



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17.03.2000
COM(2000) 146 final

2000/0063 (ACC)

Proposal for a

COUNCIL DECISION

on the Community position to be adopted on certain proposals submitted to the 11th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Gigiri, Kenya, 10 - 20 April 2000

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The 11th meeting of the Conference of the Parties to CITES will be held in Gigiri, Kenya, from 10 – 20 April 2000.
2. The text of the Convention was changed in 1983 to allow Regional Economic Integration Organisations such as the EC to become a Party. However, an insufficient number of Parties have ratified this change in order for it to come into effect. Diplomatic efforts continue to achieve the necessary ratifications but this has proved a slow process and at best it might be hoped that the Community can become a Party in time for the 12th Conference of the Parties in 2002.
3. However, in view of the effects of decisions taken by the Conference of the Parties on the implementation of the Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein¹, it is necessary, on the basis of Article 133 of the Treaty, to adopt a Community position on proposals submitted to it.
4. On 14 January the Commission services held an informal meeting with experts from the Member States to discuss the issues to be debated at the Conference of the Parties.
5. In the case of agenda items 19, 20, 30, 31, 33, 37, 40, 46, 48, 53, 54, 56, and 57 some documents for the Conference are not yet available and in these cases it is not possible to propose a Community position at the present time. The Commission therefore proposes that the position on these issues be established during the meeting on the basis of further proposals from the Commission.
6. The business of the Conference falls into three parts: strategic and administrative matters, interpretation and implementation of the Convention and proposals to amend the appendices. As the Community is not a Party to the Convention the first does not generally impact on Council Regulation 338/97. The second part represents the evolution of the Convention and is of considerable technical importance but is not likely to have a very high public profile. By contrast the amendments to the appendices (levels of protection afforded to different species) are certain to prove controversial.

¹ OJ L61 of 03.03.1997, p.1

7. Four issues are likely to dominate the discussions surrounding the amendment of the appendices: whales, African elephants, sea turtles and sharks. On whales, the Community's position should be unambiguous: no return to commercial whaling until the International Whaling Commission deems that the appropriate management controls are in place. Concerning African elephants, following the experimental re-opening of international trade that took place last year, African states have put forward conflicting proposals to expand or to halt international trade. The Community should reject all these proposals whilst established monitoring mechanisms deliver an assessment of the conservation impact of the trade that has already been sanctioned. Cuba is repeating previous attempts to restart international trade in sea turtle products. However, doubts remain about the sustainability of any long-term harvesting of these animals. Three proposals for tighter regulation of international trade in various shark species merit attention or support. However care will need to be taken to ensure that they do not cut across actions taken in other fora such as FAO.

Proposal for a

COUNCIL DECISION

on the Community position to be adopted on certain proposals submitted to the 11th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Gigiri, Kenya, 10 - 20 April 2000

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Convention on International Trade in Endangered Species of Wild Fauna and Flora is implemented in the Community by Council Regulation (EC) No 338/97 of 9 December 1996².
- (2) Proposals for Resolutions of the Conference of the Parties and amendments to the Appendices of the Convention will, in most cases, affect the Community legislation concerned.
- (3) In such circumstances where Community rules have been promulgated for the attainment of the objectives of the Treaty, the Member States cannot outside the framework of the Community institutions assume obligations which might affect those rules or alter their scope.
- (4) The Community has not yet been able to become a contracting party to the Convention.
- (5) In such circumstances the Community position should be represented by the Member States acting jointly in the Community interest and within the framework of a common position decided by the Council.

² OJ L61 of 03.03.1997, p.1

HAS DECIDED AS FOLLOWS:

Article 1

The position of the Community, to be represented by the Member States, acting jointly in the Community interest, at the 11th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, shall be in accordance with the positions contained in the Annex to this Decision.

Article 2

Where the position referred to in Article 1 is likely to be affected by new scientific or technical information presented before or during the meeting of the Conference of the Parties or where proposals are made in matters not yet the subject of a Community position, a position shall be established on the proposal concerned before the Conference of the Parties is called to vote on it.

Done at Brussels,

*For the Council
The President*

Annex to Council Decision on the Community position to be adopted on certain proposals submitted to the 11th Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Gigiri, Kenya
10-20 April 2000

Strategic and administrative matters

1. Rules of Procedure

Doc. 11.1

Summary: Amongst the changes to the CoP Rules of Procedure agreed by the Standing Committee for adoption at the CoP is a new Rule 11.2 which would permit Parties that are members of a regional economic integration organisation to be seated together if they so wish.

Comments: If the Member States were able to sit together at the Conference, this would greatly facilitate co-ordination, particularly when proposals to be voted upon are subject to last minute changes which could not be accounted for during pre-session co-ordination meetings. The Presidency would have the possibility to invite the Commission to join them (Rule 11.4)

Conclusion: The Community shall actively support the proposed rule change related to seating arrangements for members of regional economic integration organisations and if it is agreed by the Plenary, request to be seated together for the remainder of CoP11.

- | | |
|--|------------------|
| 2. Election of Chairman and Vice-Chairmen of the meeting and of Chairmen of Committees I and II and of the Budget Committee | |
| 3. Adoption of the Agenda | Doc. 11.3 |
| 4. Adoption of the Working Programmes | Doc. 11.4 |
| 5. Establishment of the Credentials Committee | |
| 6. Report of the Credentials Committee | |
| 7. Admission of observers | Doc. 11.7 |
| 8. Matters related to the Standing Committee | |
| 1. Report of the Chairman | Doc. 11.8 |
| 2. Election of new regional and alternate regional members | |

Summary:

Comments: The current representation for the European Region is as follows:

- i) Italy – term of office expires at the close of CoP12 (alternate Czech Republic)
- ii) Russian Federation – term of office expires at the close of CoP12 (alternate Bulgaria)
- iii) United Kingdom – term of office expires at the close of CoP11 (alternate France)

Already declared candidates for the vacant posts are:

Member: France and Greece.

Alternate: Portugal.

Conclusion: The Community shall support the candidature of Member States and endeavour to avoid a situation in which Member States are competing between each other for places on the Standing Committee.

- 9. Reports of the Secretariat**
 - 1. Annual report of the Secretariat** **Doc. 11.9.1**
 - 2. Staffing of the Secretariat** **Doc. 11.9.2**
- 10. Financing and budgeting of the Secretariat and of meetings of the Conference of the Parties**
 - 1. Financial report for 1997, 1998 and 1999** **Doc. 11.10.1**
 - 2. Estimated expenditures for 2000** **Doc. 11.10.2**
 - 3. Budget for 2001-2002 and Medium-term Plan for 2001-2005** **Doc. 11.10.3**
 - 4. External funding** **Doc. 11.10.4**
- 11. Committee reports and recommendations**
 - 1. Animals Committee**
 - a) Report of the Chairman** **Doc. 11.11.1**
 - b) Election of new regional and alternate regional members**

Summary:

Comments: The current representation for the European Region is as follows:

- i) Dr Marinus HOOGMOED (NL) (alternate Dr Tom TEW - UK)
- ii) Dr Katalin RODICS (HU) (alternate Dr Olof BISTROM - FI)

Already declared candidates are:

Members: Dr Marinus HOOGMOED (NL), Dr Katalin RODICS (HU) and Dr Thomas ALTHAUS (CH)

Alternates: None yet declared.

Conclusion: The Community shall support the candidature of experts from Member States and endeavour to avoid a situation in which individuals from Member States are competing between each other for places on the Animals Committee.

- 2. Plants Committee**
 - a) Report of the Chairman** **Doc. 11.11.2**
 - b) Election of new regional and alternate regional members**

Summary:

Comments: The current representation for the European Region is as follows:

- i) Dr Margarita CLEMENTE (ES) (alternate Dr Dieter SUPTHUT - CH)
- ii) Dr Jan de KONING (NL) (alternate Dr Hanna WERBLAN-JAKUBIEC - PL)

Already declared candidates are:

Members: Dr Margarita CLEMENTE (ES) and Dr Jan de KONING (NL)

Alternates: Dr Dieter SUPTHUT (CH) and Dr Hanna WERBLAN-JAKUBIEC (PL)

Conclusion: The Community shall support the candidature of experts from Member States and endeavour to avoid a situation in which individuals from Member States are competing between each other for places on the Plants Committee.

- 3. Identification Manual Committee** **Doc. 11.11.3**
- 4. Nomenclature Committee**
 - a) Report of the Chairmen** **Doc. 11.11.4.1**
 - b) Recommendations of the Committee** **Doc. 11.11.4.2**

12. **Evolution of the Convention**
 1. Action plan to improve the effectiveness of the Convention Doc. 11.12.1
 2. Strategic plan for the Convention Doc. 11.12.2
 3. Co-operation and synergy with the Convention on Biological Diversity and other biodiversity-related conventions Doc. 11.12.3
 4. Improvement of the effectiveness of the Convention: financing conservation of species of wild fauna and flora Doc. 11.12.4
13. **Terms of reference of permanent committees** Doc. 11.13
14. **Synergy with the United Nations Food and Agriculture Organization** Doc. 11.14
15. **International Whaling Commission**
 1. Relationship with the International Whaling Commission Doc. 11.15.1
 2. Reaffirmation of the synergy between CITES and the International Whaling Commission Doc. 11.15.2

Summary: Two “rival” draft Resolutions are presented. Doc 11.15.1 essentially reconfirms the applicability of Resolution Conf. 9.24 and Doc 11.15.2 essentially reconfirms the existence of Resolution Conf. 2.9 and the consultation elements of Resolution Conf. 9.24.

Comments: There is a need for a Community position on this issue because of its impact on the listing of cetacean species in the CITES appendices. Disputes over the efficacy or otherwise of the IWC should not be resolved in the CITES forum. It is curious that Doc. 11.15.1 does not propose repealing Resolution Conf. 2.9, indicating that the strategy of pro-whaling Parties may be to obtain a down-listing with zero quota – a result not incompatible with the retention of Resolution Conf. 2.9. Neither draft resolution appears to advance debate on this matter, both being somewhat self-evident. Resolution Conf. 2.9 was re-endorsed at CoP10 and there have been no substantial changes in circumstances since then.

Conclusion: The Community shall seek the withdrawal of both draft Resolutions. In the event that they are put to the vote, the Community shall vote against Doc 11.51.1 and in favour of Doc. 11.51.2

16. **Recognition of the important contribution made by observers to the CITES process at meetings of the Conference of the Parties** Doc. 11.16

Interpretation and implementation of the Convention

17. **Consolidation of valid Resolutions** Doc. 11.17

Summary: Three further elements (cetaceans, enforcement and scientific exchanges) in the exercise to consolidate past resolutions. This time two versions are presented, one a simple lumping together of all previous text on the subject, the second incorporating minor representation by the CITES Secretariat.

Comments: Although at least one of the subject matters under review is a sensitive one, there is no reason to break with the previous practise of permitting the Secretariat to make minor presentational changes in consolidating past resolutions on one subject. Such an approach aids clarity and therefore makes proper implementation of these Resolutions more likely. The fact that they are not binding on Parties makes it even more sensible to seek this clearer option which has proved successful in the past.

Conclusion: The Community shall follow the Secretariat’s proposal and support adoption of Annexes 1B, 2B and 3B of Doc 11.17.

18. Interpretation and implementation of Article III, paragraph 5, Article IV, paragraphs 6 and 7 and Article XIV, paragraphs 4, 5 and 6, relating to introduction from the sea
Doc. 11.18

Summary: Proposes a draft resolution to clarify the practical application of the Convention in relation to specimens introduced from the sea.

Comments: With the increasing probability of marine species in trade being included in the appendices of CITES, such clarification is overdue. The measures proposed, relating to definitions, certification and trade reporting, cover all the main areas of potential confusion and the solutions proposed offer a sound basis for discussion. The draft will however need amendment to clarify some technical points. Under Regulation 338/97 we will maintain the need for import permits rather than certificates of introduction from the sea in the EU.

Conclusion: The Community shall support this initiative and actively contribute to the drafting of a Resolution.

19. Report on national reports required under Article VIII, paragraph 7 (a), of the Convention
Doc. 11.19

20. Enforcement

1. Review of alleged infractions and other problems of implementation of the Convention
Doc. 11.20.1

2. Implementation of Resolutions
Doc. 11.20.2

Summary: Decision10.120 requested the Secretariat to list the Conf. Resolutions still in effect and assess their implementation. Hardly any Parties reported on which Resolutions they implement. The Secretariat suggests instead to try and identify which Resolutions pose implementation problems for Parties.

Comments: The EU's existing table of Resolutions and their implementation in the Community has been cited by the Secretariat as an example of what is needed. The Commission will update this table after CoP11.

Conclusion: The Community shall support the alternative tack proposed by the Secretariat and agree to provide relevant information to the Secretariat in due course.

21. National laws for implementation of the Convention

1. National legislation project
Doc. 11.21.1

Summary: The project to assess the suitability of Parties' national legislation to implement CITES began in 1992. The legislation of most Parties has now been reviewed although there is a need for ongoing revision. Only 25% of Parties have adequate legislation. The Secretariat proposes a new Decision on this subject, which presents a more passive approach than previously. This will involve recording any new legislation reported by Parties and providing advice to Parties requesting it, with priority for those Parties already identified as having the weakest national implementation measures. This strategy has been approved at the 42nd meeting of the Standing Committee.

Comments: The existence of adequate legislation to implement the Convention is a fundamental necessity if CITES is to achieve its objectives. Given the fact that 75% of the Parties do not have satisfactory legislation, it is clear that much more remains to be done. The co-operative stance proposed by the Secretariat, stressing the assistance on offer to Parties whose national implementation legislation is inadequate is helpful

Conclusion: The Community shall support the Secretariat's recommended Decision, but emphasise the need for sanctions in cases where weak national legislation badly compromises implementation of the Convention and offers of assistance are not taken up – see Doc11.21.2.

2. Measures to be taken with regard to Parties without adequate legislation

Doc. 11.21.2

Summary: Reports on measures taken in relation to the Parties identified at Cop10 as having the most serious deficiencies in their national implementing legislation. Significant improvements occurred in almost all cases. The Secretariat proposes further action to address outstanding problems in other Parties. Fiji, Turkey, Viet Nam and Yemen face a trade suspension if they do not adopt adequate legislation by 31 October 2001. Other Parties whose legislation has been noted as inadequate are required to give a report to the Secretariat who will recommend necessary action at CoP12.

Comments: The Secretariat and the Standing Committee should be congratulated on obtaining significant legislative improvements under this initiative in countries such as Guyana, Senegal and Egypt which are engaging in wildlife trade on a significant scale. It is important to pursue this initiative further as the existence of adequate legislation to implement the Convention is a fundamental necessity if CITES is to achieve its objectives. It should be clarified exactly which Parties are referred to in paragraph 3 a) of the draft decision.

Conclusion: The Community shall support the draft Decision proposed by the Secretariat and confirm its willingness apply any sanctions recommended by the Standing Committee.

22. Reporting of seizures

Doc. 11.22

Summary: Draft Resolution proposing closer co-operation between Parties involved in the event of seizures of specimens and arrest or prosecution of a foreign national.

Comments: Enforcement co-operation is of great importance to the effective implementation of CITES. It is particularly important to be able to “back-track” following the identification of an infraction to see if others involved in the activity can be apprehended and to understand better how the chain of illegal transactions was conducted. However, for legal or investigatory reasons it may be best not to disclose information to others immediately in certain cases and the current language of the draft reflects this. The views of INTERPOL and WCO, which both have their own networks for information exchange, should be sought.

Conclusion: The Community shall support the principle of the draft Resolution and contribute to drafting a final text.

23. Persistent offenders

Doc. 11.23

Summary: Recommends that the CITES Secretariat compile and maintain a blacklist of persistent offenders against CITES provisions and that such persons be denied CITES permits whilst on the list.

Comments: Although the frustration of the drafters is understandable, there are a number of flaws in the proposal. The list serves no purpose unless it results in some action and the action proposed (denial of permits) may well prove legally impossible to implement especially where the applicant has committed no crime in the country of application and the application itself is perfectly legal. It is also to be anticipated that persistent offenders will find it

relatively easy to hide behind aliases and front firms to avoid identification. Attempts to apply similar lists in other fora have not been successful.

Conclusion: The Community shall not support the draft Resolution.

24. Use of annotations in the appendices Doc. 11.24

Summary: Decision 10.70 called for a clarification of the use of annotations in the appendices. The resulting draft Resolution divides annotations into reference (information purposes only) and substantive (part of a listing) annotations, with significant guidance provided on the use and changing of the latter.

Comments: The use of annotations to the appendices, for a variety of purposes, has got out of hand over time. Although their use increases flexibility, they also make the Convention more complicated to implement. The draft presents a useful clarification although it is unlikely to stem the tide of increasingly complex annotations.

Conclusion: The Community shall support the proposal and contribute to the drafting of a final text.

25. Procedure for the review of criteria for amendment of Appendices I and II Doc. 11.25

Summary: The Resolution (Conf. 9.24) establishing the current listing criteria foresaw their review prior to CoP12. This document from the Chairs of Animals and Plants Committees presents terms of reference and a timetable for this review. It provides for the establishment of a Criteria Working Group drawn up on a regional basis from the members of the Animals and Plants Committees and assisted by four co-opted members. This Group report will be discussed extensively with the Parties and the Animals/Plants Committees before being endorsed by the Standing Committee for presentation to CoP12. Using examples researched by the Animals and Plants Committees the Group will assess the scientific validity and applicability of the existing criteria and the guidance that accompanies them.

Comments: Whilst inevitably a little subjective, the objectives of the review seem broadly satisfactory. The timetable however looks rather ambitious particularly that part scheduled for the year 2000. It will be important to co-opt qualified individuals from interested and affected organisations such as ITTO and FAO to avoid “parallel” reviews by these organisations which would be unhelpful.

Conclusion: The Community shall support the proposed Terms of Reference in principle and play an active part in their finalisation.

26. Definition of the term "appropriate and acceptable destinations" Doc. 11.26

Summary: An attempt to elaborate on a rather clumsy term used in listing annotations related to live specimens. The text goes into considerable detail about restrictions upon and consultations over exports under these terms.

Comments: The draft appears over prescriptive for an issue of relatively minor conservation significance. In addition several aspects would appear to be in excess of the requirements of the Convention (e.g. ban on re-exports). An alternative approach is to be found in amendment proposal 11.25, which is much simpler and should be sufficient to clarify the issue although as currently proposed it would only apply to elephants.

Conclusion: The Community shall support the draft Resolution only if it is amended along the lines of the text found in amendment proposal 11.25, which has the same objective (although at present limited to elephants).

27. Recognition of risks and benefits of trade in wildlife

Doc. 11.27

Summary: Seeks to rewrite Resolution Conf. 8.3 in terms that stress the difficulties of achieving sustainability and urges the consideration of alternatives to commercial trade in wildlife (presumably refers tourism).

Comments: The substantive part of the draft Resolution adds little to the operative part on Resolution Conf. 8.3 and the remainder consists largely of truisms. There would appear to be no reason why commercial trade and tourism cannot co-exist, indeed they are combined in the case of sport-hunting. Given that the principle of sustainable use (for commercial purposes or otherwise) is firmly enshrined in many international instruments, the attention of CITES should be focussed on delivering its objectives rather than listing the difficulties in its implementation.

Conclusion: The Community shall not support the draft Resolution.

28. Quotas for species in Appendix I

1. Leopard

Doc. 11.28.1

Summary: Doc. 11.28.1 shows that firstly trade in leopard skins is being carried out at levels considerably less than approved as sustainable by the Conference of the Parties but secondly that a number of the Parties that were granted these quotas have not been fulfilling the special reporting requirements specified in Resolution Conf. Res. 10.14

Comments: Although it might seem unwise to “reward” Parties who fail to fulfil reporting obligations placed upon them by the Conference of the Parties, these obligations do seem burdensome if they serve no practical purpose.

Conclusion: The Community shall support efforts to make the reporting requirements for Parties allocated leopard quotas more standardised and appropriate to conservation and control needs.

2. Markhor

Doc. 11.28.2

Summary: Under the quota system approved by CoP10, no markhor were hunted in Pakistan in 1997 and 3 were hunted in 1998. The specimens were tagged in accordance with Conf 10.15. Pakistan provided the required information on the status of the species in 1997 but no new information in 1998. The Secretariat suggests that the provision of such information annually may be too onerous and that a different interval could be agreed.

Comments: No major problems have been encountered in the use of the export quota for hunting trophies approved for this species in Pakistan. A report on the status of the species in 1997 showed no cause for concern. The requirement to report annually on the status of the species does indeed appear rather onerous for a species found in such a remote area, there would seem no conservation reason to object to a longer timeframe for reporting.

Conclusion: The Community shall note the use of this quota and agree to suitable changes in the reporting timescale in Conf 10.15.

29. Trade in bear specimens

Doc. 11.29

Summary: A report from the Secretariat about trade in bears and bear parts as required by Decisions 10.44 and 10.65 based largely on contributions from the Parties. However, this situation is still a cause for concern and the Secretariat proposed to draw up another report on the subject, with contribution from Parties by 31.07.01.

Comments: This is a rather upbeat report considering past concerns about trade in bear parts. Some clarification of the Community's stricter measures will be needed to respond to criticisms in Para 3 about apparent confusion over whether Appendix II bear hunting trophies can be considered personal effects or not. Although not specifically named, this clearly refers to EU stricter domestic measures.

Conclusion: The Community shall welcome the report and support the move for a further review before CoP12.

30. Conservation of and trade in tigers

1. Implementation of Resolution Conf. 9.13 (Rev.)

Doc. 11.30.1

2. Implementation of Decision 10.66

Doc. 11.30.2

31. Conservation of and trade in elephants

1. Experimental trade in raw ivory of populations in Appendix II

Doc. 11.31.1

2. Monitoring of illegal trade and illegal killing

Doc. 11.31.2

3. Revision of Resolution Conf. 10.10

Doc. 11.31.3

Summary: Proposes changes to Resolution Conf. 10.10 particularly in respect of arrangements for monitoring of illegal elephant killing (replacement of MIKE and ETIS), non-commercial buy-outs of official ivory stocks (removal of need for Conservation Trust Funds) and trade in live animals.

Comments: Although MIKE has not yet attracted the funding necessary to begin in earnest, it forms an important element in assessing the impact of trade in African elephant products. The alternative approach in Doc 11.31.3 is rather loose; it does not provide sufficient opportunity for the Secretariat to verify indications of increased poaching and proposes over-precipitous action in such an eventuality. There is also no need to alter the ETIS programme at present; it is generating useful information. Given the lack of progress on Decision 10.2, changes in the arrangements for non-commercial buyouts of ivory may be warranted but their success cannot be guaranteed. The Community should be wary of contributing in detail to these mechanisms unless there is a clear intention of contributing financially afterwards. The proposals relating to Secretariat fund raising for *in-situ* elephant conservation and restrictions on the export of live specimens would appear to be out of the scope of CITES. Concerning the proposed changes in relation to trade in live specimens, these would appear to be excessive in relation to the conservation needs of the African elephant and impractical when dealing with inter-zoo movements.

Conclusion: The Community shall oppose the revision Resolution Conf. 10.10 as proposed.

4. Non-commercial disposal of ivory stockpiles

Doc. 11.31.4

Summary: This documents merely repeats the elements of Doc 11.31.3 which concern Decision 10.2 – non-commercial buy-outs of official ivory stocks. It proposes that, subject to marking etc, government ivory stocks may be “sold” at any time provided that revenues are used for elephant conservation.

Comments: Given the lack of progress on Decision 10.2, changes in the arrangements for non-commercial buyouts of ivory may be warranted but their success cannot be guaranteed. The proponents suggest that it is the establishment of Conservation Trust Funds that has prevented non-commercial buy-outs becoming a reality. In fact the reasons are probably more fundamental than this. Decision 10.2 envisaged only the sale of stocks registered in the initial audit in 1997. The “sale” of governmental stockpiles at any time does risk the acquisition of further ivory for this purpose but if it can be guaranteed that funds generated will be used for elephant conservation this might not present any conservation problems. The Community should be wary of contributing in detail to these mechanisms unless there is a clear intention of contributing financially afterwards. We have already been accused of bad-faith in the past on this point.

Conclusion: The Community shall only support the principle of this draft and contribute to its elaboration if there is a clear intention to contribute financially afterwards.

32. Conservation of and trade in rhinoceroses

Doc. 11.32

Summary: A report by the Secretariat on the rhino situation and in particular Resolution Conf. 9.14 and Decision 10.45. After investigation, the proposal to develop new standardised indicators to measure changes in levels of illegal hunting of rhinos appeared rather ill-judged. The Standing Committee refused to sanction the expenditure required and preferred to look for synergy with existing monitoring system. The Secretariat considers that the whole of Resolution Conf. 9.14 should be repealed or radically revised.

Comments: Although the problem of illegal trade in rhino horn has certainly not been resolved, it does seem that the situation has stabilised somewhat. Resolution Conf. 9.14 was drafted at a time when fears for the future of rhinos were at their peak. Whatever revision might be agreed, needs the support of the range states.

Conclusion: The Community shall support the repeal or substantial revision of Resolution Conf. 9.14.

33. Exports of vicuña wool and cloth

Doc. 11.33

34. Conservation of and control of trade in Tibetan antelope

Doc. 11.34

Summary: A draft Resolution originating from an International Workshop on the species (Oct 1999). It largely calls for attention to be focussed on illegal trade in this species and particularly in woollen (shahtoosh) shawls.

Comments: Several Member States were involved in the workshop that drew up this draft Resolution. The EU is a major consumer. Although the preamble congratulates several Member States on enforcement action taken, further initiative should be developed, perhaps in the forum of the EU Enforcement Group. The proposals relating to privately owned shahtoosh garments might not be enforceable in practice.

Conclusion: The Community shall support the draft Resolution with minor amendments.

35. Trade in freshwater turtles and tortoises to and in South-east Asia

Doc. 11.35

Summary: A discussion paper that highlights the alarming unsustainable use of SE Asian chelonians. It proposes that range states and importers undertake a number of activities to address this problem, culminating in a technical workshop which will report to the Animals Committee.

Comments: Although most of the species concerned are not listed on CITES, there are precedents for such an approach (cf. Resolution Conf. 9.15 on edible-nest swiftlets). There seems no reason why this should not be developed into a Resolution, although there will need to be some confidence that the necessary funds can be located outside the CITES Trust Fund. Enthusiastic support from SE Asian countries will be essential if this exercise is to be a success. The potential role of the Convention on Biological Diversity on issues like this could be usefully stressed here.

Conclusion: The Community shall support the preparation of a Resolution on the basis of this discussion paper.

36. Trade in seahorses and other members of the family Syngnathidae Doc. 11.36

Summary: This is a similar discussion paper to Doc 10.35, although the recommendations are aimed more widely at different actors (CITES Parties, hobby industry, traditional medicine industry, scientists).

Comments: Although the conservation problems are perhaps less acute than with SE Asian chelonians, there are doubts over the sustainability of current use – hence the listing on Annex D of Regulation 338/97. The potential role of the Convention on Biological Diversity on issues like this could be usefully stressed here.

Conclusion: The Community shall support the preparation of a Resolution on the basis of this discussion paper.

37. Identification and reporting requirements for trade in specimens of hard coral Doc. 11.37

38. Timber species

1. Report from the Secretariat Doc. 11.38.1

Summary: This report deals with the 15 Decisions adopted at CoP10 concerning Timber species. Many of the objectives have been discharged or are now redundant and it is recommended that the relevant Decision should be repealed. For others concerning the Timber Working Group, review of listed timber species, use of silvicultural techniques and trade reporting efficacy it is proposed that they are rolled forward to CoP12.

Comments: Progress has been made on identification of timber products, thanks to the efforts of Spain but on other points, previous Decisions appear to have been rather superfluous or have been given low priority and have been deferred.

Conclusion: The Community shall broadly support the proposals of the Secretariat concerning previous Decisions on timber species and reschedule and refocus deferred matters where appropriate.

2. Progress in the conservation of *Swietenia macrophylla* (bigleaf mahogany) Doc. 11.38.2

Summary: Doc. 11.38.2 is a report on a workshop convened following the unsuccessful attempt to list *Swietenia macrophylla* in Appendix II at CoP10. The workshop reaffirmed the commitment of those countries that have listed the species in Appendix III to apply the necessary controls and of all range states present to co-operate in efforts to ensure sustainable harvesting of the species.

Comments: No particular action is called for by Doc 11.38.2

Conclusion: The Community shall note the contents of Doc 11.38.2

39. Standard nomenclature

Doc. 11.39

Summary: This document from the Nomenclature Committee revises Resolution Conf. 10.22 and updates the list of standard nomenclatural references for species included or proposed for inclusion in the appendices.

Comments: The establishment of standard nomenclatural references is a useful practical tool in the application of CITES. The incremental process of identifying such references should be supported. The inclusion in point d) of the operative part of the draft, of a reference for the distribution of tortoises and turtles is a new departure. It would appear to be outside of scope of the Resolution and outside the terms of reference of the Nomenclature Committee. In the expectation that the listing proposal for the genus *Mantella* will be successful, the question of a nomenclatural reference for this genus should be addressed.

Conclusion: The Community shall support the draft Resolution with the exception of the last reference in point d) and shall suggest a standard reference for the genus *Mantella*.

40. Assistance to Scientific Authorities for making non-detriment findings

Doc. 11.40

41. Significant trade in Appendix-II species

1. Implementation of Resolution Conf. 8.9

Doc. 11.41.1

Summary: An information paper presented by the Secretariat summarising action taken on particular animal species in the course of the Significant Trade process (1992-1999).

Comments: Quite a clear summary of a complicated process. Should be read in conjunction with Doc. Inf. 11.2

Conclusion: The Community shall note the contents of this information paper

2. Revision of Resolution Conf. 8.9

Doc. 11.41.2

Summary: Resolution Conf. 8.9 launched the Significant Trade process for fauna species. The present draft proposes minor changes to the approach and more importantly extends its provisions to plants.

Comments: Modelled on the EU approach in the previous wildlife trade Regulation 3626/82, Resolution Conf. 8.9 has proved particularly successful at reducing unsustainable use of Appendix II species. So successful that in recent years the Animals Committee has had some difficulty in identifying problem situations to examine. However its limitation to animals was a drawback. The present draft incorporates language to allow plant taxa to be evaluated using one unified system, this is not easy given the differences in available information between the two Kingdoms. Given the close linkage between Community policy and the Significant Trade process, it will be important for the Community to take an active part in the final drafting of this Resolution. The objective being to ensure that the Community's stricter measures can be accommodated within the CITES framework.

Conclusion: The Community shall support the draft Resolution and play an active part in its final drafting.

42. Trade in specimens of species transferred to Appendix II subject to annual export quotas **Doc. 11.42**

Summary: Reports on the two populations of crocodile species that fall into the category indicated in the document title.

Comments: The record keeping of Tanzania concerning export of *Crocodilus niloticus* skins and trophies leaves something to be desired as can be seen from the Secretariat's report.

Conclusion: The Community shall note the report.

43. Amendment of Resolution Conf. 5.10 on the definition of "primarily commercial purposes" **Doc. 11.43**

Summary: This draft amendment to Resolution 5.10 proposes relatively minor changes to the definition of primarily commercial purposes. It is most substantive in giving examples of application in cases of field conservation programmes but also proposes that importation for the production of offspring for sale shall be considered as a primarily commercial.

Comments: The drafters confuse conservation benefit with commercial purposes. Concerning point 4, it is probably true that the Convention is rather outmoded in prohibiting transactions which although beneficial to the conservation of the species are also primarily commercial but this is the way that the Treaty is drafted. The other substantive change – new para f) – would appear to be unnecessary because even where specimens are transferred to private conservancies, the primary purpose of import would almost certainly be non- commercial. If it is commercial, then one could envisage many other circumstances (private hobby breeder/propagators etc) in which a case could be made that the conservation benefits override the commercial aspects. This is a slippery slope. It is true that Resolution Conf. 5.10 provides guidelines rather than a definition, this is a delicate issue. However these guidelines have stood the test of time rather well and it would be unwise to unravel them

Conclusion: The Community shall oppose the proposed amendments to Resolution Conf. 5.10

44. Bushmeat as a trade and wildlife management issue **Doc. 11.44**

Summary: The apparent increase and commercialisation of the bushmeat trade particularly in Africa has been highlighted in recent years. As this discussion document shows, solutions are to be found largely outside the scope of CITES. The document proposes the establishment of a working group to develop a programme of action on this subject.

Comments: The Committee already agreed the desirability of discussing this issue at CoP11 on Trade in Wild Fauna and Flora. There is an international trade dimension and CITES can be used as a catalyst for action. It will be important to seek support from those Parties within whose territory bushmeat trade is widespread. The potential role of the Convention on Biological Diversity on issues like this could be usefully stressed here

Conclusion: The Community shall support the involvement of CITES in this issue and the establishment of an inter-sessional working group on the subject.

45. Amendment of Resolution Conf. 9.6

1. Concerning diagnostic samples, samples for identification, research and taxonomic purposes and cell cultures and serum for biomedical research

Doc. 11.45.1

Summary: Proposes considering DNA samples, cell cultures and serum as not readily recognisable in CITES terms.

Comments: This proposal has been widely discussed in the Committee on Trade in Wild Fauna and Flora. Whilst the Community should press for all parts to be adopted a fall-back may be to delete those items in the second bullet point as they are not clearly needed for the conservation benefit of the species. It is worth pointing out that the problem only arises because the Community has a totally comprehensive definition of “readily recognisable” enshrined in law. Any Parties who object to the proposal should be questioned on their own legal possibilities on this point.

Conclusion: The Community shall actively support the proposed amendment.

2. Concerning final cosmetic products containing caviar Doc. 11.45.2

Summary: Proposes considering final cosmetic products containing caviar of sturgeon species included in Appendix II as not readily recognisable in CITES terms.

Comments: This issue arose at the European Regional meeting of January 1999 hosted by the Commission. The approach has been discussed at length in the Committee on Trade in Wild Fauna and Flora. The logic of the proposal is evident but comparisons with trade in Traditional Medicine products (e.g. musk *Moschus*) will need to be handled sensitively. If Parties insist on adding other products where the lack of conservation impact is less clear, we may need to reconsider our position. It is worth pointing out that the problem only arises because the Community has a totally comprehensive definition of “readily recognisable” enshrined in law. Any Parties who object to the proposal should be questioned on their own legal possibilities on this point.

Conclusion: The Community shall actively support the proposed amendment.

46. Cross-border movements of live animals for exhibition Doc. 11.46

47. Revision of resolutions on ranching and trade in ranched specimens Doc. 11.47

Summary: Revises and consolidates two existing Conference Resolutions on the subject (5.16(Rev) and 10.18) and provides for universal application of the ranching principle – previously it was limited to crocodilians. The proposal mandates the Secretariat to determine when an alteration of the management of the species necessitates a fresh proposal to the Conference of the Parties.

Comments: Ranching has proved quite a successful management technique in CITES terms. The proposal clarifies the rules governing this activity and gives them wider applicability. It should be welcomed.

Conclusion: The Community shall support the Animals Committee’s proposal and contribute to the finalisation of a consolidated Resolution.

48. Registration of operations breeding specimens of Appendix-I species in captivity for commercial purposes Doc. 11.48

49. Animal hybrids: amendment of Resolution Conf. 10.17 Doc. 11.49

Summary: Proposes a small change to Conf. Resolution 10.17 to the effect that a hybrid animal shall be treated according to the ‘highest’ annex in which any of its antecedents in the previous four generations occurred. i.e. Appendix I if any specimens in its previous four generations was an Appendix I specimen etc.

Comments: The proposed change is based on a suggestion from Australia at CoP10, subsequently adopted by the Animals Committee and promulgated in Notification 1998/28. Whilst it would probably be desirable to restrict opportunities for evading controls by extensively controlling trade in hybrid specimens, the wording of Article 2(t) of Regulation 338/97 would not appear to permit this in the Community at present.

Conclusion: The Community shall support the proposed amendment to Resolution Conf. 10.17, whilst making it clear that it may not be possible for us to implement it completely in the immediate future.

50. Use of microchips for marking live animals in trade

Doc. 11.50

Summary: Proposes amendments to Resolution Conf. 8.13, to the effect that microchipping can be helpful as an identification tool for all live specimens. It divorces CITES from the ISIS database.

Comments: This Resolution, even in its amended form, has little direct impact but can be seen as broadly helpful. The linkage to ISIS never worked properly and incurred unnecessary budgetary commitments.

Conclusion: The Community shall support the proposed amendment to Resolution Conf. 8.13 and contribute to the final drafting.

51. Universal tagging system for the identification of crocodilian skins

Doc. 11.51

Summary: Document proposing relatively minor changes existing Resolution Conf. 9.22 to deal with technical difficulties encountered and incorporate the contents of Resolution Conf. 6.17.

Comments: Most changes seem sensible and understandable. However the proposed additions to point i) should be queried. It is unclear what the purpose of establishing a system of registration of tanners would be and it seems that the only actual “producers” of crocodilian skins are the crocodiles themselves.

Conclusion: The Community shall support the proposed amendment of Resolution Conf. 9.22 and contribute to the drafting of a practical revision of the text.

52. Movement of sample crocodilian skins

Doc. 11.52

Summary: Proposes that the Secretariat investigate ways to streamline the procedures for the permitting of tagged crocodilian skins to be used in trade shows and returned to their country of origin.

Comments: A simple request. European manufacturers of leather goods have expressed requests for similar measures for industrial samples. The difference being that the specimens are not marked in any way. However as draft decision seeks only to explore the possibilities, the Community could request the extension of the enquiry to all reptile products. It may be possible to draft a Conference Resolution on this subject at CoP11, if so care should be taken to ensure that it is framed in a way that can be implemented through the Community’s existing legal framework.

Conclusion: The Community shall support the draft Decision and seek its extension to other reptile products. If the opportunity arises, the Community should press for a Conference Resolution on this subject to be agreed and contribute to its drafting.

53. Universal labelling system for the identification of sturgeon specimens (caviar)

Doc. 11.53

54. Transport of live animals

Doc. 11.54

55. Definition of the term "prepared"

Doc. 11.55

Summary: Draft Resolution that seeks to define the word “prepared” in the context of “so prepared and shipped as to minimise the risk of injury, damage to health, or cruel treatment” as used in the text of the Convention in relation to the trade in live specimens. The definition would extend to all processes from capture to the point of export.

Comments: It is undoubtedly true that excessive mortality in capture and pre-export handling is wasteful and can make it more difficult to achieve sustainability. However the terms of the Convention clearly relate the term “prepared” to the shipping of the specimens. It follows that this term should only apply when the handling of the specimens has a direct bearing on their survival etc during shipping. The proposal would best be considered as an amendment to Resolution Conf. 10.21

Conclusion: The Community shall support the proposal provided that the term “prepared” is limited to relate only to circumstances when the treatment of live specimens will have a bearing on their fitness for shipping.

56. Trade in traditional medicines

Doc. 11.56

57. The Information Management Strategy

Doc. 11.57

58. Potential risk of wildlife trade to the tourism industry

Doc. 11.58

Summary: Draft Resolution that highlights the commercial importance but also the possible side-effects of wildlife-related tourism. It notes possible threats to tourism industries from wildlife trade.

Comments: Much of this draft Resolution appears outside the scope of CITES. The perceived threat to tourism from wildlife trade is cited as that from poaching and the “bush wars” which sometime result during its control. Poaching is a danger whether or not wildlife trade is occurring. It is worth noting that in the case of sport hunting, tourism and wildlife trade are actually combined.

Conclusion: The Community shall oppose the draft Resolution.

Consideration of proposals for amendment of Appendices I and II

59. Proposals to amend Appendices I and II

1. Proposals resulting from the periodic review by the Plants Committee Doc.11.59.1

Prop N°.	Taxon/Detail	Proposal	Proponent	Comments	Position	
					+	-
11.1	<i>Ceropegia</i> spp.	II - 0	CH		+	
11.2	<i>Frerea indica</i>	II - 0	CH		+	
11.3	<i>Byblis</i> spp.	II - 0	AU		+	
11.4	<i>Disocactus macdougalli</i>	I - II	CH		+	
11.5	<i>Sclerocactus mariposensis</i>	I - II	CH		+	
11.6	<i>Cephalotus follicularis</i>	II - 0	AU		+	
11.7	<i>Dudleya stolonifera</i> <i>Dudleya traskiae</i>	I - II	CH		+	
11.8	<i>Cyathea</i> spp. a) Change current listings of Cyatheaceae spp. to <i>Cyathea</i> spp. (including <i>Alsophila</i> , <i>Nephelea</i> , <i>Sphaeropteris</i> , <i>Trichipteris</i>)		CH		+	
	<i>Cibotium barometz</i> <i>Dicksonia</i> spp. b) Change current listing of Dicksoniaceae spp. to <i>Dicksonia</i> spp. (originating in the Americas only) and <i>Cibotium barometz</i>		CH		+	
11.9	<i>Shortia galacifolia</i>	II - 0	CH		+	
11.10	<i>Lewisia cotyledon</i> <i>Lewisia maguirei</i> <i>Lewisia serrata</i>	II - 0	CH		+	
11.11	<i>Darlingtonia californica</i>	II - 0	CH		+	

2. Proposals concerning export quotas for specimens of species in Appendix I or II

Doc. 11.59.2

Prop N°.	Taxon/Detail	Proposal	Proponent	Comment	Position	
					+	-
11.12	<i>Crocodylus niloticus</i> (TZ pop) (1600 W, Unlimited R)	II - II	TZ	The net result of this proposal is an increase of 500 p.a. in the export quota for wild-taken specimens. Precautionary measure Resolution Conf.. 9.24 Annex 4 B.2 c) applies. In view of the lack of effective ranching in Tanzania, the <u>unlimited</u> quota for ranched specimens should be opposed .	+	

3. Other proposals

Doc. 11.59.3

Prop N°.	Taxon/Detail	Proposal	Proponent	Comments	Position	
					+	-
11.13	<i>Manis crassicaudata</i> <i>Manis pentadactyla</i> <i>Manis javanica</i>	II - I	IN/US	Cited criteria - Resolution Conf..9.24, Annex 1.C/D – not met. Two of the species are currently being dealt with through the Significant Trade process.		-
11.14	<i>Tursiops truncatus ponticus</i>	II - I	GE/US	Little evidence that biological criteria – Resolution Conf. 9.24 Annex 1.B/C - are met. Recent international trade very limited. Does not comply with split-listing guidelines in Resolution Conf. 9.24 Annex 3.		
11.15	<i>Eschrichtius robustus</i> (Eastern North Pacific stock)	I - II	JP	Biological criteria met but precautionary measures (Resolution Conf. 9.24 Annex 4) not clear. Proposal conflicts with Resolution Conf. 2.9		-
11.16	<i>Balaenoptera acutorostrata</i> (Southern Hemisphere stock)	I - II	JP	Biological criteria met but precautionary measures (Resolution Conf. 9.24 Annex 4) not clear. Proposal conflicts with Resolution Conf. 2.9		-
11.17	<i>Balaenoptera acutorostrata</i> (Okhotsk Sea – West Pacific stock)	I - II	JP	Biological criteria probably met but precautionary measures (Resolution Conf. 9.24 Annex 4) not clear. Proposal conflicts with Resolution Conf. 2.9		-
11.18	<i>Balaenoptera acutorostrata</i> (NE Atlantic & N. Atlantic Central stock)	I - II	NO	Biological criteria met but precautionary measures (Resolution Conf. 9.24 Annex 4) not clear. Proposal conflicts with Resolution Conf. 2.9		-
11.19	<i>Parahyaena brunnea</i>	II - 0	NA/CH		+	
11.20	<i>Loxodonta africana</i> (ZA pop) a) trade in raw ivory under an experimental quota of a maximum of 30 tonnes of whole tusks of government owned stock originating from the Kruger National Park, subject to the provisions as set out in Resolution Conf. 10.10; Decision 10.1 and document Doc. SC.41.6.4 (Rev. 2) b) trade in live animals for re-	I - II	ZA	Need to take into account the view of the Panel of Experts (Resolution Conf. 10.9) and the evaluation of the Standing Committee (Decision 10.1). However in the absence of fully operational monitoring systems foreseen by Resolution Conf. 10.10 it would be unwise to proceed with further experimental trade at this stage, particularly trade in raw ivory		-

	introduction purposes into protected areas formally proclaimed in terms of legislation of the importing country c) trade in hides and leather goods d) trade in hunting trophies for non-commercial purposes e) all other specimens shall be deemed to be specimens of species in Appendix I and the trade in them shall be regulated accordingly					
11.21	<i>Loxodonta africana</i> (BW pop) Amend Annotation °604 regarding the population of <i>Loxodonta africana</i> of BW to read: °604: For the exclusive purpose of allowing in the case of the population of BW: a) trade in registered stocks of raw ivory (whole tusks and pieces) of BW origin owned by the Government of BW for commercial purposes only to CITES-approved trading partners who will not re-export and subject to an annual quota of 12 tonnes (12,000 kg) ivory; b) trade in live animals to appropriate and acceptable destinations; c) international trade in hunting trophies; d) trade in hides and leather goods	II - II	BW	Summary of net change from existing circumstances: - annual export of 12t of raw ivory to any Party - re-export of exported live animals allowed - hunting trophy exports allowed for any purpose - trade in hide and leather goods allowed In the absence of fully operational monitoring systems foreseen by Resolution Conf. 10.10 it would be unwise to proceed with further experimental trade at this stage, particularly trade in raw ivory		-
11.22	<i>Loxodonta africana</i> (NA pop) Amend Annotation °604 regarding the NA population of <i>Loxodonta africana</i> to read: °604: For the exclusive purpose of allowing, in the case of the population of NA: a) trade in hunting trophies for non-commercial purposes; b) trade in live animals for non-commercial purposes to appropriate and acceptable destinations (as determined by the national legislation of the country of import); c) trade in hides and leather goods; d) trade in registered stocks of raw ivory (whole tusks and pieces) of NA origin owned by the Government of the Republic of NA for commercial purposes, to trading partners that have been verified by	II - II	NA	Net change from existing circumstances: - annual export of 2t of raw ivory to any Party - re-export of exported live animals allowed and now for commercial purposes as well - trade in hide and leather goods allowed In the absence of fully operational monitoring systems foreseen by Resolution Conf. 10.10 it would be unwise to proceed with further experimental trade at this stage, particularly trade in raw ivory		-

	the CITES Secretariat to have sufficient national legislation and domestic trade controls to ensure that ivory imported from NA will not be re-exported and will be managed according to all requirements of Resolution Conf. 10.10 concerning domestic manufacturing and trade, and subject to a maximum annual quota of 2,000 kg ivory					
11.23	<i>Loxodonta africana</i> (ZW pop) Amend Annotation °604 regarding the ZW population of <i>Loxodonta africana</i> to read: °604: For the exclusive purpose of allowing in the case of the population of ZW: a) trade in registered stocks of raw ivory (whole tusks and pieces) of ZW origin stored at the Central government store for commercial purposes, to trading partners with adequate controls and enforcement measures; that will not re-export, and subject to a maximum annual quota of 10,000 kg ivory; b) trade in hunting trophies for non-commercial purposes; c) trade in live animals for non-commercial purposes to appropriate and acceptable destinations; d) trade in hides; e) trade in leather goods and ivory carvings for non-commercial purposes	II - II	ZW	Summary of net change from existing circumstances: - annual export of 10t of raw ivory to any Party - re-export of exported live animals allowed - hunting trophy exports now restricted to non-commercial purpose - trade in hide and leather goods allowed - re-export of exported hides, leather goods and ivory carvings allowed In the absence of fully operational monitoring systems foreseen by Resolution Conf. 10.10 it would be unwise to proceed with further experimental trade at this stage, particularly trade in raw ivory		-
11.24	<i>Loxodonta africana</i> (App. II pops)	II - I	IN/KE	The proposal concentrates largely on past events and presents no new information about the status of the species <u>in its Appendix II range states.</u>		-
11.25	<i>Loxodonta africana</i> Amendment of the annotation °604 concerning Appendix II populations of <i>Loxodonta africana</i>. In the event of proposals being adopted with the provision that trade in live animals is allowed for non commercial purposes, or to "appropriate and acceptable destinations" only, the following paragraph shall be added to the annotation: To ensure that where a) destinations for live animals is to "be appropriate and acceptable" and/or b) the purpose of the import is to be "non-commercial", export permits and re-export certificates may be issued only after the issuing Management Authority has received, from the Management	II - II	CH	Useful clarification if annotation °604 remains in place, but would be better applied to all species - see agenda point 26.	+	

	Authority of the state of import, a certification to the effect that: In case a), in analogy to Article III, paragraph 3(b) of the Convention, the holding facility has been reviewed by the competent Scientific Authority, and the proposed recipient has been found to be suitably equipped to house and care for the animals; and/or In case b), in analogy to Article III, paragraph 3(c), the MA is satisfied that the specimens will not be used for primarily commercial purposes					
11.26	<i>Dugong dugon</i> (AU pop)	II - I	AU	This proposal might be considered a useful “tidying” exercise and the result would be in line with the Annexes of Regulation 338/97. However, it is rather contradictory: If there is no trade in this species as indicated then the proposal is superfluous, if there is a possibility of trade then the proposed annotation would appear incorrect as the AU population may qualify for Appendix I through Resolution Conf. 9.24 Annex 1.C The proposal should be supported without the annotation.		
11.27	<i>Vicugna vicugna</i> (App. I pops)	I - II	BO	Clarification from the proponents needed about whether this proposal relates to all Appendix I populations or only those in Bolivia	+	
11.28	<i>Vicugna vicugna</i> (Delete 0 quota for trade in cloth from pops in App. II)	II - II	BO	Clarification from the proponents needed about whether this proposal relates to all Appendix I populations or only those in Bolivia	+	
11.29	<i>Moschus</i> spp. (App. II pops)	II - I	IN/US	Although it appears that there have been declines in the Appendix II populations of these species, their magnitude is very difficult to decide. Given the importance of this trade in TCM, ensuring sustainable use through the Significant Trade process might be preferable to Appendix I listing.		
11.30	<i>Ovis vignei</i> (Unlisted suspp.)	0 - I	DE		+	
11.31	<i>Rhea pennata pennata</i> (AR pop)	I - II	AR		+	
11.32	<i>Falco rusticolus</i> (N. American pop) (Zero quota W)	I - II	US	The criteria for downlisting are met but the annotation makes it clear that the real purpose of the proposal is to avoid the over-burdensome rules for trade in captive-bred Appendix I specimens. The EU will need to make it clear that although we recognise the proposal’s appropriateness in North America, if is successful we will not be implementing it for reasons of domestic legislation compatibility.	+	
11.33	<i>Eunymphicus cornutus cornutus</i>	II - I	FR	Appears to be being proposed largely as a look-alike for <i>Eunymphicus cornutus uveaensis</i> . Such an inclusion is not provided for under CITES Article II. Withdrawal of the proposal would be preferable.		-
11.34	<i>Eunymphicus cornutus uveaensis</i>	II - I	FR	Although the wild population is small and contained in a restricted area in conformity with Resolution Conf. 9.24 Annex		-

				1 Paras A and B, there is little evidence that the secondary criteria in these cases (i) - v) and i) – iv) apply. As all trade would appear to be illegal and the main market is indicated as “Europe” the EU should acknowledge the need to improve enforcement measures relating to trade in this subspecies. Withdrawal of the proposal would be preferable.		
11.35	<i>Garrulax canorus</i>	0 - II	CN	Resolution Conf. 9.24 Annex 2a B i) (at least) is met	+	
11.36	<i>Cuora s.l.</i> <i>Cuora amboinensis</i> <i>Cuora flavomarginata</i> <i>Cuora galbinifrons</i> <i>Cuora trifasciata</i>; (Conf. 9.24 Annex 2a criterion B) and <i>Cuora aurocapitata</i> <i>Cuora mccordi</i> <i>Cuora pani</i> <i>Cuora yunnanensis</i> <i>Cuora zhoui</i> Conf. 9.24 Annex 2a criterion A and/or B)	0 - II	DE/US		+	
11.37	<i>Clemmys guttata</i>	0 - II	US	Little evidence provided that the species meets the biological criteria of Resolution Conf. 9.24, which are actually misquoted in the proposal in a way that gives the proposal more importance than it merits.		-
11.38	<i>Geochelone sulcata</i>	II - I	FR	Difficult to quantifying the status of this species clearly. May be best to focus on Resolution Conf. 9.24 Annex 1 Para C and D as the species does not really have a small population or a restricted range <i>sensu</i> Resolution Conf. 9.24.	+	
11.39	<i>Malacochersus tornieri</i>	II - I	KE/US	Not much information about the status of the species and the proposal is handicapped by the fact that the only country previously exporting specimens is subject to a trade ban recommendation from the Standing Committee under the Significant Trade process. However the species is included in Annex A of Regulation 338/97 – logic dictates support.	+	
11.40	<i>Eretmochelys imbricata</i> (Caribbean pop in CU waters) For the exclusive purposes of allowing: 1. the export in one shipment of all existing registered management stocks of shell accumulated from CU's management programme between 1993 and March 2000 (up to 6,900 kg) to JP for total consumption within JP with no re-export; and 2. the export each year thereafter, to JP or to other Parties with equivalent controls, which will not re-export, not more than 500 specimens	I - II	CU/DM	As observed by the EU study visit, the precautionary measures (Resolution Conf. 9.24 Annex 4) appear in order. However the status of the species in Cuban waters is much more unclear and in addition about half of the turtles caught appear to have been born in other countries.		-

11.41	<i>Eretmochelys imbricata</i> (Caribbean pop in CU waters) For the exclusive purposes of allowing the export in one shipment of registered management stocks of shell accumulated legally in CU from a national management programme between 1993 and March 2000 (up to 6,900 kg) to JP for total consumption within JP with no re-exports. All other specimens of <i>E. imbricata</i> , including wild stocks in CU waters, will be treated as specimens of species in Appendix I and international trade in them shall be regulated accordingly	I - II	CU	As observed by the EU study visit, the precautionary measures (Resolution Conf. 9.24 Annex 4) appear in order. However the status of the species in Cuban waters is much more unclear and in addition about half of the turtles caught appear to have been born in other countries. Support for permitting the stockpile (only) to be exported could be contemplated if there was widespread support amongst Caribbean parties for such a downlisting.		
11.42	<i>Crocodylus moreletii</i> (Sian Ka'an, Quintana Roo pop)	I - II	MX			-
11.43	<i>Varanus melinus</i>	II - I	DE	Biological criteria not met.		-
11.44	<i>Crotalus horridus</i>	0 - II	US	Resolution Conf. 9.24, Annex 2a not met. If serious population declines are occurring, it seems most unlikely that the small level of international trade is playing a part.		-
11.45	<i>Bufo retiformis</i>	II - 0	US	No trade.	+	
11.46	<i>Mantella</i> spp. (except <i>M. aurentiaca</i>)	0 - II	NL/US	Resolution Conf. 9.24 Annex 2a B met for most species. Need to stress the relevance of Annex 2b B for the remaining taxa. Support from Madagascar needs to be sought at an early stage.	+	
11.47	<i>Rhincodon typus</i>	0 - II	US	Given the lack of understanding of the biology and status of this species, it would not be appropriate to read too much into the anecdotal catch-per-unit-effort declines in certain localities. However the proposal could be supported if it were strengthened		
11.48	<i>Carcharodon carcharias</i>	0 - I	AU/US	Little evidence that the biological criteria for Appendix I are met but if amended to a listing in Appendix II listing the proposal could be supported . The practicalities of any listing would need to be considered careful, so too any overlap with the FAO International Plan of Action for the Conservation and Management of Sharks.		-
11.49	<i>Cetorhinus maximus</i>	0 - II	GB	Notwithstanding seasonal fluctuations in populations, a number of significant population declines are documented indicating that Resolution Conf. 9.24 Annex 2a B is met. The species is certainly sought in international trade. However, the practicalities of such a listing would need to be considered careful, so too any overlap with the FAO International Plan of Action for the Conservation and Management of Sharks.	+	
11.50	<i>Latimeria</i> spp. (except <i>L. chalumnae</i>)	0 - I	FR/DE	It seems reasonable to assume that this species is very rare and hence the biological criteria are met. With respect to trade, point b) iii) appears to apply – there is potential international demand for specimens.	+	
11.51	<i>Latimeria menadoensis</i>	0 - I	ID	See Proposal 11.50		
11.52	<i>Poecilotheia</i> spp.	0 - II	US	Although the proposal indicates that these species are in international trade in some numbers, there little if any evidence of any harmful impact of the trade		-

11.53	To harmonize exemptions related to medicinal products by combining the current annotation #2 for <i>Podophyllum hexandrum</i> and <i>Rauvolfia serpentina</i> with annotation #8 for <i>Taxus wallichiana</i> in the Interpretation of Appendices I and II		CH	Presented on behalf of the Plants Committee.	+	
11.54	<i>Panax ginseng</i> (roots)	0 - II	RU	There is circumstantial evidence of a significant decline in wild populations of this species due to international trade. The criteria in Resolution Conf. 9.24 Annex 2a are therefore met. However, attention needs to be given to the practical application of any listing and in particular the annotations to be attached.	+	
11.55	<i>Araucaria araucana</i> (AR pop)	II - I	AR		+	
11.56	CACTACEAE spp. Exempt up to three specimens of rainsticks (Cactaceae, <i>Echinopsis</i> and <i>Eulychnia</i>) per person from CITES controls	II - 0	CL	The proposal is probably not possible under the terms of the Convention. An alternative approach (such as a Conference Resolution) which achieved a similar effect could be supported.		-
11.57	<i>Kalmia cuneata</i>	II - 0	US	International trade is not a factor affecting the conservation of this species.	+	
11.58	<i>Camptotheca acuminata</i>	0 - II	CN	There is circumstantial evidence of a significant decline in wild populations of this species due to international trade. The criteria in Resolution Conf. 9.24 Annex 2a are therefore met. However, attention needs to be given to the practical application of any listing and in particular the annotations to be attached.	+	
11.59	<i>Cistanche deserticola</i>	0 - II	CN	There is circumstantial evidence of a significant decline in wild populations of this species due to international trade. The criteria in Resolution Conf. 9.24 Annex 2a are therefore met. However, attention needs to be given to the practical application of any listing and in particular the annotations to be attached.	+	
11.60	<i>Harpagophytum procumbens</i> <i>Harpagophytum zeyheri</i>	0 - II	DE	Attention may need to be given to the practical application of any listing and in particular any annotations to be attached.	+	
11.61	<i>Adonis vernalis</i> (except live potted plants)	0 - II	DE	Attention may need to be given to the practical application of any listing and in particular any annotations to be attached.	+	
11.62	<i>Guaiacum sanctum</i>	II - I	US	It is not clear from the proposal that the biological criteria for Appendix I listing are met. However, quoted information from various expert sources is sometimes contradictory or unclear. On present information the proposal should not be supported but information should be sought to confirm this conclusion.		-

Conclusion of the meeting

60. Determination of the time and venue of the next regular meeting of the Conference of the Parties

Doc. 11.60

Summary:

Comments:

Conclusion: The Community shall support the candidature of any Member States proposing to host the next Conference and endeavour to avoid the situation where two or more Member States compete for this task.

61. Closing remarks

no document