

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



Seventeenth meeting of the Conference of the Parties  
Johannesburg (South Africa), 24 September – 5 October 2016

CONSIDERATION OF PROPOSALS FOR AMENDMENT OF APPENDICES I AND II

A. Proposal

Amendment of the listings of *Aquilaria* spp. and *Gyrinops* spp. in Appendix II.

Amend Annotation #14 with the underlined text:

“All parts and derivatives except:

- a) seeds and pollen;
- b) seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers;
- c) fruits;
- d) leaves;
- e) exhausted agarwood powder, including compressed powder in all shapes; and
- f) finished products packaged and ready for retail trade, this exemption does not apply to wood chips, beads, prayer beads and carvings.”

B. Proponent

The United States of America \*

C. Supporting statement

1. Taxonomy

1.1 Class: Magnoliopsida

1.2 Order: Myrtales

1.3 Family: Thymelaeaceae

1.4 Genus, species or subspecies, including author and year: a) *Aquilaria* spp.  
b) *Gyrinops* spp.

1.5 Scientific synonyms: N/A

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\* The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.

- 1.6 Common names: a-ga-ru, agarwood, agur, alim, aloewood, Bois d'aigle, calambac, eaglewood, gaharu, halim, karas, kareh, kritsanaa, lign-aloes, madera de Agar, mai hom
- 1.7 Code numbers: see the CITES Wiki Identification Manual on the following website: <http://citeswiki.unep-wcmc.org/IdentificationManual/tabid/56/language/en-US/Default.aspx>

## 2. Overview

The intent of this proposal is to revise the current annotation (Annotation #14) to the listing of *Aquilaria* spp. and *Gyrinops* spp. in Appendix II, to ensure that CITES controls apply to woodchips of agarwood-producing species even when they are traded as finished products packaged and ready for retail trade. Based on consultations within the Standing Committee Annotations Working Group, it appears that woodchips constitute a significant portion of the international trade in agarwood-producing taxa. In accordance with the guidance included in Resolution Conf. 11.21 (Rev. CoP16) on *Use of annotations in Appendices I and II*, the revision is intended to ensure that CITES controls cover those commodities that first appear in international trade as exports from range States and include those commodities that dominate the trade and the demand for the wild resource.

At the 9th meeting of the Conference of Parties (CoP9, Fort Lauderdale 1994), a proposal submitted by India to include *Aquilaria malaccensis* in CITES Appendix II was adopted (CoP9 Prop.115). At the 13th meeting of the Conference of Parties (CoP13, Bangkok 2004), Indonesia submitted a proposal to include *Aquilaria* spp. and *Gyrinops* spp. in CITES Appendix II (CoP13 Prop. 49). Following discussion, the proposal was adopted with the following annotation:

**#1** Designates all parts and derivatives, except:

- a) seeds, spores and pollen (including pollinia);
- b) seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers; and
- c) cut flowers of artificially propagated plants;

At the 15th meeting of the Conference of Parties (CoP15, Qatar 2010), the Conference of the Parties adopted proposal CoP15 Prop. 25 to delete annotations #1 and #4 and replace them both with a new annotation #4, as follows:

**#4** 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, and to seeds from *Beccariophoenix madagascariensis* and *Neodypsis decaryi* exported from Madagascar;
- 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 genus *Vanilla* (Orchidaceae) and of the family 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 antisiphilitica* packaged and ready for retail trade.

At CoP14 (The Hague, Netherlands 2007), the Conference of the Parties adopted the following Decisions concerning agarwood:

## **Agarwood producing taxa:**

### ***Directed to Parties involved in agarwood trade and to the Secretariat***

- 14.137 Parties involved in trade in agarwood should, in consultation with the Secretariat, identify funds and produce identification materials for all forms of traded products under CITES control.
- 14.138 (Rev. CoP15)  
Parties concerned should identify and agree on which agarwood products and quantities should be exempted from CITES controls. Once agreed, Parties concerned should agree which range State will prepare and submit a proposal for amendment of the current annotation for agarwood-producing species to be considered at the 16th meeting of the Conference of the Parties.
- 14.140 Parties involved in agarwood trade shall prepare a glossary with definitions that illustrate the content of the amended annotations, the terms used and their practical application during enforcement and border controls. The Secretariat should facilitate the preparation and production of these materials, and strategies for incorporating them in training material.

### **Directed to the Secretariat**

- 14.144 (Rev. CoP15)  
The Secretariat shall assist in obtaining funding from Parties, intergovernmental and non-governmental organizations, exporters, importers and other stakeholders to support a workshop aimed at strengthening the capacity of Parties to implement agarwood-related Decisions before the 16th meeting of the Conference of the Parties.
- 15.95 Subject to external funding, the Secretariat shall, in cooperation with the agarwood range States and the Plants Committee, organize a workshop to discuss management of wild and plantation-source agarwood.

In accordance with the Decisions and supported by external funding, a workshop on 'Implementation of CITES for Agarwood-producing species' was held in Kuwait, 3-6 October 2011 (PC20 Inf.1, PC20 Doc. 15.1). A second Asian Regional Workshop on 'Agarwood: Management of Wild and Plantation-Grown Agarwood' was held in Bangka Tengah, Indonesia 22-24 November, 2011 (PC20 Doc. 17.2.1). More than 20 Parties from Asia, and the Regional Representatives to the Plants Committee from Asia (China, Indonesia, and Kuwait) and Oceania (Australia) participated in the workshops. Participants in the Kuwait Workshop adopted a glossary of agarwood products that includes photographs and descriptions intended to present a clear presentation of the products in trade for the non-specialist. The workshop participants also discussed which products should be exempted from the CITES controls. The Indonesia workshop further discussed the glossary and the scope of products that might be exempted.

At its 20th meeting (PC20, Dublin 2012), the Plants Committee established a working group on agarwood to discuss the outcome of the two workshops. The working group was co-chaired by the Representatives from Asia (Ms. Zhou) and Oceania (Mr. Leach) and the Alternate Representative from Asia (Ms. Al-Salem). Other members included: the Representative from Asia (Mr. Partonihardjo), Australia, Belgium, Canada, China, Germany, Indonesia, Italy, Poland, Qatar, Republic of Korea, Malaysia, Saudi Arabia, South Africa, Switzerland, United Republic of Tanzania, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, the European Union, Ajmal Perfumes, and the Assam Agarwood Traders Association. The report of the working group (PC20 WG6 Doc.1) was adopted by the Plants Committee with some amendments. Also at PC20, the Plants Committee engaged in extensive discussions concerning a possible amendment to the annotation for agarwood-producing species, which was based on Annotation #4.

At the 16th meeting of the Conference of the Parties (CoP16, Bangkok 2013), China, Indonesia, and Kuwait, submitted a proposal to replace the annotation to the listings of *Aquilaria* spp. and *Gyrinops* spp. in Appendix II. Following extensive discussion at that meeting, the Conference of the Parties adopted the following annotation:

**#14** All parts and derivatives except:

- a) seeds and pollen;
- b) seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers;
- c) fruits;
- d) leaves;
- e) exhausted agarwood powder, including compressed powder in all shapes; and
- f) finished products packaged and ready for retail trade, this exemption does not apply to beads, prayer beads and carvings.

3. Consultations

Paragraph e) of Decision 16.162 on *Annotations* directs the working group to review the appropriateness and practical implementation of the annotation(s) of the agarwood-producing taxa (*Aquilaria* spp. and *Gyrinops* spp.), taking into consideration the previous work done by the range and consumer States of these species.

At the request of the Standing Committee Working Group on Annotations, in December 2015 the United States undertook consultations to determine if Parties observe agarwood woodchips traded as finished products packaged and ready for retail trade. The United States sent the request to the working group members that are also Regional Representatives to the Plants Committee, asking them to consult within their Regions on this issue.

The Alternate Representative from Asia noted that one can find agarwood woodchips in the Middle East as finished products packaged and ready for retail trade but that trade in such specimens requires CITES documents. She noted that, consequently, there did not appear to be a need to revise the annotation. During subsequent discussions within the Working Group, she agreed to the recommendation to propose a revision to the annotation, noting also that she did not believe that the Middle East region would object if the amendment would assist other regions in ensuring effective implementation of the Convention.

The Representative from Oceania reported that exports from that Region are predominantly in large commercial quantities, noting however that the Oceania Region supplies a small percentage of the global agarwood trade. He also raised the concern that it would be relatively simple to package woodchips in plastic bags of one to several kilograms and call it “finished products packaged and ready for retail trade,” in an effort to avoid the need for CITES documents.

The United Kingdom reported that the U.K. Border Force confirmed that most of the illegal trade and enforcement issues with agarwood over the history of the listing of the agarwood-producing taxa in the CITES Appendices concerned packaged woodchips, many of which were subsequently exempted from CITES controls once Annotation #14 was amended. The United Kingdom further noted that much of the material it seized did not indicate the country of origin and only a small proportion of its woodchip seizures would not be considered “packaged and ready for retail trade.” The majority of such seizures were made because of the lack of accompanying CITES documents.

U.S. enforcement personnel indicated that they observe agarwood woodchips traded in a form that would be considered “finished products packaged and ready for retail trade.”