

**Proposal for a Council Decision on the Community position to be adopted on certain proposals submitted to the 12th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Santiago, Chile, 3-15 November 2002**

(2002/C 331 E/50)

COM(2002) 516 final — 2002/0225(ACC)

(Submitted by the Commission on 17 September 2002)

**EXPLANATORY MEMORANDUM**

1. The 12th meeting of the Conference of the Parties to CITES will be held in Santiago, Chile, from 3-15 November 2002.
2. The text of the Convention was amended in 1983 to allow Regional Economic Integration Organisations such as the EC to become a Party (the so-called Gaborone amendment). However, an insufficient number of Parties have ratified this amendment in order for it to come into effect.
3. 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 therein <sup>(1)</sup>, it is necessary to adopt a Community position on proposals submitted to the Conference.
4. Draft Resolutions on interpretation and implementation of the Convention and proposals to amend the appendices prepared by Member States or by the Commission were discussed by the Committee of Member States constituted under Council Regulation (EC) No 338/97 at a meeting on 17 May 2002. All proposals and working documents that were approved were subsequently submitted to the CITES Secretariat by the relevant Member State or the Presidency on behalf of all the Member States.
5. One of these working documents submitted by the Presidency seeks the repeal of two earlier Conference Resolutions on implementation of CITES by the Community. It is submitted that, in the light of the enactment of Council Regulation (EC) No 338/97 and the fact that all 15 Member States are now Parties in their own right (following ratification by Ireland earlier this year), these Resolutions are out of date and should be repealed. The Presidency also submitted a draft Decision calling upon all Parties who have not yet done so to ratify the Gaborone amendment by CoP13 (in 2005).
6. On 30 July 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.
7. In the case of agenda items 2-7, 15, 18, 20-24, 26, 28, 32-34, 36, 39, 42, 43, 46, 52, 53-55, 59, 60 and 64 some documents for the Conference were not available in sufficient time for the Commission 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.
8. 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 (EC) No 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.

<sup>(1)</sup> OJ L 61, 3.3.1997, p. 1.

9. The following are the most critical issues with regard to amendment of the appendices:

- whales,
- elephants,
- Asian freshwater turtles and tortoises,
- commercial fish species, including sharks and toothfish,
- timber.

10. There are two annexes to the proposed Council Decision. Annex I outlines the Community position on the critical issues listed above. Annex II contains proposed Community positions on Conference agenda items for which documents were available by 31 July 2002.

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 1996 <sup>(1)</sup>.
- (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 established 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,

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 12th 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 Annexes 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.

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<sup>(1)</sup> OJ L 61, 3.3.1997, p. 1.

## ANNEX I

**To Council Decision of ... 2002 concerning the Community Position to be adopted on key issues to be discussed at the 12th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Santiago, Chile 3-15 November 2002**

1. Concerning commercial whaling, no decision should be taken that undermines the primacy of the International Whaling Commission on this matter. Consequently, there should be no return to commercial whaling until the IWC deems that the appropriate management controls are in place.
2. Concerning elephants, the Community is unwilling to agree to resumption in commercial ivory trade unless it is satisfied, following consultation with range States, that there will be no resulting increase in illegal killing of elephants. The Community will continue to support the co-operation of range States to this effect.
3. Concerning Asian freshwater turtles and tortoises the Community should support the proposals to list a number of the most threatened species on Appendix II of CITES, following a workshop on the group in China earlier this year.
4. Concerning commercial fish species, the Community can support listing of these on CITES appendices if they meet the requisite criteria and as a complement to action by the competent fisheries management bodies, such as FAO and Regional Fisheries Organisations. With this in mind, the Community should support the proposals for tighter regulation of international trade in whale shark and basking shark, the capture and conservation of which are very poorly regulated at international level. With regard to toothfish, the Community favours reliance on the existing regulatory mechanisms put in place by the Commission on the Conservation of Antarctic Marine Living Resources (CCAMLR). Regulation of these species by CITES can only be supported if it does not undermine the use of CCAMLR's Catch Documentation Scheme or the efforts led by CCAMLR to encourage countries and entities that are not parties to CCAMLR to adopt and implement the scheme.
5. Concerning big-leaf mahogany, the Community supports Appendix II listing of this species.

## ANNEX II

**To Council Decision of ... 2002 on the Community position to be adopted on certain proposals submitted to the 12th Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Santiago, Chile, 3-15 November 2002**

## STRATEGIC AND ADMINISTRATIVE MATTERS

**1. RULES OF PROCEDURE****1.1. Rules of Procedure — CoP12 Doc. 1.1****1.2. Revision of the Rules of Procedure (Chile) — CoP12 Doc. 1.2**

Summary: The documents tabled here are the Secretariat's draft rules and suggested revisions from the host country. The latter includes a proposal that voting should be by secret ballot only if  $\frac{1}{3}$  of the parties so vote in a preliminary ballot.

Comment: The proposal by Chile regarding secret ballots is welcome, although abolition of secret ballots or, failing that, a requirement that they only take place when a simple majority vote in favour in a preliminary open ballot, would be preferable.

Conclusion: The Community should support measures aimed at avoiding secret ballots.

**2. ELECTION OF CHAIRMAN AND VICE-CHAIRMEN OF THE MEETING AND OF CHAIRMEN OF COMMITTEES I AND II (NO DOCUMENT)****3. ADOPTION OF THE AGENDA — CoP12 Doc. 3****4. ADOPTION OF THE WORKING PROGRAMME — CoP12 Doc. 4**

5. **ESTABLISHMENT OF THE CREDENTIALS COMMITTEE — CoP12 Doc. 5**

6. **REPORT OF THE CREDENTIALS COMMITTEE — CoP12 Doc. 6**

7. **ADMISSION OF OBSERVERS — CoP12 Doc. 7**

8. **MATTERS RELATED TO THE STANDING COMMITTEE**

8.1. **Report of the Chairman — CoP12 Doc. 8**

8.2. **Election of new regional and alternate regional members (no document)**

Summary: No document available as of 31st July 2002.

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) Norway — term of office expires at the close of CoP13 (alternate Turkey)
- (iii) France — term of office expires at the close of CoP13 (alternate Portugal)

Already declared candidates for the vacant posts are:

Member: Germany,

Alternate: UK.

Conclusion: The Community should 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. **FINANCING AND BUDGETING OF THE SECRETARIAT AND OF MEETINGS OF THE CONFERENCE OF THE PARTIES**

9.1. **Budget for 2003-2005 — CoP12 Doc. 9.1**

Summary: The Secretariat is seeking a 10 % increase in contributions over the next triennium.

Comment: The Secretariat had been forced to rely on the trust fund to fund ongoing work in the last number of years but this is now exhausted.

Conclusion: The issue of a possible increase in contributions should be left open until the Conference.

9.2. **Procedure for approval of externally funded projects — CoP12 Doc. 9.2**

Summary: This document arises from a decision of the Standing Committee to delegate approval of new donors of external funds and new externally-funded projects to the Secretariat.

Comment: The Standing Committee found the existing system of approval of donors and projects to be cumbersome and inefficient.

Conclusion: The Community should approve the draft revised Resolution.

10. **COMMITTEE REPORTS AND RECOMMENDATIONS**

10.1. **Animals Committee**

10.1.1. *Report of the Chairman — CoP12 Doc. 10.1*

10.1.2. *Election of new regional and alternate regional members (no document)*

Summary: No document available as of 31st July 2002.

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

- (i) Dr Marinus Hoogmoed (NL) — term of office expires at the close of CoP12 (alternate Dr Vincent Fleming (UK))
- (ii) Dr Katalin Rodics (HU) — term of office expires at the close of CoP12 (alternate Dr Thomas Althaus (CH))

Already declared candidates are:

Members: Dr Vincent Fleming (UK),

Alternates: Dr Carlos Ibero (ES).

Conclusion: The Community should 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.

## 10.2. **Plants Committee**

10.2.1. *Report of the Chairman — CoP12 Doc. 10.2*

10.2.2. *Election of new regional and alternate regional members (no document)*

Summary: No document available as of 31st July 2002.

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

(i) Dr Margarita Clemente (ES) (alternate Mr Dieter Supthut (CH))

(ii) Dr Jan de Koning (NL) — term of office expires at the close of CoP12 (alternate Mrs Hanna Werblan-Jakubiec (PL))

Already declared candidates are:

Members: Prof. Giuseppe Frenguelli (IT),

Alternates: None yet declared.

Conclusion: The Community should 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.

## 10.3. **Nomenclature Committee report — CoP12 Doc. 10.3**

## 11. **IDENTIFICATION MANUAL — CoP12 Doc. 11**

Summary: This report outlines progress with preparation of identification sheets for CITES species.

Comment: —

Conclusion: The Community should note progress with this work and, in particular, the contribution made by several Member States.

## 12. **REVISION OF THE ACTION PLAN OF THE CONVENTION — CoP12 Doc. 12**

Summary: This consists of a report by the Standing Committee Working Group on the Action Plan.

Comment: The report recommends a number of drafting changes to the plan. Most of these are minor clarifications. However, there are a number of changes to improve efficiency of contract allocation etc.

Conclusion: The Community should note the report and endeavour to contribute to any further amendment of the Action Plan.

## 13. **ESTABLISHMENT OF COMMITTEES**

13.1. **Revision of Resolution Conf. 11.1 on establishment of committees (Chile) — CoP12 Doc. 13.1**

13.2. **Enhancing implementation of the Convention (United States of America) — CoP12 Doc. 13.2**

13.3. **Review of the committee structure — CoP12 Doc. 13.3**

Summary: Document 13.1 is a draft Resolution from Chile which aims to bring the numbers and representation on the Animals and Plants Committees into line with that on the Standing Committee, thus increasing the representation in several regions. Document 13.2 from the US proposes various options for dealing with 'implementation' issues, which, it is argued, are not being dealt with adequately by the existing Committee structure. Document 13.3 from the Secretariat involves effectively merging the Animals and Plants Committees (and the Nomenclature Committee) into a single Scientific Committee with the same representation rules as the Standing Committee, including the provision that the nomination attach to a country rather than an individual.

Comment: No convincing case is made to increase the size of the Animals and Plants Committees. The Secretariat's proposal to merge the scientific Committees is also inappropriate. It is not accepted that most of the issues dealt with by the Animals and Plants Committees are common to both. The present situation, whereby members of the Animals and Plants Committees are appointed by name, rather than by country, correctly reflects the expert nature of those Committees. Implementation issues are best dealt with in the Standing Committee — if necessary by a sub-group of that Committee.

Conclusion: The Community should favour the status quo.

#### 14. TITLE OF THE CONVENTION — CoP12 Doc. 14

Summary: This document from the Secretariat proposes that the title should be amended to the 'CITES — The Convention on Trade in Wild Fauna and Flora'.

Comment: Although the concerns that have led to this proposal are valid, merely changing the title might not be enough to address them. The current title is well known, the new title and the acronym do not coincide, and the amendment could present legal difficulties. Instead, a draft Resolution could be prepared indicating the types of wildlife trade covered by CITES.

Conclusion: The Community should not support amendment of the title of the Convention.

#### 15. OUTCOME OF THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT AND THE DISCUSSION ON INTERNATIONAL ENVIRONMENTAL GOVERNANCE: CONSEQUENCES FOR CITES — CoP12 Doc. 15

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

#### 16. COOPERATION WITH OTHER ORGANIZATIONS

##### 16.1. Cooperation between CITES and the Commission for the Conservation of Antarctic Marine Living Resources (CCRVMA/CCAMLR) regarding the trade in toothfish (Chile) — CoP12 Doc. 16.1

Summary: This draft Resolution seeks voluntary cooperation between CITES and CCAMLR and urges CITES parties who have not done so to adopt the CCAMLR Catch Documentation Scheme (CDS).

Comment: Irrespective of the outcome of Item 44 and the listing proposal, the measures proposed in this document are worthwhile but could be strengthened.

Conclusion: The Community could support this draft Resolution, subject to amendments.

##### 16.2. CITES and FAO

16.2.1. *Synergy and cooperation between CITES and FAO (Japan)* — CoP12 Doc. 16.2.1

16.2.2. *FAO collaboration with CITES through a Memorandum of Understanding (United States of America)* — CoP12 Doc. 16.2.2

Summary: Both of these draft Resolutions advocate further co-operation between CITES and FAO.

Comment: Of the two, the second is preferable as it advocates more concrete measures and a firmer time frame. The first proposal plays down the role of CITES and could be used as a pretext for indefinite postponement of dealing with commercial fish issues in CITES.

Conclusion: The Community should support the second of these two draft Resolutions.

### **16.3. Cooperation and synergy with the Inter-American Convention for the Protection and Conservation of Sea Turtles (Ecuador) — CoP12 Doc. 16.3**

Summary: This draft Resolution seeks to establish cooperation between CITES and the above-mentioned Convention.

Comment: —

Conclusion: The Community should support this draft Resolution.

### **16.4. CITES and the International Whaling Commission**

#### *16.4.1. Cooperation between CITES and the International Whaling Commission (Mexico) — CoP12 Doc. 16.4.1*

Summary: This draft Resolution reaffirms in stronger terms the current position as reflected in Resolution Conf. 11.4.

Comments: This needs to be considered in conjunction with Agenda Item 38, a draft Resolution which seeks the repeal of Resolution Conf. 11.4. Disputes over the efficacy or otherwise of the IWC should not be resolved in the CITES forum. There have been no substantial changes in circumstances since the adoption of Resolution Conf. 11.4. It is questionable whether or not there is a need for a further Resolution at this stage.

Conclusion: The Community should seek the withdrawal of this draft Resolution and of that under Agenda Item 38.

#### *16.4.2. Matters relating to the International Whaling Commission (United States of America) — CoP12 Doc. 16.4.2*

Summary: No document available as of 31st July 2002.

Comment: —

Conclusion: —

### **16.5. Statements from representatives of other conventions and agreements (no document)**

Summary: No document available as of 31st July 2002.

Comment: The Community should make a statement on the relationship between the CBD and CITES addressing, in particular, the question of clauses in CITES permits concerning the use of genetic resources.

Conclusion: —

## **17. SUSTAINABLE USE AND TRADE IN CITES SPECIES (NORWAY) — CoP12 Doc. 17**

Summary: This draft text reaffirms the principles of sustainable use and includes references to the role of FAO in the sustainable use of commercial fish species.

Comment: The text is vague and could be quoted to advantage to support opposing arguments in the conservation debate. As such, it does not contribute anything to the work of CITES.

Conclusion: The Community should not support the draft Resolution.

## **18. ECONOMIC INSTRUMENTS AND TRADE POLICY — CoP12 Doc. 18**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

**19. FINANCING OF THE CONSERVATION OF SPECIES OF WILD FAUNA AND FLORA — CoP12 Doc. 19**

Summary: This is a report of work done by the Standing Committee following Decisions at CoP11. It incorporates a draft Decision that Parties should inform the Secretariat of best-practice methods in this area and that the Secretariat should analyse these for CoP13.

Comment: —

Conclusion: The Community should support the draft Decision.

**20. REPORTS OF DIALOGUE MEETINGS****20.1. Results of the African elephant dialogue meeting — CoP12 Doc. 20.1****20.2. Results of the hawksbill turtle dialogue meeting — CoP12 Doc. 20.2**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

**INTERPRETATION AND IMPLEMENTATION OF THE CONVENTION****Review of Resolutions and Decisions****21. REVISION OF RESOLUTIONS AND DECISIONS****21.1. Review of Resolutions****21.1.1. Resolutions to be repealed — CoP12 Doc. 21.1.1****21.1.2. Resolutions to be revised — CoP12 Doc. 21.1.2****21.2. Review of Decisions — CoP12 Doc. 21.2**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

**Regular and special reports****22. REPORT ON NATIONAL REPORTS REQUIRED UNDER ARTICLE VIII, PARAGRAPH 7, OF THE CONVENTION****22.1. Annual reports — CoP12 Doc. 22.1****22.2. Biennial reports — CoP12 Doc. 22.2**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

**23. APPENDIX I SPECIES SUBJECT TO EXPORT QUOTAS****23.1. Leopard****23.1.1. Report on implementation of Resolution Conf. 10.14 on quotas for leopard hunting trophies and skins for personal use — CoP12 Doc. 23.1.1**

Summary: This is a Report by the Secretariat on the implementation of this Resolution, which sets out additional marking and reporting requirements for Range States.



Comment: The Secretariat's view — that the additional requirements are unnecessary and burdensome in the context of the total volume of exports — has some validity. However, leopard parts and derivatives are being used as a substitute for tiger in traditional Chinese medicines and, therefore, total repeal of the Resolution would be inappropriate.

Conclusion: The Community should favour an amendment of the Resolution to alleviate some reporting obligations.

23.1.2. *Amendment to the quota of the United Republic of Tanzania — CoP12 Doc. 23.1.2*

Summary: This seeks a doubling of the quota for hunting trophies and skins for personal use from 250 to 500.

Comment: Current evidence indicates that the leopard is not endangered in most parts of sub-Saharan Africa and the species is retained on Appendix I largely because Parties do not wish to re-open commercial trade. The current quota goes back to CoP5.

Conclusion: The Community should support this proposal.

23.2. **Markhor — CoP12 Doc. 23.2**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

24. **EXPORTS OF VICUÑA WOOL AND CLOTH — CoP12 Doc. 24**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

25. **TRANSPORT OF LIVE ANIMALS — CoP12 Doc. 25**

Summary: This is a report of the Secretariat on work done to date by the Transport Working Group of the Animals Committee. It incorporates a draft Decision that the Animals Committee should carry out further work to supplement IATA guidelines and report to CoP13.

Comment: —

Conclusion: The Community should support the draft Decision.

**General compliance issues**

26. **COMPLIANCE WITH THE CONVENTION — CoP12 Doc. 26**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

27. **ENFORCEMENT MATTERS — CoP12 Doc. 27**

Summary: This is a report by the Secretariat on enforcement issues. It includes a draft Decision convening a special meeting of enforcement experts to report to CoP13.

Comment: —

Conclusion: The Community should note this report and support the draft Decision in principle.

**28. NATIONAL LAWS FOR IMPLEMENTATION OF THE CONVENTION — CoP12 Doc. 28**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

**29. VERIFICATION OF THE AUTHENTICITY AND VERACITY OF CITES PERMITS AND CERTIFICATES (CHILE) — CoP12 Doc. 29**

Summary: This proposal seeks to use the Internet for verification of permits and certificates.

Comment: The intention is to reduce the fraud associated with paper documentation but the risks associated with the proposal and its feasibility in developing countries need to be explored.

Conclusion: The Community should support the draft Resolution if it is re-worded to favour a more gradual approach — i.e. that the Standing Committee take the matter forward.

**30. IMPLEMENTATION OF CITES IN THE EUROPEAN COMMUNITY (DENMARK) — CoP12 Doc. 30**

Summary: This is a proposal submitted by the Presidency on behalf of the Community seeking the repeal of Resolutions Conf. 6.5 (Rev.) and 8.2 (Rev.) regarding implementation of CITES in the European Community. It takes account of the fact that, since these Resolutions were adopted, the Community has enacted comprehensive Regulation implementing CITES and all Member States have ratified the Convention. It includes a draft Decision urging all Parties who have not yet done so to ratify the Gaborone Amendment before CoP13.

Comments: —

Conclusion: The Community should support the proposal.

**Species trade and conservation issues****31. TRADE IN BEAR SPECIMENS — CoP12 Doc. 31**

Summary: This is a report on Decisions agreed at CoP11 with regard to the trade in bear specimens.

Comment: Most of the issues raised are not unique to bears and reflect what should be proper conservation practice at a broader level.

Conclusion: The Community should note this report and agree to the deletion of the relevant decisions.

**32. CONSERVATION OF LEOPARD, SNOW LEOPARD AND CLOUDED LEOPARD (INDIA) — CoP12 Doc. 32**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

**33. CONSERVATION OF AND TRADE IN TIGERS — CoP12 Doc. 33**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

**34. CONSERVATION OF AND TRADE IN ELEPHANTS****34.1. Illegal trade in ivory and other elephant specimens — CoP12 Doc. 34.1**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

**34.2. Illegal hunting of elephants — CoP12 Doc. 34.2**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

**34.3. Revision of Resolution Conf. 10.10 (Rev.) on trade in elephant specimens (India, Kenya) — CoP12 Doc. 34.3**

Summary: This draft revision requires that information systems be put in place to make tourists aware of their legal obligations regarding purchase of ivory in range States. It also requires the Standing Committee to be updated on progress regarding ETIS at every meeting.

Comment: —

Conclusion: The Community can support this proposed revision.

**35. CONSERVATION OF AND TRADE IN RHINOCEROSES — CoP12 Doc. 35**

Summary: This is a report on the ongoing implementation of Resolution Conf. 9.14 (Rev) on this subject.

Comment: The level of reporting by range States is poor and many of the measures demanded are merely sound conservation practice. The utility of the Resolution is questioned by the Secretariat.

Conclusion: The Community should note this report and support the repeal of this Resolution subject to clarification that this poses no conservation risks.

**36. CONSERVATION OF AND TRADE IN MUSK DEER — CoP12 Doc. 36**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

**37. CONSERVATION OF AND TRADE IN TIBETAN ANTELOPE — CoP12 Doc. 37**

Summary: This is a report on the implementation of Resolution Conf. 11.8 on this subject.

Comment: There has been good progress on this issue. However, the Secretariat recommends minor revisions to the Resolution to exclude what are general CITES obligations and to confine the content to issues specific to this species.

Conclusion: The Community should note the report and support the amendments.

**38. CONTROLLED TRADE IN SPECIMENS OF ABUNDANT CETACEAN STOCKS (JAPAN) — CoP12 Doc. 38**

Summary: This draft Resolution seeks the repeal of Resolution Conf. 11.4.

Comment: This agenda item needs to be considered in the context of Item 16(d)(i). Disputes over the efficacy or otherwise of the IWC should not be resolved in the CITES forum. There has been no significant change in circumstances since the adoption of Resolution Conf. 11.4.

Conclusion: The Community should seek the withdrawal of this draft Resolution and that under Item 16(d)(i).

**39. CONSERVATION OF AND TRADE IN FRESHWATER TURTLES AND TORTOISES — CoP12 Doc. 39**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

**40. CONSERVATION OF AND TRADE IN PANCAKE TORTOISE MALACOCHERSUS TORNIERI (KENYA) — CoP12 Doc. 40**

Summary: This draft Resolution lays down stricter rules concerning the ranching of this species.

Comment: A Conference Resolution on this subject is unnecessary and the draft tabled is based on old data.

Conclusion: The Community should favour other means of pursuing this issue, such as the Significant Trade Process.

**41. CONSERVATION OF SHARKS**

**41.1. Conservation and management of sharks (Australia) — CoP12 Doc. 41.1**

**41.2. Conservation of and trade in sharks (Ecuador) — CoP12 Doc. 41.2**

Summary: Both these draft Resolutions deal with the lack of progress in implementing FAO IPOA-Sharks.

Comment: The Australian document is the more detailed but it contains some phrases that could be seen as provocative. The Ecuador document is more balanced in its presentation of the issue.

Conclusion: The Community should support the Ecuador document, with amendments if necessary.

**42. CONSERVATION OF STURGEONS AND LABELLING OF CAVIAR**

**42.1. Implementation of Resolution Conf. 10.12 (Rev.) on conservation of sturgeons — CoP12 Doc. 42.1**

**42.2. Consolidation of Resolutions relating to sturgeons and trade in caviar — CoP12 Doc. 42.2**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

**43. CONSERVATION OF SEAHORSES AND OTHER MEMBERS OF THE FAMILY SYNGNATHIDAE — CoP12 Doc. 43**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

**44. CONSERVATION OF AND TRADE IN DISSOSTICHUS SPECIES (AUSTRALIA) — CoP12 Doc. 44**

Summary: This draft Resolution is intended to complement the listing proposal for these species by ensuring that CCAMLR documentation can be regarded as meeting the legal requirements consequential to a listing of the species and by urging Parties to consult with the CCAMLR Secretariat before issuing a Certificate of Introduction from the Sea.

Comment: This draft Resolution needs to be addressed in the light of the Community's view of the listing proposal. A CITES listing can only be effective if it can be linked (e.g. via annotation or accompanying Resolution) to the condition that CITES parties trading in *Dissostichus* must implement the Catch Documentation Scheme of CCAMLR in order to make the non-detriment finding required under CITES. Otherwise, the draft Resolution contained in Document 16.1 — with amendments if necessary — remains the preferred option.

Conclusion: The Community cannot support this draft Resolution and the listing proposal unless they are amended so that the above condition is met.

**45. TRADE IN SEA CUCUMBERS IN THE FAMILIES HOLOTHURIDAE AND STICHOPODIDAE (UNITED STATES OF AMERICA) — CoP12 Doc. 45**

Summary: This paper explores the issues associated with conservation and sustainable management of these groups.

Comment: —

Conclusion: The Community should note this paper.

**46. BIOLOGICAL AND TRADE STATUS OF HARPAGOPHYTUM — CoP12 Doc. 46**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

**47. CONSERVATION OF SWIETENIA MACROPHYLLA: REPORT OF THE MAHOGANY WORKING GROUP — CoP12 Doc. 47**

Summary: This report presents a number of recommendations directed mainly at range States.

Comment: The recommendations have some minor enforcement implications for importing countries. However, the problems with the mahogany trade are best dealt with via Appendix II listing.

Conclusion: The Community should note this report, support the recommendations and press for Appendix II listing.

**48. IMPLEMENTATION OF RESOLUTION CONF. 8.9 (REV.) ON TRADE IN SPECIMENS OF APPENDIX II SPECIES TAKEN FROM THE WILD**

**48.1. Revision of Resolution Conf. 8.9 (Rev.) — CoP12 Doc. 48.1**

Summary: Although the document for this agenda item was not available by 31 July, it is expected to consist of a new draft resolution designed to make the Significant Trade Process more simple flexible, and transparent.

Comment: —

Conclusion: The Community should support measures aimed at improving the transparency and efficiency of the Significant Trade Process.

**48.2. *Saiga tatarica*: Summary of the CITES-sponsored workshop in Kalmykia in May 2002 and presentation of the draft conservation action plan (United States of America) — CoP12 Doc. 48.2**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

**49. NATIONALLY ESTABLISHED EXPORT QUOTAS FOR APPENDIX II SPECIES: THE SCIENTIFIC BASIS FOR QUOTA ESTABLISHMENT AND IMPLEMENTATION (UNITED STATES OF AMERICA) — CoP12 Doc. 49**

Summary: This is a discussion paper on the difficulties encountered with the quota system.

Comment: —

Conclusion: The Community should welcome this paper and offer additional comments.

**Trade control and marking issues**

**50. MANAGEMENT OF EXPORT QUOTAS**

**50.1. Improving the management of annual export quotas and amendment of Resolution Conf. 10.2 (Rev.) Annex 1 on permits and certificates (Germany) — CoP12 Doc. 50.1**

Summary: This draft Resolution submitted by Germany on behalf of the European Community is intended to improve the transparency of the export quota provisions.

Comments: A number of problems with the existing provisions, such as late notification of quotas, carry-over of unused portions of quotas from the previous year etc. are dealt with in this draft Resolution.

Conclusion: The Community should support this draft Resolution.

**50.2. Implementation and monitoring of nationally established export quotas for species listed in Appendix II of the Convention (United States of America) — CoP12 Doc. 50.2**

Summary: This draft decision seeks to establish an inter-sessional working group on this issue.

Comment: The draft Resolution included in Document 50.1 addresses this problem and removes the need for a working group.

Conclusion: The Community should encourage withdrawal of this draft decision.

**51. TRADE IN TIME-SENSITIVE BIOLOGICAL SAMPLES — CoP12 Doc. 51**

Summary: The document for this item is not yet available. However, it is understood to include proposals for fast-tracking such samples in cases where there are no conservation concerns.

Comment: The Member States had worked on this issue in their preparation for the CoP but it was agreed to await the Secretariat's proposals.

Conclusion: The Community should support measures aimed at reducing the administrative burden relating to such samples.

**52. MOVEMENTS OF COLLECTIONS OF SAMPLES**

**52.1. Movement of sample reptile skins and other related products — CoP12 Doc. 52.1**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

**52.2. Use of certificates for movements of sample collections, covered by an ATA or TIR carnet and made of parts or derivatives of species included in Appendices II and III (Italy, Switzerland) — CoP12 Doc. 52.2**

Summary: This draft Resolution, submitted by Italy on behalf of the Community and by Switzerland, deals with specimens that are part of travelling exhibitions.

Comments: Use of ATA or TIR can simplify the procedures involved for such specimens and reduce the risk of fraud. However, the provisions of the relevant Conventions will have to be amended.

Conclusion: The Community should support the draft Resolution.

### 53. TRADE REGIMES FOR TIMBER SPECIES — CoP12 Doc. 53

Summary: This is a report on a Decision at CoP11 that the Secretariat investigate the utility of various silvicultural techniques with regard to CITES provisions on ranching, artificial propagation and quotas for timber species.

Comment: Arising from the Secretariat's work, the Plant's Committee is currently reviewing the use of Source codes for timber species.

Conclusion: The Community should note the report and agree to deletion of the Decision.

## Exemptions and special trade provisions

### 54. PERSONAL EFFECTS

#### 54.1. Trade in personal effects — CoP12 Doc. 54.1

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

#### 54.2. Personal effects made of crocodilian leather (Venezuela) — CoP12 Doc. 54.2

Summary: This draft Resolution provides for an exemption as personal effects of up to 8 crocodile leather goods from Appendix II or captive-bred Appendix I species.

Comment: Possible loopholes need to be checked but there is no objection in principle. Similar proposals for other species groups in the future should be examined on their own merits.

Conclusion: The Community could support an amended draft.

### 55. OPERATIONS THAT BREED APPENDIX-I SPECIES IN CAPTIVITY FOR COMMERCIAL PURPOSES

#### 55.1. Revision of Resolutions Conf. 8.15 and Conf. 11.14 on guidelines for a procedure to register and monitor operations that breed Appendix I animal species for commercial purposes — CoP12 Doc. 55.1

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

#### 55.2. Applications to register operations that breed Appendix I animals species for commercial purposes — CoP12 Doc. 55.2

Summary: No document available as of 31 July 2002.

Comments: —

Conclusion: —

### 56. NON-COMMERCIAL LOAN, DONATION OR EXCHANGE OF MUSEUM AND HERBARIUM SPECIMENS (UNITED STATES OF AMERICA) — CoP12 Doc. 56

Summary: This is a discussion paper on the difficulties encountered with smooth operation of this exemption provision.

Comment: Many scientific institutions in the Community benefit from this exemption but other Parties have encountered problems due to non-uniform implementation.

Conclusion: The Community should note the content of this paper and exchange information with other Parties on problems encountered.

**57. TRAVELLING LIVE-ANIMAL EXHIBITIONS (RUSSIAN FEDERATION) — CoP12 Doc. 57**

Summary: This draft Resolution seeks to extend the current provisions (in Conf. Res. 8.16) to any live animals in travelling exhibitions, rather than just pre-Convention or captive-bred specimens as at present.

Comment: The core issue is the use of first-generation captive-born specimens of Appendix I species (Indian elephants in particular) for commercial purposes. The draft fails to provide a mechanism that avoids undermining the provisions regarding captive breeding and commercial transactions involving such species.

Conclusion: The Community should not support this draft Resolution.

**Amendment of the Appendices**

**58. CRITERIA FOR AMENDMENT OF APPENDICES I AND II — CoP12 Doc. 58**

Summary: It is understood that Parties will be asked whether or not to agree to a text prepared by a majority of the working group or to go along with the view of the Chair of the Plants Committee that the matter needs further discussion.

Comments: Although the draft text produced by the working group represents a considerable achievement, this is a sensitive issue and merits further work if a broader support base can thus be achieved.

Conclusion: The Community should support a Conference Decision extending and clarifying the mandate of the working group, and carrying the work forward in the light of the existing draft.

**59. AMENDMENT OF THE APPENDICES WITH REGARD TO POPULATIONS — CoP12 Doc. 59**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

**60. ANNOTATIONS FOR MEDICINAL PLANTS IN THE APPENDICES — CoP12 Doc. 60**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

**Other themes and issues**

**61. ESTABLISHMENT OF A WORKING GROUP TO ANALYSE RELEVANT ASPECTS OF THE APPLICATION OF CITES TO MARINE SPECIES (CHILE) — CoP12 Doc. 61**

Summary: This draft Resolution seeks the establishment of a working group on marine species issues.

Comment: There is considerable overlap between what is proposed here and the mandate of the Criteria Working Group.

Conclusion: The Community should favour asking the Criteria Working Group to deal with these issues.



**62. BUSHMEAT — CoP12 Doc. 62**

Summary: This is a report of the activities of the Bushmeat working group.

Comment: The report concludes that the group has been instrumental in improving communication and co-ordination between the countries affected by the trade and recommends that it should continue to CoP 13 with external funding.

Conclusion: The Community should note this report and support an extension of the group's mandate, but ensuring that it works in close collaboration with the CBD Liaison Group on this issue.

**63. THE RESCUE OF DEPENDENT APES FROM WAR ZONES (KENYA) — CoP12 Doc. 63**

Summary: This draft Resolution seeks to waive permit requirements under certain circumstances.

Comment: The issues raised here are not unique to apes and the plight of other dependant animals should be considered.

Conclusion: The Community is sympathetic to the objective of this draft Resolution but considers that the underlying principles need to be clarified.

**64. TRADE IN TRADITIONAL MEDICINES — CoP12 Doc. 64**

Summary: No document available as of 31 July 2002.

Comment: —

Conclusion: —

**65. PUBLICITY MATERIALS — CoP12 Doc. 65**

Summary: This is report on the implementation of Decision 11.131 on this subject by the Secretariat.

Comment: —

Conclusion: The Community should note this report.

## CONSIDERATION OF PROPOSALS FOR AMENDMENT OF APPENDICES I AND II

**66. PROPOSALS TO AMEND APPENDICES I AND II — CoP12 Doc. 66**

Prop. No	Taxon/Detail	Proposal	Proponent	Comments	Position	
					+	-
12.1	All relevant fauna Amendment of Annotation No 607 to read: The following are not subject to the provisions of the Convention: (a) synthetically derived DNA that does not contain any part of the original; (b) urine and faeces; (c) synthetically produced medicines and other pharmaceutical products such as vaccines that do not contain any part of the original genetic material from which they are derived; and (d) fossils		CH	Proposal will reduce administrative burden with no apparent conservation impact  Paragraph (c) should be replaced with the following:  'medicines and other pharmaceutical products, including vaccines, produced from synthetically maintained cells'	+	

Prop. No	Taxon/Detail	Proposal	Proponent	Comments	Position	
					+	-
12.2	<p><i>Agapornis</i> spp., <i>Platyercus</i> spp., <i>Barnardius</i> spp., <i>Cyanorhampus auriceps</i>, <i>C. novaezealandiae</i>, <i>Psittacula eupatria</i>, <i>P. krameri</i> and <i>Padda oryzivora</i></p> <p>Annotate with the following text:</p> <p>Colour morphs produced by captive breeding are considered as being of a domesticated form and therefore not subject to the provisions of the Convention</p>		CH	Support in principle but annotation should only take effect when identification guides are available	+	
12.3	<i>Tursiops truncatus ponticus</i>	II — I	GE	CITES listing favoured by ACCOBAMS. Proposal as tabled lacks sufficient data to substantiate case but uplisting could be considered further in the light of additional data		
12.4	<p><i>Balaenoptera acutorostrata</i> (Northern Hemisphere stock, except Yellow Sea, East China Sea and Sea of Japan) Annex 4 with the following annotation:</p> <p>For the exclusive purpose to allow trade between Parties that are also signatories to the International Convention for the Regulation of Whaling and which have an effective DNA register system to monitor catches, introductions from the sea and imports from other States. To ensure that trade does not result in removals in excess of catch limits, the following additional measures shall be implemented:</p> <ol style="list-style-type: none"> <li>1. notwithstanding the provisions of CITES Article XIV, paragraphs 4 and 5, any trade shall be subject to the provisions of Article IV;</li> <li>2. calculation of a safe catch levels using the IWC's Revised Management Procedure (RMP);</li> <li>3. establishment of export quotas that shall ensure that trade does not result in removals in excess of catch limits;</li> <li>4. Indication on the trade documents of the number of animals involved when shipment of products are only parts of animals, and tracking of this number through DNA monitoring of imports;</li> <li>5. implementation of domestic legislation to ensure imports are from animals taken legally; and</li> <li>6. DNA registers to monitor catches, introductions from the sea and imports and a requirement that all imports be accompanied by certified DNA profiles</li> </ol>	I — II	JP	Some of the data in the proposal are questionable. It also conflicts with Resolution Conf. 11.4		-

Prop. No	Taxon/Detail	Proposal	Proponent	Comments	Position	
					+	-
12.5	<p><i>Balaenoptera edeni</i> (Western North Pacific stock) Annex 4 with the following annotation:</p> <p>For the exclusive purpose to allow trade between Parties that are also signatories to the International Convention for the Regulation of Whaling and which have an effective DNA register system to monitor catches, introductions from the sea and imports from other States. To ensure that trade does not result in removals in excess of catch limits, the following additional measures shall be implemented:</p> <p>(a) notwithstanding the provisions of CITES Article XIV, paragraphs 4 and 5, any trade shall be subject to the provisions of Article IV; and</p> <p>(b) calculation of a safe level of catch using the IWC's Revised Management Procedure (RMP)</p>	I — II	JP	Some of the data in the proposal are questionable. It also conflicts with Resolution Conf. 11.4		-
12.6	<p><i>Loxodonta africana</i> (BW pop)</p> <p>Maintenance of the BW population in Appendix II with an amendment to annotation No 604 regarding the BW population to read:</p> <p>For the exclusive purpose of allowing in the case of the population of BW:</p> <p>(a) trade in hunting trophies for non-commercial purposes;</p> <p>(b) trade in live animals for commercial purposes to appropriate and acceptable destinations (and as determined by the national legislation of the country of import);</p> <p>(c) 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 ivory. No international trade in ivory to be permitted until 18 months after the adoption of the proposal (May 2004). Thereafter an initial amount of not more than 20 000 kg of ivory may be traded, followed by annual export quotas of not more than 4 000 kg from the year 2005 onward;</p> <p>(d) trade in hides;</p> <p>(e) trade in leather goods for non-commercial purposes; and</p> <p>(f) trade in ivory carvings for non-commercial purposes</p>	II — II	BW	<p>Net change from existing circumstances:</p> <ul style="list-style-type: none"> <li>— initial sale of 20 t raw ivory on or after May 2004</li> <li>— annual export of 4 t of raw ivory to CITES-approved Parties who will not re-export</li> <li>— commercial trade in hides allowed</li> <li>— re-export of exported live animals allowed for non-commercial purposes</li> <li>— re-export of hunting trophies allowed for non-commercial purposes</li> <li>— (re-) export of leather goods and ivory carvings allowed for non-commercial purposes.</li> </ul> <p>Although there may not be a conservation impact in BW, the wider effects of a sale, and the current state of MIKE and other safeguards must be taken into account. The Community's position will depend on clarification as to the risk of illegal killing arising from any ivory sale</p>		

Prop. No	Taxon/Detail	Proposal	Proponent	Comments	Position	
					+	-
12.7	<p><i>Loxodonta africana</i> (NA pop)</p> <p>Maintenance of the NA population in Appendix II with an amendment to annotation No 604 regarding the NA population to read:</p> <p>For the exclusive purpose of allowing in the case of the population of NA:</p> <p>(a) trade in hunting trophies for non-commercial purposes;</p> <p>(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);</p> <p>(c) trade in hides;</p> <p>(d) trade in leather goods and ivory carvings for non-commercial purposes; and</p> <p>(e) trade in registered stocks of raw ivory (whole tusks and pieces) of NA origin owned by the Government of the Republic of Namibia to trading partners that have been verified by 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 (Rev.) concerning domestic manufacturing and trade. No international trade in ivory to be permitted until 18 months after the adoption of the proposal (May 2004). Thereafter, an initial amount of not more than 10 000 kg of ivory may be traded, followed by annual export quotas of not more than 2 000 kg of ivory, from the year 2005 onwards</p>	II — II	NA	<p>Net change from existing circumstances:</p> <ul style="list-style-type: none"> <li>— initial sale of 10 t raw ivory on or after May 2004</li> <li>— annual export of 2 t of raw ivory to CITES-approved Parties who will not re-export</li> <li>— commercial trade in hides allowed</li> <li>— re-export of exported live animals allowed for non-commercial purposes</li> <li>— re-export of hunting trophies allowed for non-commercial purposes</li> <li>— (re-) export of leather goods, and ivory carvings, allowed for non-commercial purposes.</li> </ul> <p>Although there may not be a conservation impact in NA, the wider effects of a sale, and the current state of MIKE and other safeguards must be taken into account. The Community's position will depend on clarification as to the risk of illegal killing arising from any ivory sale</p>		

Prop. No	Taxon/Detail	Proposal	Proponent	Comments	Position	
					+	-
12.8	<p><i>Loxodonta africana</i> (ZA pop)</p> <p>Maintenance of the ZA population in Appendix II with an amendment to annotation No 604 regarding the ZA African population to read:</p> <p>For the exclusive purpose of allowing in the case of the population of ZA:</p> <p>(a) trade in hunting trophies for non-commercial purposes;</p> <p>(b) trade in live animals for re-introduction purposes into protected areas formally proclaimed in terms of the legislation of the importing country;</p> <p>(c) trade in hides and leather goods;</p> <p>(d) trade in raw ivory of whole tusks of any size, and cut pieces of ivory that are both 20 cm or more in length and one kilogram or more in weight of Government-owned stocks originating from the Kruger National Park. An initial stockpile of 30 000 kg is proposed and a subsequent annual quota of 2 000 kg accumulated each year through annual mortalities and management practices</p> <p>All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly</p>	II — II	ZA	<p>Net change from existing circumstances:</p> <p>— initial sale of 30 t raw ivory</p> <p>— annual export of 4 t of raw ivory to any Party.</p> <p>Although there may not be a conservation impact in ZA, the wider effects of a sale, and the current state of MIKE and other safeguards must be taken into account. The Community's position will depend on clarification as to the risk of illegal killing arising from any ivory sale</p>		
12.9	<p><i>Loxodonta africana</i> (ZM pop)</p> <p>Transfer of the Zambian population from Appendix I to Appendix II for the purpose of allowing:</p> <p>(a) trade in raw ivory under a quota of 17 000 kg of whole tusks owned by Zambia Wildlife Authority (ZAWA) obtained from management operations; and</p> <p>(b) live sales under special circumstances</p>	I — II	ZM	<p>ZM is seeking downlisting and a sale of ivory for the first time.</p> <p>Annotation is unclear as to whether sale is once-off or annual.</p> <p>The wider effects of a sale, and the current state of MIKE and the other safeguards must be taken into account. There is scope for consideration of the downlisting but the proposals regarding the ivory sale are too vaguely formulated. The Community should, therefore, oppose any sale unless it can be clarified beyond doubt that it will not increase the risk of illegal killing</p>		-

Prop. No	Taxon/Detail	Proposal	Proponent	Comments	Position	
					+	-
12.10	<p><i>Loxodonta africana</i> (ZW pop)</p> <p>Maintenance of the ZW population in Appendix II with an amendment to annotation No 604 regarding the population of ZW to read:</p> <p>For the exclusive purpose of allowing in the case of the population of ZW:</p> <p>(a) trade for commercial purposes in registered stocks of raw ivory (whole tusks and pieces) of ZW origin owned by the Government of the Republic of ZW, to trading partners that have been verified by the CITES Secretariat to have sufficient national legislation and domestic trade controls to ensure that ivory imported from ZW will not be re-exported and will be managed according to all requirements of Resolution Conf. 10.10 (Rev.) concerning domestic manufacturing and trade. No international trade in ivory to be permitted until 18 months after the adoption of the proposal (May 2004). Thereafter, an initial one-off quota of not more than 10 000 kg of ivory may be traded, and a subsequent annual quota of not more than 5 000 kg of ivory;</p> <p>(b) trade in hunting trophies for non-commercial purposes;</p> <p>(c) trade in live animals for non-commercial purposes to appropriate and acceptable destinations;</p> <p>(d) trade in hides and leather goods; and</p> <p>(e) trade in ivory carvings for non-commercial purposes</p>	II — II	ZW	<p>Net change from existing circumstances:</p> <ul style="list-style-type: none"> <li>— initial sale of 10 t raw ivory on or after May 2004</li> <li>— annual export of 5 t of raw ivory to CITES-approved Parties who will not re-export</li> <li>— commercial trade in hides and leather goods allowed</li> <li>— re-export of exported live animals allowed for non-commercial purposes</li> <li>— re-export of hunting trophies allowed for non-commercial purposes</li> <li>— (re-) export of ivory carvings, allowed for non-commercial purposes.</li> </ul> <p>The current situation in ZW, the wider effects of a sale, and the current state of MIKE and other safeguards must be taken into account. The Community should, therefore, oppose any sale unless it can be clarified beyond doubt that it will not increase the risk of illegal killing</p>		-
12.11	<i>Loxodonta africana</i> (App. II pops)	II — I	IN/KE	Appendix I listing of southern African elephant populations is not supported by the scientific evidence. The case that Appendix II listing has 'probably already led to increased illegal trade' is not proven		-
12.12	<p><i>Vicugna vicugna</i> (AR pop)</p> <p>Transfer from Appendix I to Appendix II of the population of the province of Catamarca, for the exclusive purpose of allowing international trade in products made from wool sheared from live animals, in cloth, derived manufactured products and other handicraft artefacts bearing the label 'VICUÑA — ARGENTINA'</p>	I — II	AR	Extension of present downlisting — no apparent conservation impact	+	

Prop. No	Taxon/Detail	Proposal	Proponent	Comments	Position	
					+	-
12.13	<i>Vicugna vicugna</i> Transfer to Appendix II of the populations of Bolivia that are in Appendix I, in accordance with Article II, paragraph 2 (a), of the Convention, with the exclusive purpose of allowing international trade in products made from wool sheared from live animals and bearing the label 'VICUÑA — BOLIVIA'	I — II	BO	Extension of present downlisting — no apparent conservation impact	+	
12.14	<i>Vicugna vicugna</i> Transfer from Appendix I to Appendix II of the population of the Primera Región of Chile through a modification of annotations — 106 and + 211	I — II	CL	Extension of present downlisting — no apparent conservation impact	+	
12.15	<i>Rhea pennata pennata</i> (CL pop)	I — II	CL	Proposal follows that by AR at CoP11, which Community supported. However, it purports to relate primarily to captive-bred populations for which Appendix II listing not strictly necessary. CL could pursue registration of captive breeding operations although this is difficult for small breeders. Split-listing — and resultant risk of laundering of parts and derivatives from other sub-species — must be considered		
12.16	<i>Amazona auropalliata</i>	II — I	CR	Habitat destruction is probably a greater cause of decline than international trade, which is only a small fraction of internal trade. There are gaps in population data as presented. There are also taxonomic and identification difficulties. Views of other Range States need to be considered. Could support if all or most of them do so		
12.17	<i>Amazona oratrix</i>	II — I	MX	Similar concerns to <i>Amazona auropalliata</i> but in this case most of population is in Mexico. Views of other Range States need to be considered	+	
12.18	<i>Ara couloni</i>	II — I	DE (EU)	DE urged to elaborate proposal before CoP	+	
12.19	<i>Poicephalus robustus</i> (ZA pop)	II — I	ZA	Habitat destruction is main threat and will not be solved by Appendix I listing — enforcement problems could arise		-
12.20	<i>Platysternum megacephalum</i>	0 — II	CN/US	Arises from Turtle Workshop in Kunming — support	+	
12.21	<i>Annamemys annamensis</i>	0 — II	CN/DE (EU)	Supported by Turtle Workshop in Kunming — support	+	

Prop. No	Taxon/Detail	Proposal	Proponent	Comments	Position	
					+	-
12.22	<i>Heosemys</i> spp.	0 — II	CN/DE (EU)	Supported by Turtle Workshop in Kunming — support, subject to clarification of taxonomy of <i>Heosemys sylvatica</i> — may be necessary to amend to list individual species	+	
12.23	<i>Hieremys amandalii</i>	0 — II	CN/US	Arises from Turtle Workshop in Kunming — support	+	
12.24	<i>Kachuga</i> spp. (except <i>K. tecta</i> )	0 — II	IN/US	Arises from Turtle Workshop in Kunming — support, subject to taxonomic clarification regarding species already listed on Appendix II	+	
12.25	<i>Leucocephalon yuwonoi</i>	0 — II	CN/DE (EU)	Supported by Turtle Workshop in Kunming — support	+	
12.26	<i>Mauremys mutica</i>	0 — II	CN/US	Arises from Turtle Workshop in Kunming — support	+	
12.27	<i>Orlita borneensis</i>	0 — II	CN/DE (EU)	Supported by Turtle Workshop in Kunming — support	+	
12.28	<i>Pyxidea mouhotii</i>	0 — II	CN/US	Arises from Turtle Workshop in Kunming — support	+	
12.29	<i>Siebenrockiella crassicollis</i>	0 — II	CN/US	Arises from Turtle Workshop in Kunming — support	+	
12.30	<i>Eretmochelys imbricata</i> (N. American pop) (Zero quota W)  For the exclusive purpose of allowing the Government of Cuba to export its stockpile of shell plates (7 800 kg), accumulated legally from its national conservation and management programme between 1993 and 2002, annotated as follows:  (a) the export will not take place until the CITES Secretariat has verified, within 12 months of the decision, that the importing country has adequate internal trade controls and will not re-export and the CITES Standing Committee accepts this verification; and  (b) the wild population in Cuban waters will continue to be managed as an Appendix-I species.  In accordance with Article I(a) of the Convention, the population for which a transfer is requested is defined as that segment of the regional Caribbean population bounded by the geographic limits of Cuban waters, which is under the jurisdiction of the Republic of Cuba, and is the exclusive area from which the shell was derived	I — II	CU	Proposal withdrawn 19.8.2002		



Prop. No	Taxon/Detail	Proposal	Proponent	Comments	Position	
					+	-
12.31	<i>Chitra s.I. spp. (Chitra spp.)</i>	0 — II	CN/US	Arises from Turtle Workshop in Kunming — support. However, position regarding presently undescribed <i>Chitra</i> species needs to be clarified	+	
12.32	<i>Pelochelys s.I. spp. (P. bibroni and cantorii)</i>	0 — II	CN/US	Arises from Turtle Workshop in Kunming — support	+	
12.33	<i>Hoplodactylus spp. and Nautinus spp.</i>	0 — II	NZ	Proposal requires more information to substantiate case for Appendix II listing. Appendix III listing would be an alternative but Appendix II listing facilitates enforcement		
12.34	<i>Cnemidophorus hyperythrus</i>	II — 0	US	Derives from periodic review of Appendices — support	+	
12.35	<i>Rhincodon typus</i>	0 — II	IN/PH	The proposal is still largely based on anecdotal catch-per-unit-effort declines in certain localities and the lack of understanding of the biology and status of this species remains a problem. However, on balance the Resolution Conf. 9.24 Criteria appear to be met. Extent of trade compared to basking shark debatable but meat trade appears significant. Identification of products — especially meat — in trade needs to be addressed. Consultation with RFOs and testing with reference to FAO criteria would have been useful	+	
12.36	<i>Cetorhinus maximus</i>	0 — II	GB (EU)	Resolution Conf. 9.24 Annex 2a B and FAO criteria are met. The species is sought after and is easily identified in international trade. Proposal contains adequate biological information and incorporates consultation with RFOs, and testing with reference to FAO criteria	+	
12.37	<i>Hippocampus spp.</i>	0 — II	US	Cébu workshop on this group supported listing of genus. Taxonomy, differing status of various species and implementation difficulties need to be considered	+	
12.38	<i>Cheilinus undulatus</i>	0 — II	US	Proposal relies heavily on anecdotal evidence but the species is certainly in demand and there is qualified support among range states	+	
12.39	<i>Dissostichus spp.</i>	0 — II	AU	Res. Conf. 9.24 criteria appear to be met and considerable effort is made to address CCAMLR concerns. However, CITES listing only effective if it can be linked (e.g. via annotation or accompanying Resolution) with condition that CITES parties trading in <i>Dissostichus</i> must implement CCAMLR/CDS in order to make non-detriment finding		

Prop. No	Taxon/Detail	Proposal	Proponent	Comments	Position	
					+	-
12.40	<i>Atrophaneura</i> spp.	0 — II	DE (EU)	Res. Conf. 9.24 met — support	+	
12.41	<i>Papilio</i> spp.	0 — II	DE (EU)	Res. Conf. 9.24 met — support	+	
12.42	<i>Araucaria araucana</i> (All populations)	II — I	AR	Proposal is designed to control illegal trade in seeds. However, resultant administrative burden for non-native populations needs to be considered. Follows Community position agreed for postal vote	+	
12.43	<i>Cactaceae</i> (All taxa listed in Appendix II) Amend Annotation No 608 that refers to artificially propagated specimens of <i>Gymnocalycium mihanovichii</i> (cultivars) forms lacking chlorophyll, to read as follows: <i>Cactaceae</i> spp. colour mutants lacking chlorophyll, grafted on the following stocks: <i>Harrisia 'Jusbertii'</i> , <i>Hylocereus trigonus</i> or <i>Hylocereus undulatus</i>	II — 0	CH	Removes certain purely artificial cultivars from scope of CITES and reduces administrative burden — support	+	
12.44	<i>Opuntioideae</i> spp.	II — 0	CH	Removes CITES protection from what can be invasive aliens. However, some taxa are rare and there is significant opposition from Range States		
12.45	<i>Pereskioideae</i> spp.	II — 0	CH	Easily distinguished from other <i>Cactaceae</i> and many species are common. Only one species heavily traded and that is via artificial propagation. Views of Range States need to be considered	+	
12.46	<i>Sclerocactus nyensis</i>	II — I	US	Taxon is dubious and proposal contains very little supporting data. Trade aspects of Res. Conf. 9.24 not demonstrably met		-
12.47	<i>Sclerocactus spinosior</i> spp. <i>blainei</i>	II — I	US	Taxon is dubious and proposal contains very little supporting data. Trade aspects of Res. Conf. 9.24 not demonstrably met		-
12.48	<i>Dudleya traskiae</i>	I — II	US	US is sole range State and artificially propagated specimens are widely available	+	
12.49	<i>Aloe thorncroftii</i>	I — II	ZA	Species is of low conservation concern and ZA is sole range State	+	
12.50	<i>Swietenia macrophylla</i>	III — II	GT, NI	Appendix III listing has failed to protect this species adequately. Proposal is well-documented and merits support to ensure sustainable use	+	

Prop. No	Taxon/Detail	Proposal	Proponent	Comments	Position	
					+	-
12.51	<p><i>Orchidaceae</i> spp.</p> <p>Annotation of <i>Orchidaceae</i> in Appendix II</p> <p>The annotation to specifically read as follows:</p> <p>Artificially propagated specimens of hybrids within the genera <i>Cattleya</i>, <i>Cymbidium</i>, <i>Dendrobium</i> (<i>phalaenopsis</i> and <i>nobile</i> types only), <i>Oncidium</i>, <i>Phalaenopsis</i> and <i>Vanda</i>, including their intergeneric hybrids, are not subject to the provisions of the Convention when:</p> <p>(a) specimens are traded in shipments consisting of individual containers (i.e. cartons, boxes, or crates) containing 100 or more plants each;</p> <p>(b) all plants within a container are of the same hybrid, with no mixing of different hybrids within a container;</p> <p>(c) plants within a container can be readily recognized as artificially propagated specimens by exhibiting a high degree of uniformity in size and stage of growth, cleanliness, intact root systems, and general absence of damage or injury that could be attributable to plants originating in the wild;</p> <p>(d) plants do not exhibit characteristics of wild origin, such as damage by insects or other animals, fungi or algae adhering to leaves, or mechanical damage to roots, leaves, or other parts resulting from collection; and</p> <p>(e) shipments are accompanied by documentation, such as an invoice, which clearly states the number of plants and which of the six exempt genera are included in the shipment, and is signed by the shipper. Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents</p>	II — 0	US	Treats artificially propagated orchid hybrids as 'supermarket plants' — i. e. uniform bulk shipments are exempt from CITES controls. Could reduce administrative burden but risk of fraud should be considered. Conditions (a)-(e) are probably unenforceable. Could support amended proposal without these conditions and, if necessary, excluding genera that contain Appendix I species. Views of important orchid range States should be confirmed		
12.52	<p><i>Cistanche deserticola</i></p> <p>To delete current annotation</p>	II — II	CN	Removes error in present annotation referring to roots. However reference to processed products in annotation should be retained		
12.53	<i>Lewisia maguirei</i>	II — 0	US	Grows only on Government land in US and trade is negligible	+	
12.54	<p><i>Guaiaacum</i> spp.</p> <p>The annotation to specifically read as follows:</p> <p>Designate all parts and derivatives, including wood, bark and extract</p>	0 — II	DE (EU)	<i>Guaiaacum sanctum</i> is already listed in CITES but timber is difficult to distinguish from other <i>Guaiaacum</i> species. Proposal supported by Plants Committee	+	

## CONCLUSION OF THE MEETING

**67. DETERMINATION OF THE TIME AND VENUE OF THE NEXT REGULAR MEETING OF THE CONFERENCE OF THE PARTIES (NO DOCUMENT)**

Summary: No document available as of 31 July 2002.

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.

**68. CLOSING REMARKS (NO DOCUMENT)**  
  

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