

PARTMENT OF FOREIGN AFFAIRS AND TRADE
CANBERRA

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

AMENDMENTS TO APPENDICES I AND II OF THE CONVENTION

adopted by the Conference of the Parties at its 13th meeting

(Bangkok, 2-14 October 2004)

Not yet in force
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NOTIFICATION TO THE PARTIES

No. 2004/073

Geneva, 19 November 2004

CONCERNING:

AMENDMENTS TO APPENDICES I AND II OF THE CONVENTION

adopted by the Conference of the Parties at its 13th meeting,
Bangkok (Thailand), 2-14 October 2004

1. In accordance with the provisions of Article XV of the Convention, the Conference of the Parties to the Convention, at its 13th meeting, held in Bangkok, Thailand, from 2 to 14 October 2004, considered the amendments to Appendices I and II proposed by the Parties. These proposed amendments were communicated to the contracting States of the Convention by Notification dated 4 June 2004.
2. The decisions taken by the Conference of the Parties are indicated in paragraph 3 below. The annotations in paragraph 3 are to be interpreted as follows:
 - a) The abbreviation 'spp.' is used to denote all species of a higher taxon.
 - b) An asterisk (*) placed against the name of a species indicates that one or more geographically separate populations of that species are included in Appendix I and are excluded from Appendix II.
 - c) In accordance with the provisions of Article I, paragraph (b), subparagraph (iii), of the Convention, in the case of plants the symbol (#) followed by a number placed against the name of a species or higher taxon included in Appendix II or III designates parts or derivatives which are specified in relation thereto for the purposes of the Convention as follows:
 - #1 Designates all parts and derivatives, except:
 - a) seeds, spores and pollen (including pollinia);
 - b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers; and
 - c) cut flowers of artificially propagated plants;
 - #9 Designates all parts and derivatives except those bearing a label "Produced from *Hoodia* spp. material obtained through controlled harvesting and production in collaboration with the CITES Management Authorities of Botswana/Namibia/South Africa under agreement no. BW/NA/ZA xxxxxx";

- #10 Designates all parts and derivatives except:
- a) seeds and pollen; and
 - b) finished pharmaceutical products.

3. At its 13th meeting, the Conference of the Parties took the following decisions:

- a) The following taxon is **deleted from Appendix II** of the Convention:

F A U N A

CHORDATA

AVES

PSITTACIFORMES

Psittacidae *Agapornis roseicollis*

- b) The following taxa are **transferred from Appendix I to Appendix II** of the Convention:

F A U N A

CHORDATA

MAMMALIA

PERISSODACTYLA

Rhinocerotidae *Ceratotherium simum simum* (population of Swaziland: For the exclusive purpose of allowing international trade in live animals to appropriate and acceptable destinations and in hunting trophies. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.)

AVES

FALCONIFORMES

Accipitridae *Haliaeetus leucocephalus*

REPTILIA

CROCODYLIA

Crocodylidae *Crocodylus acutus* (population of Cuba)
Crocodylus niloticus (population of Namibia)

F L O R A

ORCHIDACEAE *Cattleya trianaei*
 Vanda coerulea

- c) The following taxa are **transferred from Appendix II to Appendix I** of the Convention:

F A U N A

CHORDATA

MAMMALIA

CETACEA

Delphinidae *Orcaella brevirostris*

AVES

PSITTACIFORMES

Cacatuidae *Cacatua sulphurea*

Psittacidae *Amazona finschi*

REPTILIA

TESTUDINES

Testudinidae *Pyxis arachnoides*

F L O R A

PALMAE *Chrysalidocarpus decipiens*

- d) The following taxa are **included in Appendix II** of the Convention:

F A U N A

CHORDATA

REPTILIA

TESTUDINATA

Emydidae *Malayemys subtrijuga*
 Notochelys platynota

Trionychidae *Amyda cartilaginea*

Carettochelyidae *Carettochelys insculpta*

Chelidae *Chelodina mccordi*

SAURIA

Gekkonidae *Uroplatus* spp.

ELASMOBRANCHII

LAMNIFORMES

Lamnidae *Carcharodon carcharias*

ACTINOPTERYGII

PERCIFORMES

Labridae *Cheilinus undulatus*

MOLLUSCA

BIVALVIA

MYTILOIDA

Mytilidae *Lithophaga lithophaga*

F L O R A

APOCYNACEAE *Hoodia* spp. #9

TAXACEAE *Taxus chinensis* and infraspecific taxa of this species #10
Taxus cuspidata and infraspecific taxa of this species #10
Taxus fuana and infraspecific taxa of this species #10
Taxus sumatrana and infraspecific taxa of this species #10

THYMELAEACEAE *Aquilaria* spp. #1
Gonystylus spp. #1
Gyrinops spp. #1

- e) The text of the annotation regarding the inclusion in Appendix II of the populations of *Loxodonta africana* (MAMMALIA, PROBOSCIDA, Elephantidae) of Namibia and South Africa is amended as follows (new or amended text appears in **bold** and ~~strikeout~~):

"Populations of Botswana, Namibia and South Africa (listed in Appendix II):

For the exclusive purpose of allowing:

- 1) trade in hunting trophies for non-commercial purposes;

- 2) trade in live animals for *in situ* conservation programmes;
- 3) trade in hides;
- 4) trade in leather goods: for non-commercial purposes for Botswana; for commercial or non-commercial purposes for Namibia and South Africa;
- 5) trade in hair for commercial or non-commercial purposes for Namibia;
- 6) trade in individually marked and certified ekipas incorporated in finished jewellery for non-commercial purposes for Namibia; and
- 7) trade in registered raw ivory (for Botswana and Namibia, whole tusks and pieces; for South Africa, whole tusks and cut pieces of ivory that are both 20 cm or more in length and 1 kg or more in weight) subject to the following:
 - i) only registered government-owned stocks, originating in the State (excluding seized ivory and ivory of unknown origin) and, in the case of South Africa, only ivory originating from the Kruger National Park);
 - ii) only to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning domestic manufacturing and trade;
 - iii) ~~not before May 2004, and in any event~~ not before the Secretariat has verified the prospective importing countries, and the MIKE programme has reported to the Secretariat on the baseline information (e.g. elephant population numbers, incidence of illegal killing);
 - iv) a maximum of 20,000 kg (Botswana), 10,000 kg (Namibia) and 30,000 kg (South Africa) of ivory may be traded, and despatched in a single shipment under strict supervision of the Secretariat;
 - v) the proceeds of the trade are used exclusively for elephant conservation and community conservation and development programmes within or adjacent to the elephant range; and
 - vi) only after the Standing Committee has agreed that the above conditions have been met.

On a proposal from the Secretariat, the Standing Committee can decide to cause this trade to cease partially or completely in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations.

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

- f) The annotation "*sensu* D'Abbrera" is deleted for *Ornithoptera* spp., *Trogonoptera* spp. and *Troides* spp. included in Appendix II.
- g) Regarding *Euphorbia* spp. in Appendix II, the annotation indicating which specimens are not subject to the provisions of the Convention is amended to include artificially propagated specimens of crested, fan-shaped or colour mutants of *Euphorbia lactea*, when grafted on artificially propagated root stock of *Euphorbia neriifolia*, and artificially propagated specimens of cultivars of *Euphorbia* 'Mili' when they are traded in shipments of 100 or more plants and readily recognizable as artificially propagated specimens.
- h) The inclusion of Orchidaceae spp. in Appendix II is annotated as follows:

"Artificially propagated specimens of hybrids of the genera *Cymbidium*, *Dendrobium*, *Phalaenopsis* and *Vanda* are not subject to the provisions of the Convention when:

- 1) the specimens are traded in shipments consisting of individual containers (i.e. cartons, boxes or crates) each containing 20 or more plants of the same hybrid;
- 2) the plants within each container can be readily recognized as artificially propagated specimens by exhibiting a high degree of uniformity and healthiness; and
- 3) the shipments are accompanied by documentation, such as an invoice, which clearly states the number of plants of each hybrid.

Artificially propagated specimens of the following hybrids:

- *Cymbidium*: Interspecific hybrids within the genus and intergeneric hybrids
- *Dendrobium*: Interspecific hybrids within the genus known in horticulture as "*nobile*-types" and "*phalaenopsis*-types"
- *Phalaenopsis*: Interspecific hybrids within the genus and intergeneric hybrids
- *Vanda*: Interspecific hybrids within the genus and intergeneric hybrids

are not subject to the provisions of the Convention when:

- 1) they are traded in flowering state, i.e. with at least one open flower per specimen, with reflexed petals;
- 2) they are professionally processed for commercial retail sale, e.g. labelled with printed labels and packaged with printed packages;
- 3) they can be readily recognized as artificially propagated specimens by exhibiting a high degree of cleanliness, undamaged inflorescences, intact root systems and a general absence of damage or injury that could be attributable to plants originating in the wild;
- 4) the 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 inflorescences, roots, leaves or other parts resulting from collection; and

- 5) the labels or packages indicate the trade name of the specimen, the country of artificial propagation or, in the case of international trade during the production process, the country where the specimen was labelled and packaged; and the labels or packages show a photograph of the flower, or demonstrate by other means the appropriate use of labels and packages in an easily verifiable way.

Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents."

- i) The species *Cistanche deserticola* in Appendix II is now subject to annotation #1.
- j) In the case of *Taxus chinensis*, *Taxus cuspidata*, *Taxus fuana* and *Taxus sumatrana* and infraspecific taxa of these species, whole artificially propagated plants in pots or other small containers, each consignment being accompanied by a label or document stating the name of the taxon or taxa and the text 'artificially propagated', are not subject to the provisions of the Convention.¹
- k) As a consequence of the adoption by the Conference of the Parties of a Resolution on standard nomenclature containing taxonomic and nomenclature references for species included in the Appendices, the names of several taxa included in the Appendices have been updated. These updates are contained in the Annex to document CoP13 Doc. 9.3.1, except the recommendation relating to *Balaenoptera omurai* in paragraph 2 of that Annex, which was rejected, and with the inclusion of *Brachypelma ruhnaui* in the list of species in that genus that are shown as covered by CITES in paragraph 13. The adoption of these recommendations results in one species, *Brachypelmides klaasi* (ARACHNIDA, ARANEAE, Theraphosidae) being now covered by the listing of *Brachypelma* spp., and no longer being listed separately in Appendix II.
4. As a consequence of the adoption of standard references to the names of species listed in the Appendices, some purely editorial changes have been introduced in the revised version of Appendices I and II.
5. In accordance with the provisions of Article XV, paragraph 1, sub-paragraph (c), of the Convention, the amendments adopted at the 13th meeting of the Conference of the Parties shall enter into force 90 days after that meeting, i.e. on 12 January 2005, for all Parties except those which make reservations in accordance with paragraph 3 of that Article.
6. In accordance with the provisions of Article XV, paragraph 3, of the Convention, and during the period of 90 days provided for by subparagraph (c) of paragraph 1 of that Article (i.e. by 12 January 2005), any Party may by notification in writing to the Depositary Government (the Government of the Swiss Confederation) make a reservation with respect to one or more amendments adopted at the 13th meeting of the Conference of the Parties. Until such reservation is withdrawn, the Party shall be treated as a State not party to the Convention

¹ NB: The Secretariat believes that the annotation regarding four species of *Taxus* was adopted contrary to the Convention, which defines the specimens covered by the Convention as including "any animal or plant, whether alive or dead" [see Article I, paragraph (b) (i)] and makes no provision for the exclusion of any live or dead plant of species that are included in the Appendices. The Secretariat intends to bring this matter to the attention of the Standing Committee in order to seek agreement on the procedure for making a correction.

with respect to trade in the species concerned. The other Parties shall then apply the provisions of Article X of the Convention to such trade with the Party having made the reservation.

7. In accordance with the provisions of Article XII, paragraph 2, subparagraph (f), of the Convention, the Secretariat shall publish an updated version of Appendices I and II to take into account the amendments adopted at the 13th meeting of the Conference of the Parties and the changes necessitated by the adoption of standard references mentioned under paragraphs 3 k) and 4 above. This updated version, valid from 12 January 2005, will be distributed shortly after the present Notification combined with an updated version of Appendix III.