

OPINION 2230 (Case 3400)

***Hybosorus illigeri* Reiche, 1853 (Insecta, Coleoptera): precedence not given over *Hybosorus roei* Westwood, 1845**

Abstract. The Commission has ruled that priority is maintained for the species name *Hybosorus roei* Westwood, 1845. A proposal to conserve the junior synonym *Hybosorus illigeri* Reiche, 1853 by giving it precedence over *Hybosorus roei* Westwood was not approved.

Keywords. Nomenclature; taxonomy; HYBOSORIDAE; *Hybosorus illigeri*; *Hybosorus roei*; *Hybosorus pinguis*; *Hybosorus carolinus*; scarabaeoids.

Ruling

- (1) It is hereby ruled that the name *roei* Westwood, 1845, as published in the binomen *Hybosorus roei*, retains priority over the name *illigeri* Reiche, 1853, as published in the binomen *Hybosorus illigeri*, whenever the two are considered synonyms.
- (2) No names are placed on the Official Lists or Indexes in this ruling.

History of Case 3400

An application to conserve the specific name *Hybosorus illigeri* Reiche, 1853 for a well known, widely distributed scarabaeoid beetle (HYBOSORIDAE) by giving it precedence over the little-used senior subjective synonym *Hybosorus roei* Westwood, 1845 and unused senior subjective synonyms, *Hybosorus pinguis* Westwood, 1845 and *Hybosorus carolinus* LeConte, 1847, was received from P.G. Allsopp (*BSES Limited, Indoeroopilly, Australia*) and T. Branco (*Porto, Portugal*) on 3 December 2006. After correspondence the case was published in BZN 64: 90–95 (June 2007). The title, abstract and keywords of the case were published on the Commission's website. No comments were received on this case.

Decision of the Commission

The case was sent to the members of the Commission on 1 March 2008. The case received a majority of votes cast (11 FOR, 9 AGAINST), but failed to reach the two-thirds majority required for approval.

In accordance with Bylaw 35, the proposals published in BZN 64: 92 were resubmitted to the Commission on 1 December 2008. At the close of the voting period on 1 March 2009 the votes were as follows:

Affirmative votes – 8: Brothers, Fautin, Grygier, Halliday, Krell, Minelli, Papp and Zhang.

Negative votes – 11: Alonso-Zarazaga, Bogutskaya, Kottelat, Kullander, Lamas, Lim, Ng, Pape, Rosenberg, Štys and van Tol.

Bouchet abstained. Patterson and Pyle were on leave of absence.

In the first round of voting Kullander, voting AGAINST, said that Paragraph 8 of the application showed that the taxonomy of the name had not been worked out, so

the case was not ripe for Commission consideration. Štys, also voting AGAINST, said that a modern taxonomic revision should precede the requested decision—under the circumstances it seemed better to follow the Principle of Priority. He said that the authors of the application should have compared the name-bearing types of the two names involved and included information on their availability and location. Voting AGAINST, Kottelat pointed out that formally, as proposed in paragraph 7 of the application, *H. pinguis* and *H. carolinus* were not nomina oblita. Article 23.9.2 explicitly requires that the authors 'state explicitly...that the action is taken in accordance with this Article' and as Article 23.9.2 was not cited, the act was invalid. This meant that reversal of precedence between *H. illigeri* and *H. roei* would result, in fact, in giving precedence to *H. pinguis* and *H. carolinus*.

In the second round of voting Alonso-Zarazaga, voting AGAINST, said that he felt this case lacked a sound taxonomic basis. Furthermore, he suggested the case as it was presented provided no basis for suggesting the status of *Hybosorus pinguis* and *H. carolinus* as nomina oblita. He was concerned that no information was given about their type material and identity. Bouchet, who ABSTAINED, said he had earlier voted FOR the proposals, but was now disturbed to learn that the case was not adequately supported by modern taxonomic work; thus he abstained. Ng, voting AGAINST said he felt the circumstances were such that he did not see the need for plenary action. He was of the opinion that the evolving taxonomy would likely complicate things further if the Commission made a decision on this now.

Brothers, voting FOR, said that the declaration of *H. pinguis* Westwood, 1845 and *H. carolinus* LeConte, 1847 as nomina oblita in paragraph 7 of the application should be regarded as valid by implication of the context, notwithstanding the lack of an explicit reference to Article 23.9.2. Halliday, voting FOR, said he did not feel that the objections raised by other Commissioners were fatal to the proposal.

No names are placed on Official Lists or Indexes and the issue is left open for subsequent workers to follow the precepts of the Code or to make new proposals to the Commission.