

TRAFFIC Recommendations on the Proposals to Amend the CITES Appendices at the 16<sup>th</sup> Meeting of the Conference of the Parties

Proposal #/ Proponent	Species covered by the proposal	Proposal	RECOMMENDATION
<p># 70</p> <p>China, Indonesia and Kuwait</p>	<p><i>Aquilaria</i> spp. and <i>Gyrinops</i> spp. Agarwood</p>	<p>Deletion of the annotation to the listing of <i>Aquilaria</i> spp. and <i>Gyrinops</i> spp. in Appendix II, and replacement with a new annotation with a new number, as follows: All parts and derivatives, except: a) seeds and pollen; b) seedling or tissue cultures obtained <i>in vitro</i>, in solid or liquid media, transported in sterile containers; c) fruits; d) leaves; e) mixed oil containing less than 15 % of agarwood oil, attached with labels of following words: "Mixed oil containing xx% of agarwood obtained through controlled harvesting and production in collaboration with the CITES Management Authorities of XX (name of the State)"; samples of the labels and list of relevant exporters should be communicated to the Secretariat by States and then all Parties through a Notification; f) exhausted argawood powder, including compressed powder in all shapes; g) finished products packaged and ready for retail trade, this exemption does not apply to beads, prayer beads and carvings.</p>	<p>Agarwood-producing genera <i>Aquilaria</i> and <i>Gyrinops</i> are threatened by over-exploitation in the wild to supply international demand in the Middle East and East Asia. Many countries now have cultivated agarwood plantations, which are beginning to supply the market with all forms of agarwood products, and are being reported in trade as artificially propagated (source code A). The issue of artificial propagation is being addressed in a draft resolution at this meeting of the CoP (see CoP16 Doc 67.2) This amendment proposal aims to simplify the implementation and enforcement of agarwood trade controls, and is supported by a Glossary of Agarwood Products compiled in CoP16 Inf. 3. However, it is not clear if the intent of some elements of this proposal addresses the principles that are provided as guidance in <i>Resolution Conf. 11.21 (rev CoP15)</i> regarding annotations for medicinal plants, viz. controls should concentrate on those commodities that first appear in international trade as exports from range States; these may range from crude to processed material; and controls should include only those commodities that dominate the trade and the demand for the wild resource, viz. woodchips, powder and oil. The proposal will need to address a number of challenges likely to be faced by enforcement officers, such as distinguishing between mixed oils of less than 15%, and agarwood oil of higher concentrations up to 100% purity, and distinguishing between agarwood powder and "exhausted powder".</p> <p><b>ACCEPT IF</b></p> <p><b>i) there is a streamlining of this amendment proposal, and its revised annotation so that it is in alignment with and does not contradict with the proposed amendment to <i>Resolution Conf 13.7 (rev CoP14)</i> in CoP16 Doc. 47 regarding personal effects exemptions specific to agarwood products.</b></p> <p><b>ii) Paragraph e) incorporates text that will eliminate any potential loopholes that would allow higher concentrations of oil to be mis-declared as "mixed oils of less than 15%", with respect to the amount of agarwood needed to produce each litre of pure oil.</b></p> <p><b>iii) Paragraph f) incorporates text that will provide clear specifications to prevent agarwood powder being mis-declared as "exhausted powder", either at point of export from range States or point of import. This should also be related to quantities and forms specified under any export quota from range States. In addition, the paragraph could specify "100% exhausted powder" to avoid shipments of mixed pure and exhausted powder being exempted.</b></p> <p><b>iv) Paragraph (g) regarding finished products specifies what kind of products the exemption will apply to, in addition to what it does not apply to.</b></p>