosaeodora* have decreased to a point that the species is rated 'endangered' in the IUCN Red List of Threatened Species.

According to the supporting statement, domestic trade in plants and derivatives of *A. rosaeodora* is almost inexistent. The main derivative is the essential oil and virtually all of it is exported. A recent analysis of the exports and of the legal harvest rates shows that over five times as much raw material is exported than is legally harvested, giving the impression that the production chain has irregularities and that illegal trade is occurring.

The proponent states that this taxon is occasionally confused with *Aniba fragans* and *Aniba parviflora*, both aromatic species, although it is not clear whether the latter are traded and whether controls in trade on *A. rosaeodora* would be adversely affected by this look-alike factor.

It is proposed that *A. rosaeodora* be included in Appendix II with the following annotation:

#11 Designates logs, sawn wood, veneer sheets, plywood, and **essential oil**.

However the current annotation # 11 reads as follows:

#11 Logs, sawn wood, veneer sheets, plywood, **powder and extracts**.

Therefore the annotation proposed by Brazil would need to bear a different number if the purpose of the proposal is to cover 'essential oil' and not 'powder and extracts'.

It is indicated that all range States of this species were consulted and that Colombia, Ecuador and Peru have expressed their support. Others have not yet responded to the consultation.

Paragraph a) of Resolution Conf. 10.13 (Rev. CoP14) on *Implementation of the Convention for timber species* also recommends that proponents of amendment proposals for timber species consult at least four different international organizations from the list included in that Resolution. This proposal seems to be targeting one type of product which is 'essential oil', even though the proposed annotation would also cover timber specimens. Regarding timber, there is no indication in the supporting statement that such consultation has taken place.

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

The species is rated 'endangered' in the IUCN Red List of Threatened Species.

Rwanda:

Support.

FAO:

The proposal gives a useful update on the species' status, trends and threats, which is consistent with the information available in FAO. Given the difficulty and high cost involved in developing plantations of the species, it is essential to take measures promoting the conservation and sustainable management of the remaining natural populations.

Recommendation by the Secretariat

Although the supporting statement claims that *A. rosaeodora* meets criterion A of Annex 2 a to Resolution Conf. 9.24 (Rev. CoP14), the Secretariat is not convinced that this is the case. However, it considers that the species meets criterion B of Annex 2 a to the Resolution.

If the proposal were adopted, then the annotation proposed would need to be given a new number.

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.

Proposal 30

***Senna meridionalis* – Inclusion in Appendix II.**

Proponent: Madagascar

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The supporting statement does not follow the format provided for such documents in Annex 6 of Resolution Conf. 9.24 (Rev. CoP14) and is rather incomplete. Although not explicitly stated, the proposal to include the species in Appendix II appears to be made on the basis of paragraph B in Annex 2 a to Resolution Conf. 9.24 (Rev. CoP14). The removal of mature specimens for international trade is said to threaten the regeneration of the species.

The species is endemic to Madagascar and, according to the supporting statement, has a fragmented distribution in the south and south-west of the country, including in some protected areas. The only specific information given on status and trends is a count of 420 specimens (of which 150 were mature individuals) in 2006 in one area, although the significance of this survey is not elaborated upon. The supporting statement says that the species had a "vulnerable" conservation status in 2006, although no further explanation is provided. In addition to harvesting, the species is threatened by fire.

The species is used nationally for house construction and as an ornamental plant. International trade in seedlings is said to take place, with a peak of 483 specimens exported in 2004. Demand for the species as an ornamental plant is said to be strong, but no further details are provided.

There is no indication of whether the species is protected by law in Madagascar outside the national parks.

The proposed listing includes no annotation. Consequently, in line with Resolution Conf. 11.21 (Rev. CoP14) on *Use of annotations in Appendices I and II*, if the proposal were adopted, all readily recognizable parts and derivatives would be subject to CITES controls.

In the case of interpretation of paragraph B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14), the proponents have not clearly defined how they interpreted and applied Resolution Conf. 9.24 (Rev. CoP14) using sound and relevant scientific information, and recognizing flexibility and data-poor cases as requested by the 58th meeting of the Standing Committee (Geneva, July 2009).

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

The species is endemic to Madagascar & threatened.

Rwanda:

Support.

Recommendation by the Secretariat

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

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be rejected.

Proposal 31

ORCHIDACEAE spp. included in Appendix I – Amend the annotation to the listing of Orchidaceae included in Appendix I, as follows:

Delete the current annotation, which states:

For all of the following Appendix-I species, seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers are not subject to the provisions of the Convention.

Replace with the following new annotation:

"For all of the following Appendix-I species, seedling or tissue cultures obtained *in vitro*, in solid or liquid media, and transported in sterile containers are not subject to the provisions of the Convention only if the specimens meet the definition of 'artificially propagated' agreed by the Conference of the Parties."

Proponent: United States of America

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The proponent argues that the current annotation for Appendix-I orchids is not sufficiently clear, and that abuse of the annotation, as described in the proposal, has led to detrimental impacts on wild populations. The proposed amendment would ensure that seedling or tissue cultures obtained *in vitro*, in solid or liquid media, and transported in sterile containers would be excluded from CITES controls only if the specimens meet the definition of 'artificially propagated' agreed by the Conference of the Parties [currently in Resolution Conf. 11.11 (Rev. CoP14)].

The Secretariat considers this proposal to be an amendment to a substantive annotation. The Parties have agreed in Resolution Conf. 11.21 (Rev. CoP13) that substantive annotations relating to species in Appendix I or II may be introduced, amended or deleted only by the Conference of the Parties in accordance with Article XV of the Convention. As the proposal does not involve geographically separate populations or transferring a species from Appendix I to Appendix II, the provisions and precautionary measures contained in Resolution Conf. 9.24 (Rev. CoP14), Annexes 3 and 4, do not apply.

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

Detrimental impacts on wild populations.

Rwanda:

Support.

Recommendation by the Secretariat

The proposal clarifies the annotation in line with its original intent.

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.

Proposal 32

***Beccariophoenix madagascariensis* – Inclusion of the seeds of the species in Appendix II.**

Proponent: Madagascar

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

At the request of Madagascar, this species was included in Appendix II at the 12th meeting of the Conference of the Parties (Santiago, November 2002) the time, the listing was not subject to an annotation and therefore included controls on seeds. At the request of the Plants Committee, annotation #1 was added to the listing for this species at CoP14 and seeds are no longer subject to CITES controls.

The supporting statement does not follow the format provided for such documents in Annex 6 to Resolution Conf. 9.24 (Rev. CoP14) and is incomplete in a number of respects.

Madagascar explains that populations of this species in the wild are very small. Of only three sites that have been inventoried, one has 16 adult trees and the other two have around 10 each. Populations in the wild seem to be so small that the inclusion of seeds in CITES could be a critical measure to ensure their survival. According to the proponent, 200 individual seeds and 2 kg of seeds were exported in 2005. In addition, three seedlings were exported in 2006. The purpose of export is not stated, but is presumably for ornamental plants.

The inclusion of seeds in the listing may be accomplished through a modification of the existing wording of annotation #1, for instance "a) seeds (except *Beccariophoenix madagascariensis*), spores and pollen (including pollinia)." The Secretariat notes that Proposal 25 submitted by Mexico and the United States proposes the merging of annotations #1 and #4 into a new annotation. If the present proposal were adopted, it would mean having to modify the revised annotation. Such an annotation might read "a) seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia) except those seeds from Cactaceae spp. exported from Mexico and seeds from *Beccariophoenix madagascariensis*."

The supporting statement does not make it clear whether seeds of this species are easy to identify.

The Secretariat considers this proposal to be an amendment to a substantive annotation. The Parties have agreed in Resolution Conf. 11.21 (Rev. CoP13) that substantive annotations relating to species in Appendix I or II may be introduced, amended or deleted only by the Conference of the Parties in accordance with Article XV of the Convention. As the proposal does not involve geographically separate populations or transferring a species from Appendix I to Appendix II, the provisions and precautionary measures contained in Resolution Conf. 9.24 (Rev. CoP14), Annexes 3 and 4, do not apply.

In the case of interpretation of paragraph B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14), the proponents have not clearly defined how they interpreted and applied Resolution Conf. 9.24 (Rev. CoP14) using sound and relevant scientific information, and recognizing flexibility and data-poor cases as requested by the 58th meeting of the Standing Committee (Geneva, July 2009).

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

Populations in the wild seem to be so small that the inclusion of seeds in CITES could be a critical measure to ensure their survival.

Rwanda:

Support.

Recommendation by the Secretariat

When originally included in Appendix II, the annotation relating to this species did include seeds amongst the parts and derivatives to be subject to CITES controls. The evidence suggests that, given the conservation

status of and trade in the species, this is warranted. If proposal 25 were adopted, then an amendment to the annotation suggested in that proposal, such as the following, would achieve this objective:

"a) seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia) except those seeds from Cactaceae spp. exported from Mexico and seeds from *Beccariophoenix madagascariensis*."

On the basis of the available information prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.

Proposal 33

***Dypsis decaryi* [According to the standard nomenclatural reference adopted by the Conference of the Parties, this species is named *Neodypsis decaryi*] – Inclusion of the seeds of the species in Appendix II.**

Proponent: Madagascar

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

According to the standard nomenclatural reference adopted by the Conference of the Parties, this species is named *Neodypsis decaryi* and is included in Appendix II under this name.

The species was included in Appendix II at the first meeting of the Conference of the Parties (Bern, November 1976) after a proposal from Madagascar, the supporting statement for which noted that seeds of the species were very much in demand outside of their country. At the fifth meeting of the Conference of the Parties (Buenos Aires, April-May 1985) the annotation #1 was added to the listing, meaning that trade in seeds and certain other parts and derivatives of the species was no longer regulated.

The supporting statement does not follow the format provided for such documents in Annex 6 to Resolution Conf. 9.24 (Rev. CoP14) and is incomplete in a number of respects.

The species is endemic to Madagascar and occurs in only one area in the south of the country, in and around part of the Andohahela National Park. In 2006, 120 specimens were counted in the area outside the National Park where collection of seeds takes place, but the size of the population inside the Park is not made clear. No information is provided on the trend in the population.

The species is used nationally for construction purposes and as an ornamental plant, and the fruits are used for nutritional purposes. The species is exported in the form of seeds and seedlings. The supporting statement says that 341 kg of seeds were exported in 2006 and, even though trade in them is not regulated by CITES, the CITES trade database records 250 kg of seeds exported to the United States of America in that year. It is not made clear how many plants would be required to produce such a volume of seeds. The CITES trade database also records that many thousands of artificially propagated live specimens of this species have been in international trade in recent years, mainly exported by Costa Rica, Spain and the United States.

The supporting statement says that the extensive harvesting of seeds could prevent natural regeneration in the population outside the Andohahela National Park which would constitute a serious threat to the species in the long term. However, the magnitude of this threat and its impact to date is not specifically detailed.

The inclusion of seeds in the listing may be accomplished through a modification of the existing annotation #1, with a formulation such as "a) seeds (except *Neodypsis decaryi*), spores and pollen (including pollinia)." The Secretariat notes that Proposal 25 submitted by Mexico and the United States proposes the merging of annotations #1 and #4 into a new annotation. If the present proposal were adopted, it would mean having to modify the revised annotation. Such an annotation might read "a) seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia) except those seeds from Cactaceae spp. exported from Mexico and seeds from *Neodypsis decaryi*."

The supporting statement does not make it clear whether seeds of this species are easy to identify.

The Secretariat considers this proposal to be an amendment to a substantive annotation. The Parties have agreed in Resolution Conf. 11.21 (Rev. CoP13) that substantive annotations relating to species in Appendix I or II may be introduced, amended or deleted only by the Conference of the Parties in accordance with Article XV of the Convention. As the proposal does not involve geographically separate populations or transferring a

species from Appendix I to Appendix II, the provisions and precautionary measures contained in Resolution Conf. 9.24 (Rev. CoP14), Annexes 3 and 4, do not apply.

In the case of interpretation of paragraph B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14), the proponents have not clearly defined how they interpreted and applied Resolution Conf. 9.24 (Rev. CoP14) using sound and relevant scientific information, and recognizing flexibility and data-poor cases as requested by the 58th meeting of the Standing Committee (Geneva, July 2009).

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

The species is endemic to Madagascar and occurs in only one area in the south.

Rwanda:

Support.

Recommendation by the Secretariat

When originally included in Appendix II, the annotation relating to this species did include seeds amongst the parts and derivatives to be subject to CITES controls. The evidence suggests that, given the conservation status of and trade in the species, this is warranted. If proposal 25 were adopted, then an amendment to the annotation suggested in that proposal, such as the following, would achieve this objective:

"a) seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia) except those seeds from Cactaceae spp. exported from Mexico and seeds from *Neodypsis decaryi*."

On the basis of the available information prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.

Proposal 34

***Adenia firingalavensis* – Inclusion in Appendix II.**

Proponent: Madagascar

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The supporting statement does not follow the format provided for such documents in Annex 6 to Resolution Conf. 9.24 (Rev. CoP14) and is substantially incomplete. Although not explicitly stated, the proposal to include the species in Appendix II appears to be made on the basis of paragraph B in Annex 2 a to Resolution Conf. 9.24 (Rev. CoP14). The slow-growing nature and difficult regeneration of the species make it vulnerable to over-exploitation.

The species is endemic to Madagascar and, according to the supporting statement, has a wide distribution including in some protected areas. The distribution map presented records the species largely in the north-west of the country, but the text also refers to its occurrence in the 'south and south-west' and the 'north'. The only specific information given on status and trends is a count of 150 specimens in one forest, the Forêt d'Andoharano, but the date and significance of this survey are not stated. The supporting statement says that the species is categorized as "Vulnerable" in the IUCN Red List of Threatened Species, but this does not appear to be the case.

International trade in seedlings is said to take place, with a peak of 358 specimens exported in 2004. These were apparently documented in their CITES Annual report, but the supporting statement goes on to explain that the harvest and export are not subject to any regulation, so the completeness of these records may be open to question.

The supporting statement says that populations at the collection site (or sites?) in the south and south-west of the country are already small, but does not provide any further details. In contrast, populations of the species in the north of the country are said to be well protected.

The proposed listing includes no annotation. Consequently, in line with Resolution Conf. 11.21 (Rev. CoP14) on *Use of annotations in Appendices I and II*, if the proposal were adopted, all readily recognizable parts and derivatives would be subject to CITES controls.

In the case of interpretation of paragraph B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14), the proponents have not clearly defined how they interpreted and applied Resolution Conf. 9.24 (Rev. CoP14) using sound and relevant scientific information, and recognizing flexibility and data-poor cases as requested by the 58th meeting of the Standing Committee (Geneva, July 2009).

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

The slow-growing nature and difficult regeneration of the species make it vulnerable to over-exploitation, The species is endemic to Madagascar.

Rwanda:

Support.

Recommendation by the Secretariat

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

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be rejected.

Proposal 35

***Adenia olaboensis* – Inclusion in Appendix II.**

Proponent: Madagascar

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The supporting statement does not follow the format provided for such documents in Annex 6 to Resolution Conf. 9.24 (Rev. CoP14) and is substantially incomplete. Although not explicitly stated, the proposal to include the species in Appendix II appears to be made on the basis of paragraph B in Annex 2 a to Resolution Conf. 9.24 (Rev. CoP14). The removal of mature specimens for international trade is said to threaten the regeneration of the species.

The species is endemic to Madagascar and, according to the supporting statement, has a wide distribution, including in some protected areas. The distribution map presented in the proposal shows only four recorded localities and does not accord with the text. The only specific information given on status and trends is a count of 250 specimens in one area, but the date and significance of this survey are not stated.

International trade in seedlings is said to take place, with a peak of 387 specimens exported in 2004. The species is reportedly cultivated in some areas, but not for export purposes.

There is no indication of whether the species is protected by law in Madagascar.

The proposed listing includes no annotation. Consequently, in line with Resolution Conf. 11.21 (Rev. CoP14) on *Use of annotations in Appendices I and II*, if the proposal were adopted, all readily recognizable parts and derivatives would be subject to CITES controls.

In the case of interpretation of paragraph B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14), the proponents have not clearly defined how they interpreted and applied Resolution Conf. 9.24 (Rev. CoP14) using sound and relevant scientific information, and recognizing flexibility and data-poor cases as requested by the 58th meeting of the Standing Committee (Geneva, July 2009).

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

The removal of mature specimens for international trade is said to threaten the regeneration of the species. The species is endemic to Madagascar.

Rwanda:

Support.

Recommendation by the Secretariat

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

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be rejected.

Proposal 36

***Adenia subsessifolia* [According to the standard nomenclatural reference adopted by the Conference of the Parties, this species is named *Adenia subsessilifolia*] – Inclusion in Appendix II.**

Proponent: Madagascar

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

This species seems to be endemic of Madagascar, even though this is not clearly stated in the proposal statement. The opinion of the other range States, if the species is not endemic, is not indicated.

The supporting statement gives little specific information and does not indicate under which criteria of Resolution Conf. 9.24 (Rev. CoP14) the species would qualify for inclusion in Appendix II. However, the wild population does appear to be small and fragmented. Information on population trends is not elaborated and therefore it is not possible to conclude that the population is decreasing. The taxon is rated 'vulnerable' in the current IUCN Red List of Threatened Species.

According to the supporting statement, domestic trade exists, but the extent of it is not clear. Few international trade records are available, but this can be explained by the lack of monitoring of exports since the species is not listed in CITES. International trade in live plants, is known to occur in very small quantities, and current (after 2006) international trade statistics are not presented. There is also no information on the legal status of this species and no mention is made of illegal trade.

Information on habitat conservation is scarce and no mention is made of population monitoring or management measures.

The specialist on botanical nomenclature of the Plants Committee has indicated to the Secretariat that the scientific name *Adenia subsessifolia* is an orthographic error sourced in a 1970 publication. The original 1940 publication names it as *Adenia subsessilifolia* H. Perrier, and the nomenclature specialist recommends that the latter name be used.

The proposed listing includes no annotation. Consequently, in line with Resolution Conf. 11.21 (Rev. CoP14) on *Use of annotations in Appendices I and II*, if the proposal were adopted, all readily recognizable parts and derivatives would be subject to CITES controls.

In the case of interpretation of paragraph B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14), the proponents have not clearly defined how they interpreted and applied Resolution Conf. 9.24 (Rev. CoP14) using sound and relevant scientific information, and recognizing flexibility and data-poor cases as requested by the 58th meeting of the Standing Committee (Geneva, July 2009).

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

This species seems to be endemic of Madagascar. The taxon is rated 'vulnerable' in the current IUCN Red List of Threatened Species.

Rwanda:

Support.

Recommendation by the Secretariat

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

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be rejected.

Proposal 37

***Orothamnus zeyheri* – Deletion from Appendix II.**

Proponent: South Africa

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

This species was included in Appendix I in 1975 and transferred to Appendix II at the 10th meeting of the Conference of the Parties (Harare, June 1997).

Orothamnus zeyheri is known only from two small areas in the south-western Cape Province, South Africa. According to the proponent, population sizes fluctuate substantially due to fire-related population cycles, but there is no evidence of decline in the known populations, all of which occur in conservation areas. As a seed regenerator, the normal lifespan of *O. zeyheri* is closely linked to the occurrence and periodicity of fires. The current geographic range of the species is 196 km² and has remained constant for the last 150 years.

The proponent states that the most serious threat to the species at present is from *Phytophthora cinnamomi*, a fungal root pathogen which has been found in a number of the populations. Another threat is posed by trampling and disturbance around the plants, which often leads to their destruction.

The proponent states that the extremely attractive flowers of *O. zeyheri*, and their exceptional lasting quality, made it a highly sought after cut-flower and the species was certainly be used by the cut-flower trade. According to the proponent, strict controls ensure that no harvesting from the wild takes place and that management measures for *O. zeyheri* have been extremely successful in ensuring the continued existence of strong viable populations in the wild. Nevertheless, the supporting statement is somewhat contradictory in this regard, stating that "the depredations of flower pickers resulted in the marked decline of populations", but this remark may be made in a historical context.

The only record of international trade according to the CITES trade database was in 1981.

According to the proponent, a great deal of research has been done on the propagation of genus *Orothamnus* and it would be quite feasible to set up a commercial propagation programme to satisfy any demands for flowers or plants. However, the supporting statement gives no information on whether any such operation exists, nor does it provide an estimate of potential demand for *O. zeyheri* on the international market.

The present proposal appears to demonstrate that *O. zeyheri* is not affected by trade as defined in Annex 5 to Resolution Conf. 9.24 (Rev. CoP14). In line with the precautionary measure in paragraph A 4 of Annex 4 to Resolution Conf. 9.24 (Rev. CoP14), it seems unlikely that, were it to be deleted from Appendix II, it would qualify again for inclusion in the Appendices in the near future.

Comments from Parties and intergovernmental bodies

Botswana:

Support.

Species in question no longer meet the trade criteria to be listed under CITES.

Egypt:

We agree.

The current geographic range of the species is 196 km² and has remained constant for the last 150 years.

Rwanda:

Support.

Recommendation by the Secretariat

The proposal demonstrates that *O. zeyheri* is not affected by trade as defined in Annex 5 to Resolution Conf. 9.24 (Rev. CoP14). Furthermore, in line with the precautionary measure in paragraph A 4 of Annex 4 to the same Resolution, it seems unlikely that, were it to be deleted from Appendix II, it would qualify again for inclusion in the Appendices in the near future.

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.

Proposal 38

***Protea odorata* – Deletion from Appendix II.**

Proponent: South Africa

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

Protea odorata was included in CITES Appendix I in 1975 and transferred to Appendix II in 1997. The proponent states that this species was included in Appendix I because of an initial misunderstanding by the South African Management Authorities regarding the purpose of CITES.

This species occurs in the western Cape Province of South Africa and is originally known from five populations. The past distribution of *P. odorata* is poorly known, but historical records indicate that it was probably limited to a distribution area of 30 km². The species currently occurs effectively in a single location, occupying just a couple of square metres in total and the population is estimated to comprise 27 plants. *P. odorata* is a seed regenerator and therefore requires fire to ensure recruitment and regeneration. Populations experience fire-related fluctuations.

According to the proponent, since the species has fairly nondescript and very small flowers, it has not attracted much attention from the horticultural or cut-flower trade. The only attempt of artificial propagation was abandoned because there was no demand for the species cut-flowers. There is no record in the CITES trade database of any trade in *P. odorata*.

The main threats to *P. odorata* have been the loss of habitat to agriculture and the invasion of the remaining remnants of habitat by the alien *Acacia saligna*.

The proponent states that there is no reason to keep *P. odorata* in CITES Appendix II despite its being threatened with extinction, as its survival depends on the conservation of its habitat, and not on the control of

trade in the species. The proponent also states that there is adequate domestic legislation to protect the species, but the supporting statement gives no information on safeguards and management measures for *P. odorata*.

The present proposal appears to demonstrate that *P. odorata* is not affected by trade as defined in Annex 5 to Resolution Conf. 9.24 (Rev. CoP14). In line with the precautionary measure in paragraph A 4 of Annex 4 to Resolution Conf. 9.24 (Rev. CoP14), it seems unlikely that, were it to be deleted from Appendix II, it would qualify again for inclusion in the Appendices in the near future.

Comments from Parties and intergovernmental bodies

Botswana:

Support.

Species in question no longer meet the trade criteria to be listed under CITES.

Egypt:

We agree.

It seems unlikely that, were it to be deleted from Appendix II, it would qualify again for inclusion in the Appendices in the near future.

Recommendation by the Secretariat

The proposal demonstrates that *P. odorata* is not affected by trade as defined in Annex 5 to Resolution Conf. 9.24 (Rev. CoP14). Furthermore, in line with the precautionary measure in paragraph A 4 of Annex 4 to the same Resolution, it seems unlikely that, were it to be deleted from Appendix II, it would qualify again for inclusion in the Appendices in the near future.

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.

Proposal 39

***Cyphostemma elephantopus* – Inclusion in Appendix II.**

Proponent: Madagascar

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The supporting statement does not follow the format provided for such documents in Annex 6 to Resolution Conf. 9.24 (Rev. CoP14) and is substantially incomplete. It explains that the species is threatened by habitat loss and that seedlings are exported as the species is used as an ornamental plant. However, although it does not specifically identify over-collection as a threat.

The species is endemic to Madagascar and, according to the supporting statement, is found in the south and south-west of the country. The distribution map presented in the proposal shows only two recorded localities, but the text suggests that the distribution is wider than this. The only specific information given on status and trends is a count of 500 specimens in two areas, but the date and significance of this survey are not stated. The supporting statement says that the species is categorized as "Vulnerable" according to the IUCN Red List of Threatened Species criteria, but it is actually not listed in the IUCN Red List of Threatened Species and no further explanation is provided.

The export of seedlings is said to have peaked at 563 specimens in 2004, but the supporting statement explains that species is not protected by law in Madagascar, so the completeness of these records may be open to question.

The proposed listing includes no annotation. Consequently, in line with Resolution Conf. 11.21 (Rev. CoP14) on *Use of annotations in Appendices I and II*, if the proposal were adopted, all readily recognizable parts and derivatives would be subject to CITES controls.

In the case of interpretation of paragraph B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14), the proponents have not clearly defined how they interpreted and applied Resolution Conf. 9.24 (Rev. CoP14) using sound and relevant scientific information, and recognizing flexibility and data-poor cases as requested by the 58th meeting of the Standing Committee (Geneva, July 2009).

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

The species is used as an ornamental plant. The species is endemic to Madagascar.

Recommendation by the Secretariat

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

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be rejected.

Proposal 40

***Cyphostemma laza* – Inclusion in Appendix II.**

Proponent: Madagascar

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The supporting statement gives little specific information on this endemic species from Madagascar. It does not indicate under which criteria of Resolution Conf. 9.24 (Rev. CoP14) the species would qualify for inclusion in Appendix II. However, the wild population does appear to be small and found only in two regions of the island. Information on population trends is not provided, but the number of specimens in the wild seems to be low and the species risks a continued decrease if conservation measures are not taken immediately. The taxon is said to have been rated as 'vulnerable' according to the IUCN criteria.

The species is used domestically for ornamental purposes, and the international trade in live plants has been increasing from 419 live plants exported in 2003 to 7,814 in 2006.

The area of distribution of *C. laza* is under pressure from anthropogenic activities. Almost all individuals in the wild are found in non-protected areas, which suffer fires and collection of stones for the construction industry.

The proposal does not present information on illegal trade, national legal status, population monitoring, management measures or look-alike species.

The proposed listing includes no annotation. Consequently, in line with Resolution Conf. 11.21 (Rev. CoP14) on *Use of annotations in Appendices I and II*, if the proposal were adopted, all readily recognizable parts and derivatives would be subject to CITES controls.

In the case of interpretation of paragraph B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14), the proponents have not clearly defined how they interpreted and applied Resolution Conf. 9.24 (Rev. CoP14) using sound and relevant scientific information, and recognizing flexibility and data-poor cases as requested by the 58th meeting of the Standing Committee (Geneva, July 2009).

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

The species risks a continued decrease if conservation measures are not taken immediately. The taxon is said to have been rated as 'vulnerable' according to the IUCN criteria. The species is used domestically for

ornamental purposes, and the international trade in live plants has been increasing from 419 live plants exported in 2003 to 7,814 in 2006.

Recommendation by the Secretariat

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

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be rejected.

Proposal 41

***Cyphostemma montagnacii* – Inclusion in Appendix II.**

Proponent: Madagascar

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

The supporting statement gives little specific information on this endemic species from Madagascar. It does not indicate under which criteria of Resolution Conf. 9.24 (Rev. CoP14) the species would qualify for inclusion in Appendix II. However, the wild population does appear to be small and found only in one restricted area of one province.

Information on population trends indicates that the number of specimens in the wild is very limited and that the species risks a continued decrease if conservation measures are now taken immediately. The taxon is said to have been rated 'critically endangered' according to the IUCN criteria.

There does not seem to be any domestic consumption, but international trade in live plants has been recorded and some trade statistics are presented in the supporting statement.

The proposal does not present information on illegal trade, national legal status, population monitoring, management measures or look-alike species.

The proposed listing includes no annotation. Consequently, in line with Resolution Conf. 11.21 (Rev. CoP14) on *Use of annotations in Appendices I and II*, if the proposal were adopted, all readily recognizable parts and derivatives would be subject to CITES controls.

In the case of interpretation of paragraph B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14), the proponents have not clearly defined how they interpreted and applied Resolution Conf. 9.24 (Rev. CoP14) using sound and relevant scientific information, and recognizing flexibility and data-poor cases as requested by the 58th meeting of the Standing Committee (Geneva, July 2009).

Comments from Parties and intergovernmental bodies

Egypt:

We agree.

The population indicates that the number of specimens in the wild is very limited.

Recommendation by the Secretariat

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

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be rejected.

Proposal 42

***Bulnesia sarmientoi* – Inclusion in Appendix II with the following annotation:**

"#11 Designates logs, sawn wood, veneer sheets, plywood, powder and extracts."

Proponent: Argentina

Provisional assessment by the Secretariat (Notification to the Parties No. 2009/051 of 14 December 2009)

This species has been included in Appendix III with annotation #11 since 12 February 2008, at the request of Argentina.

The proponent contends that *Bulnesia sarmientoi* meets the criterion in paragraph A of Annex 2 a to Resolution Conf. 9.24 (Rev. CoP14), although it does not make clear which of the Appendix I criteria are expected to be fulfilled in the near future.

The supporting statement gives specific information about the status of the species in Argentina and Paraguay. Large-scale declines in populations are inferred from loss of forest cover and overexploitation in the region over the last century, and areas where the species was formerly widespread have now been exhausted or converted for agriculture.

Domestic trade in parts and derivatives of *B. sarmientoi* has always existed for traditional purposes. The main parts and derivatives found in international trade are timber and essential oil. Some of the trade that has taken place is reported to be in violation of national law.

Concerning the views of other range States, Brazil has congratulated Argentina for its proposal. It is also worth mentioning that, at PC16, Lima, July, 2006, Paraguay submitted a document entitled "Status of the genus *Bulnesia* spp. with a view to its inclusion in CITES Appendix II" [document PC16 Doc. 21.2 (Rev. 1)]. The Plurinational State of Bolivia did not respond to Argentina's consultations. Finally, at PC18, the Committee congratulated Argentina on the idea of proposing the inclusion of *B. sarmientoi* in Appendix II.

Some species of the genus *Guaicum*, which is already included in Appendix II, share the same common names (palo santo and guayacán) and commercial names ("ligum vitae" and "guaiac") as those used for *B. sarmientoi*. The proposal therefore has some merit as a 'look-alike' listing in accordance with paragraph A of Annex 2 b to Resolution Conf. 9.24 (Rev. CoP14).

Paragraph a) of Resolution Conf. 10.13 (Rev. CoP14) on *Implementation of the Convention for timber species* also recommends that proponents of amendment proposals for timber species consult at least four different international organizations from the list included in that Resolution. This proposal covers timber specimens, but there is no indication in the supporting statement that such consultation has taken place.

Comments from Parties and intergovernmental bodies

Plurinational State of Bolivia:

The holy wood (*Bulnesia sarmientoi*) is categorized as 'endangered' in the draft red list of threatened plant species of Bolivia, which points to the necessity of taking measures for its conservation.

In the last decades, the Chaco Boliviano has started experiencing a great loss of biodiversity as a result of human settlements and the conversion of woodland to agriculture, as well as of a marked rise in livestock overgrazing and forest fires.

Because of its climatic, edaphic and floristic characteristics and of the threats bearing upon it, all described in the proposal, the Chaqueña region is vulnerable and requires immediate conservation actions. The inclusion of the holy wood in CITES Appendix II will contribute to the conservation of this region.

Range

- Bolivia: south-east (department of Santa Cruz, Trija and south of Chuquisaca), found between 250 and 400 m above sea level.
- It is important to clarify that the holy wood is not present in the department of Oruro. The populations of this species in Bolivia are found in the protected area of the Kaa – Iyá National Park, which covers 3,441,115 ha.

Utilization and trade

- In Bolivia, the wood is used in wood-turning and handicraft.
- Export: under the current management scheme, the export to China of 14.80 m³ of *Bulnesia sarmientoi* has been exceptionally authorized. The corresponding export document indicated that the species had been included in Appendix III at the request of Argentina. Additionally, queries on the procedure to export holy wood have been regularly received.

In Bolivia, the legislation regulating the management and conservation of forest resources comprises:

- Environment Act No. 1333.
- Forest Act No. 1700.
- Supreme Decree No. 24453, which regulates the Forest Act.
- Supreme Decree No. 22641, which establishes a general and indefinite ban on disturbing, taking, possessing or using wild animals and harvesting wild plants, including their parts or derivatives, such as leather, hides or other.
- Supreme Decree No. 25458, which ratifies the general and indefinite ban above and allows the use of some species on the basis of management plans, studies and inventories.

The species is not subject to artificial propagation.

Given the above, we support the proposal from the Argentine Republic to include *Bulnesia sarmientoi* in Appendix II, which will help our country take measures for its conservation and sustainable use.

Egypt:

We agree.

Large-scale declines in populations are inferred from loss of forest cover and overexploitation in the region.

FAO:

Although the level of threat is not as high as for *Aniba rosaeodora*, the recent trends presented in the proposal suggest that measures to promote the conservation and sustainable management of the natural populations should also be taken for this species, which is also characterized by a slow growth, hindering the development of plantation.

Recommendation by the Secretariat

Although the supporting statement claims that *B. sarmientoi* meets paragraph A of Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14), the Secretariat is not convinced that this is the case. However, it considers that the species meets criterion B of Annex 2 a of the Resolution.

On the basis of the information available prior to the discussion at CoP15, the Secretariat recommends that this proposal be adopted.