

CITES Procedures for Commercial Trade and Export of Listed Species

(Agarwood and Himalayan Yew)

Introduction to CITES

1. CITES stands for the "Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)". The headquarters is in Geneva, Switzerland, and the convention was established on March 3, 1973. Myanmar became a member country on September 11, 1997.

CITES Convention Regulations

2. The convention has issued rules and decisions for member countries to follow to control international trade and commercial breeding of wild animals and plants. The convention has designated three levels of protection for wild animals, plants, and their parts, categorized into the following CITES Appendices:

(a) CITES Appendix I

(b) CITES Appendix II

(c) CITES Appendix III

3. Member countries have agreed to abide by the following rules for international trade, exchange, import, and export of species listed in these appendices:

(a) CITES Appendix I

(1) This list includes all extremely rare species and in danger of extinction.

- (2) Commercial trade of specimens taken from the wild is strictly prohibited.
- (3) However, trade in wild animals and plants that have been bred or propagated scientifically may be permitted under specific regulations.
- (4) Both a CITES Export Permit from the exporting country and a CITES Import Permit from the importing country are required.

(b) CITES Appendix II

- (1) This list includes all species that are not currently threatened with extinction but may become so without trade controls.
- (2) Trade may be permitted according to specific regulations, if it does not negatively impact the population and survival of the species in the wild.
- (3) A CITES Export Permit from the exporting country is required.

(c) CITES Appendix III

- (1) This list includes all species that are protected in at least one country's domestic law and are abundant in the wild.
- (2) Trade may be permitted according to specific regulations, if it does not negatively impact the population and survival of the species in the wild.
- (3) A CITES Export Permit from the exporting country is required.

CITES Focal Points in Myanmar

4. As a member of the CITES Convention, Myanmar has designated the following focal points to ensure smooth communication and coordination regarding trade and regulation with the Convention Secretariat and other member countries.

(a) CITES Management Authority and its responsibilities

Dr. Thaung Naing Oo

Director General

Forest Department

Ministry of Natural Resources and Environmental Conservation

Responsibilities

- (1) Oversight and Registration: To review, supervise, and register matters related to trade, breeding, and propagation.
- (2) Permit Issuance: To issue permits for export, re-export, import, and exhibition (CITES Export/ Re-Export/ Import Permit/ Exhibition Permit).
- (3) Appendix Amendments: To propose amendments to the classifications of plants and wild animals listed in the CITES Appendices.

(b) Scientific Authorities and their Responsibilities

Fauna (Terrestrial Species)

Dr. Thant Shin

Director

Nature and Wildlife Conservation Division

Forest Department

Ministry of Environmental Conservation and Forestry

Fauna (Aquatic and Fish Species)

Dr. Htun Thein

Director

Department of Fisheries

Ministry of Agriculture, Livestock and Irrigation

Responsibilities

- (1) Species Assessment: To cross-reference and verify the rarity and conservation status of species.
- (2) Listing and Implementation: To facilitate the designation of rare wild animals and plants as species to be included in the appendices and to ensure compliance with the regulations periodically issued by the convention.

Procedures for Commercial Cultivation, Production, and Export/Import of Agarwood Species

Information on Agarwood

1. Agarwood belongs to the Thymelaeaceae family and the *Aquilaria* genus. In Myanmar, it is commonly known as "Thit Mway" or, in some regions, as "A Kyaw." The English names are Agarwood or Eaglewood. The scientific names for the agarwood found in Myanmar are *Aquilaria agallocha* and *Aquilaria malaccensis*. It is found in the natural forests of countries such as Bangladesh, Bhutan, India, Indonesia, Kuwait, Malaysia, Iran, the Philippines, Singapore, Thailand, Myanmar, Laos, Cambodia, Vietnam, Papua New Guinea, and the UAE. In Myanmar, it grows in the Kachin and Shan states, as well as in the Sagaing, Mandalay, and Tanintharyi regions.

2. According to CITES records, there are 29 species of Agarwood worldwide. The species names and their countries of origin, as listed by CITES, are as follows:

- (a) *Aquilaria acuminata*
- (b) *Aquilaria agallocha* (Myanmar)
- (c) *Aquilaria apiculata* (Philippines)
- (d) *Aquilaria audate*
- (e) *Aquilaria baillonii* (Thailand, Cambodia)
- (f) *Aquilaria banaense* (Vietnam)
- (g) *Aquilaria beccariana* (Indonesia)
- (h) *Aquilaria brachyantha* (Malaysia)
- (i) *Aquilaria citrinaecarpa*
- (j) *Aquilaria crassna* (Cambodia, Malaysia, Thailand, Vietnam)

- (k) *Aquilaria cumingiana* (Indonesia, Malaysia)
- (l) *Aquilaria filarial* (China)
- (m) *Aquilaria grandiflora* (China)
- (n) *Aquilaria hirta* (Indonesia, Malaysia)
- (o) *Aquilaria khasiana* (India)
- (p) *Aquilaria malaccensis* (Malaysia, Myanmar, India)
- (q) *Aquilaria microcarpa* (Indonesia, Malaysia)
- (r) *Aquilaria moluccana*
- (s) *Aquilaria moszkowskii*
- (t) *Aquilaria parvifolia*
- (u) *Aquilaria podocarpus*
- (v) *Aquilaria rostrata* (Malaysia)
- (w) *Aquilaria secundana*
- (x) *Aquilaria sinensis* (China)
- (y) *Aquilaria subintegra* (Thailand)
- (z) *Aquilaria tomentosa*
- (aa) *Aquilaria urdanetensis*
- (bb) *Aquilaria versteegii*
- (cc) *Aquilaria yunnanensis*

CITES Appendix Listing and Agarwood

3. According to the list of CITES Appendix species (CITES Appendices I, II, and III) published in February 2015, agarwood (*Aquilaria spp*) is a CITES Appendix II-listed species. Based on this classification, all parts and products of agarwood (*Aquilaria spp*) are included in CITES Appendix II, except for: seeds and pollen; fruits and leaves; seedlings produced by tissue culture using agar or liquid media; sterile containers used for transport; and powdered or finished products

(excluding handicrafts and prayer beads) from which fragrance/oil has already been extracted. (Appendix-1)

4. According to Chapter 4, Paragraph 4 of the CITES Convention, an export of a CITES Appendix II listed species requires a CITES Export Permit issued by the CITES Management Authority of the exporting country. Therefore, if you wish to export CITES Appendix II listed agarwood species, you must apply to the Ministry of Environmental Conservation and Forestry to obtain a CITES Export Permit.

Most Frequently Traded Agarwood Parts and Products in International Trade

5. Based on a proposal by Kuwait, Indonesia, China, and Thailand at CoP 16 Inf.3 of the CITES Convention, the types of agarwood parts and products most frequently traded internationally are listed in Appendix-2.

Required Information for CITES Export Permit Application

6. Anyone wishing to import or export CITES Appendix II and III listed species must apply to the Forest Department, Ministry of Environmental Conservation and Forestry, with the following complete information:

- (a) Full name and address of the individual/organization importing/exporting,
- (b) Full name and address of the receiving individual/organization,
- (c) The country of import/export,
- (d) Name of the species to be imported/exported (English name, scientific name),
- (e) A detailed description of the species to be imported/exported,
- (f) The quantity to be imported/exported,

- (g) The purpose of import/export,
- (h) The location where the specimen was collected,
- (i) If the species to be imported/exported are from one's own cultivation/breeding, a certificate of verification from the relevant township's Forest Department.

Requirements for Commercial Cultivation and Export of Agarwood

7. According to Chapter 4, Paragraph 2 of the CITES Convention, "The export of CITES Appendix II listed species must be certified by the CITES Scientific Authority as not detrimental to the survival of the species in the wild."

8. Therefore, the commercial export of CITES Appendix II listed species harvested from natural forests is not permitted. As a result, anyone wishing to export agarwood must first apply to the Forest Department for a commercial cultivation permit.

9. An individual wishing to cultivate agarwood commercially must apply to the Forest Department for a cultivation permit with the following information:

- (a) Full name and address of the applicant individual/organization,
- (b) Location of cultivation (land ownership documents),
- (c) Name of the agarwood species to be cultivated (Myanmar/English/scientific),
- (d) Number of trees to be cultivated,
- (e) Cultivation method,
- (f) Location where seeds or seedlings were obtained,
- (g) Methods to be implemented to prevent harm to the natural environment,

- (h) The number of trees to be cultivated/already cultivated and a detailed list of each tree inoculated with a resin-inducing agent,
- (i) The date of inoculation and the name and full address of the company/organization that performed the inoculation,
- (j) Documentation of the cutting permit from the Forest Department at the time of harvesting,
- (k) The desired annual export volume (oil, solid, raw materials), etc., in kilograms, as an individual, company, or organization.

Uses of Agarwood Species

10. Agarwood is used as oil, solid resin, and a heartwood extract. It is used in external ointments for wounds and to treat septic wounds. It has multiple uses in compounding oral and topical medicines for body aches, fever, paralysis, as a heart tonic, a stomach tonic, and asthma. Furthermore, it cures dizziness, abdominal pain, chronic fever, arthritis, and skin diseases. It is also used in fumigation to kill germs in wounds, allowing them to heal properly. Agarwood is primarily used in perfumes and fragrances in East Asian countries such as Taiwan, Japan, and Korea, and in the Middle Eastern Arab states.

CITES Regulations on Export Quota System

11. The export quota system is merely a system to assist in the administration of each country and is intended to ensure that the quota is obtained without detriment to the natural state of the species. The setting of export quotas is to be carried out by the relevant CITES authority of a country to ensure the non-detriment of the natural state of CITES Appendix I and II listed species.

12. The species-specific export quota refers to the quantity that a country can export within a 12-month period. It does not mean that the full amount

requested in the annual export quota from the CITES Secretariat must be exported. In some cases, if there is a remaining quantity collected from the wild that has not been exported, it can be kept within the country as a souvenir. As of today, the export quota period is set as the calendar year (from January 1 to December 31).

13. According to CITES Resolution Conf. 12.3 (Rev. CoP 15), a country's CITES authority must notify the CITES Secretariat of its determined export quota 30 days in advance so that other countries and the CITES Secretariat are aware of it.

14. Therefore, to obtain an export quota, anyone wishing to export agarwood species abroad must apply to the Forest Department with the desired quantity in kilograms at least six months prior to the export.

15. The country-specific export quota is generally based on collection from natural forests. Thus, for agarwood and its related products obtained from cultivation, it is not necessary to apply for an export quota.

Procedures for Commercial Cultivation and International Trade of Himalayan Yew

CITES Appendix Listings and *Taxus wallichiana* (Himalayan Yew)

1. According to the CITES Appendices I, II, and III, released in February 2015, the Himalayan Yew species are included in the family Taxaceae, and the species found in Myanmar (*Taxus wallichiana*) is listed in CITES Appendix II.
2. All parts of the Himalayan Yew species are included in CITES Appendix II, except for seeds and pollen, finished products, and items pre-packaged for retail sale. (Appendix-4)

Requirements for Exporting Himalayan Yew

3. The following requirements must be met to export Himalayan Yew:
 - (a) Not only the entire plant but also its parts, cuttings, and stumps are listed in Appendix II.
 - (b) The exporter must apply to the Forest Department, specifying the extraction location.
 - (c) The Forest Department or a designated CITES official must verify and provide a recommendation on whether the yew was extracted from the wild or a plantation.
 - (d) If extracted from the wild, the application must include a description of the status of the Himalayan Yew in Myanmar, including its natural habitat, estimated number of plants, and distribution.
 - (e) The CITES Scientific Authority and Management Authority must submit a recommendation to the CITES Secretariat, along with the

data on the species' distribution, confirming that the extraction from the wild will not lead to its extinction.

- (f) If exporting "stumps," a reasonable justification for the original plant parts' use (e.g., for medicinal raw materials or other uses) must be provided.
- (g) Since the yew is extracted from the wild, the exporting country must submit a request for an export quota to the CITES Secretariat three months in advance.
- (h) The CITES Secretariat will then issue a notification to member countries and set an export quota for the requested year.
- (i) If the Himalayan Yew is sourced from a commercial plantation, an export quota is not required under CITES regulations, and a CITES Export Permit can be issued directly.

Appendices		
I	II	III
THYMELAEACEAE (Aquilariaceae) Agarwood, ramin	<i>Aquilaria</i> spp. ^{#14} <i>Gonystylus</i> spp. ^{#14} <i>Gyrinops</i> spp. ^{#14}	
TROCHODENDRACEAE (Tetracentraeae) Tetracentron		<i>Tetracentron sinense</i> ^{#1} (Nepal)
VALERIANACEAE Himalayan spikenard	<i>Nardostachys grandiflora</i> ^{#2}	
VITACEAE Grapes	<i>Cyphostemma elephantopus</i> <i>Cyphostemma laza</i> <i>Cyphostemma montagnacii</i>	
WELWITSCHIAEAE Welwitschia	<i>Welwitschia mirabilis</i> ^{#4}	
ZAMIACEAE Cycads	ZAMIACEAE spp. ^{#4} (Except the species included in Appendix I)	
<i>Ceratozamia</i> spp. <i>Chigua</i> spp. <i>Encephalartos</i> spp. <i>Microcycas calocoma</i>		
ZINGIBERACEAE Ginger lily	<i>Hedychium philippinense</i> ^{#4}	
ZYGOPHYLLACEAE Lignum-vitae	<i>Bulnesia sarmientoi</i> ^{#11} <i>Guaiacum</i> spp. ^{#2}	

- ^{#14} All parts and derivatives except:
- seeds and pollen;
 - seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
 - fruits;
 - leaves;
 - exhausted agarwood powder, including compressed powder in all shapes; and
 - finished products packaged and ready for retail trade, this exemption does not apply to beads, prayer beads and carvings.
- ^{#4} All parts and derivatives, except:
- seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia). The exemption does not apply to seeds from *Cactaceae* spp. exported from Mexico, and to seeds from *Beccarophoenix madagascariensis* and *Neodrypsis decaryi* exported from Madagascar;
 - seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
 - cut flowers of artificially propagated plants;
 - fruits, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genus *Vanilla* (Orchidaceae) and of the family *Cactaceae*;
 - stems, flowers, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genera *Opuntia* subgenus *Opuntia* and *Selenicereus* (*Cactaceae*); and
 - finished products of *Euphorbia antisyphilitica* packaged and ready for retail trade.
- ^{#1} All parts and derivatives, except:
- seeds, spores and pollen (including pollinia);
 - seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
 - cut flowers of artificially propagated plants; and
 - fruits, and parts and derivatives thereof, of artificially propagated plants of the genus *Vanilla*.
- ^{#2} All parts and derivatives except:
- seeds and pollen; and
 - finished products packaged and ready for retail trade.
- ^{#11} Logs, sawn wood, veneer sheets, plywood, powder and extracts.

CoP16 Inf. 3

(English only / Únicamente en inglés / Seulement en anglais)

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



Sixteenth meeting of the Conference of the Parties
Bangkok (Thailand), 3-14 March 2013

Agarwood-producing taxa

GLOSSARY OF AGARWOOD PRODUCTS

This document has been submitted by China, Indonesia, Kuwait and Thailand, in relation to agenda item CoP16 Doc. 67.2 on "Draft resolution on *Implementation of the Convention for agarwood-producing taxa*" and to amendment proposal CoP16 Prop. 70 on the annotation for *Aquilaria* spp. and *Gyrinops* spp.*

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

Appendices		
I	II	III
ORCHIDACEAE Orchids (For all of the following Appendix-I species, seedling or tissue cultures obtained <i>in vitro</i> , in solid or liquid media, and transported in sterile containers are not subject to the provisions of the Convention only if the specimens meet the definition of 'artificially propagated' agreed by the Conference of the Parties) <i>Aerangis ellisii</i> <i>Dendrobium cruentum</i> <i>Laelia jongheana</i> <i>Laelia lobata</i> <i>Paphiopedilum</i> spp. <i>Peristeria elata</i> <i>Phragmipedium</i> spp. <i>Renanthera imschootiana</i>	ORCHIDACEAE spp. ^{10/11} (Except the species included in Appendix I)	
OROBANCHACEAE Broomrape	<i>Cistanche deserticola</i> ¹⁴	
PALMAE (Arecaceae) Palms	<i>Beccariophoenix madagascariensis</i> ¹⁴ <i>Lemurophoenix halleuxii</i>	<i>Lodoicea maldivica</i> ¹³ (Seychelles)
<i>Chrysalidocarpus decipiens</i>		

¹⁰ Artificially propagated hybrids of the following genera are not subject to the provisions of the Convention, if conditions, as indicated under a) and b), are met: *Cymbidium*, *Dendrobium*, *Phalaenopsis* and *Vanda*.

- Specimens are readily recognizable as artificially propagated and do not show any signs of having been collected in the wild such as mechanical damage or strong dehydration resulting from collection, irregular growth and heterogeneous size and shape within a taxon and shipment, algae or other epiphyllous organisms adhering to leaves, or damage by insects or other pests; and
- when shipped in non-flowering state, the specimens must be traded in shipments consisting of individual containers (such as cartons, boxes, crates or individual shelves of CC-containers) each containing 20 or more plants of the same hybrid; the plants within each container must exhibit a high degree of uniformity and healthiness; and the shipment must be accompanied by documentation, such as an invoice, which clearly states the number of plants of each hybrid; or
 - when shipped in flowering state, with at least one fully open flower per specimen, no minimum number of specimens per shipment is required but specimens must be professionally processed for commercial retail sale, e.g. labelled with printed labels or packaged with printed packages indicating the name of the hybrid and the country of final processing. This should be clearly visible and allow easy verification.

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

¹⁴ All parts and derivatives, except:

- seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia). The exemption does not apply to seeds from Cactaceae spp. exported from Mexico, and to seeds from *Beccariophoenix madagascariensis* and *Neodrypsis decaryi* exported from Madagascar;
- seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
- cut flowers of artificially propagated plants;
- fruits, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genus *Vanilla* (Orchidaceae) and of the family Cactaceae;
- stems, flowers, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genera *Opuntia* subgenus *Opuntia* and *Selenicereus* (Cactaceae); and
- finished products of *Euphorbia antisyphilitica* packaged and ready for retail trade.

¹³ The kernel (also known as 'endosperm', 'pulp' or 'copra') and any derivative thereof.

Appendices		
I	II	III
RANUNCULACEAE Golden seals, yellow adonis, yellow root	<i>Adonis vernalis</i> ^{#2}	
	<i>Hydrastis canadensis</i> ^{#8}	
ROSACEAE African cherry, stinkwood	<i>Prunus africana</i> ^{#4}	
RUBIACEAE Ayugue		
<i>Balmea stormiae</i>		
SANTALACEAE Sandalwoods	<i>Osyris lanceolata</i> ^{#2} (Populations of Burundi, Ethiopia, Kenya, Rwanda, Uganda and the United Republic of Tanzania)	
SARRACENIACEAE Pitcher-plants (New World)	<i>Sarracenia</i> spp. ^{#4} (Except the species included in Appendix I)	
<i>Sarracenia oreophila</i> <i>Sarracenia rubra</i> <i>ssp. alabamensis</i> <i>Sarracenia rubra ssp. jonesii</i>		
SCROPHULARIACEAE Kutki	<i>Picrorhiza kurroa</i> ^{#2} (Excludes <i>Picrorhiza scrophulariiflora</i>)	
STANGERIACEAE Stangerias	<i>Bowenia</i> spp. ^{#4}	
<i>Stangeria eriopus</i>		
TAXACEAE Himalayan yew	<i>Taxus chinensis</i> and infraspecific taxa of this species ^{#2} <i>Taxus cuspidata</i> and infraspecific taxa of this species ¹² ^{#2} <i>Taxus fuana</i> and infraspecific taxa of this species ^{#2} <i>Taxus sumatrana</i> and infraspecific taxa of this species ^{#2} <i>Taxus wallichiana</i> ^{#2}	

^{#2} All parts and derivatives except:

- a) seeds and pollen; and
- b) finished products packaged and ready for retail trade.

^{#8} Underground parts (i.e. roots, rhizomes): whole, parts and powdered.

^{#4} All parts and derivatives, except:

- a) seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia). The exemption does not apply to seeds from *Cactaceae* spp. exported from Mexico, and to seeds from *Beccarophoenix madagascariensis* and *Neodypsis decaryi* exported from Madagascar;
- b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
- c) cut flowers of artificially propagated plants;
- d) fruits, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genus *Vanilla* (Orchidaceae) and of the family *Cactaceae*;
- e) stems, flowers, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genera *Opuntia* subgenus *Opuntia* and *Selenicereus* (*Cactaceae*); and
- f) finished products of *Euphorbia antisiphilitica* packaged and ready for retail trade.

¹² Artificially propagated hybrids and cultivars of *Taxus cuspidata*, live, 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.