

Summary of Conclusions of the

2nd MEETING OF THE EU CITES COMMITTEE - TRADE IN SEAL PRODUCTS

Brussels, 14th April 2010

- Introduction by the Chairman

- 1) The agenda was adopted without any additional suggestions.
- 2) **Way forward regarding the issuance of technical guidance notes for the use of the codes of the Combined Nomenclature which may cover seal products**

The Chairman provided a short overview of the outcome of the further reflections made following the first preliminary exchange of views with Member States at the first Committee meeting held on 21 January 2010 and further written comments received by Member States in February.

The Chairman thanked the Member States for their submissions and reminded them that, while trying to find a practical solution without any undue financial and administrative burden, it was important to provide for sufficient legal clarity for all parties involved and to ensure a harmonized application of the provisions of the legislation throughout the EU. To achieve the latter, the Commission proposed to have the special provisions for seal products integrated into the online customs tariff database (TARIC). By integrating and encoding the measures in TARIC, their uniform application would be secured and would give all economic operators a clear view of all measures to be undertaken when importing or exporting those goods. It would also make it possible to collect Community-wide statistics and would therefore facilitate reporting, which, in accordance with Article 7 of Regulation No 1007/2009, Member States are asked to do. A Commission representative (DG.TAXUD) informed the Committee that all Member States are using TARIC data to ensure a uniform application of Community legislation. In order to make adequate use of that database, the list of codes of the Combined Nomenclature would need to be detailed in order to avoid the creation of any loopholes.

Several Member States expressed reservations about the use of a long list of codes of the Combined Nomenclature and about the potential administrative burdens which would be placed on national authorities as well as on economic operators. Following a detailed exchange of views, the Chairman noted that, while there was indeed concern expressed about the administrative burden and costs involved, there was, however, a tendency among Member States to generally support the Commission approach of having a detailed list of codes of the Combined Nomenclature to which TARIC measures can be linked to ensure harmonised application. Furthermore, he noted that there was increasing acceptance that that approach would also facilitate the uniform

application of Community legislation in the EU.

With regard to the type of document, the Chairman informed the Committee that Article 3(3) of Regulation No 1007/2009 requires the adoption of a Commission Decision on this issue following a vote by the Member States.

The Chairman invited the Member States, independently of the final decision of having a longer or shorter list, to send comments to the Commission **by 21st April 2010** covering

- a) specific comments about specific entries contained in the Annex of the tabled document
- b) any factual mistakes that would need to be corrected. **(ACTION)**

The Chairman informed the Committee that the Commission would prepare the Commission Decision containing the list of CN codes for the Committee's consideration. It will either be put to a vote at a next Committee meeting or by written procedure.

Seen the urgency of adopting the implementing measures first, the Chairman said that the Commission would first need to conclude the work on the latter before drafting the Commission Decision in relation to the CN codes.

The Committee agreed to the proposed way forward.

3) Discussion on future Commission implementing regulation on trade in seal products

The Chairman thanked the Member States for the submission of comments after the first Committee meeting held on 21st January 2010.

He then flagged the main points of the proposed implementing measures which, in line with the Regulation No 1007/2010, would foresee a system by which a body would need to fulfil certain requirements in order to be recognised as a body for the issuance of attestations for the purpose of the Regulation on trade in seal products. The implementing measures would also set out the procedure for issuing an attestation, if the requirements for the placing on the market were fulfilled.

Following detailed discussions, the Chairman noted that there appeared to be a broad consensus among Member States on the main elements of the implementing measures. As to the scope and application of the customs procedures, the Committee agreed that the Regulation would apply to seal products declared for release for free circulation, if compliant with the requirements of the Regulation. The Chairman informed the Member States that the Commission would prepare a guidance note on the application of the customs procedures for the Member States' consideration.

Some Member States expressed concerns about a hunting trophy provision and argued that this was not in line with the basic regulation and would create an incentive for sports hunting. Other Member States underlined the importance of keeping this possibility in the text for reason of coherence with the EU Wildlife Trade Regulations

implementing CITES in the EU, for subsistence reasons of the Inuit and Indigenous Communities as well as for hygienic and health reasons.

The Chairman drew the attention of the Committee to the fact that the EU, when adopting Regulation No 1007/2009, clearly spelled out that this was not done with the intention of establishing rules regarding the hunting of seals but to regulate the placing on the market of seal products.

The Chairman invited **Member States to provide comments by 21st April** whether the proposal to introduce the provisions in relation to the hunting trophies as discussed at the first Committee meeting held on 21st January would be a workable solution. As possible elements to be considered, he mentioned a limitation in numbers and an obligation of submitting supporting documents, e.g. an issued hunting permit. **(ACTION)**

He furthermore informed the Member States, that the Commission would elaborate a Proposal for consideration of the Committee via written procedure. He recalled the extraordinary time pressure due to the tight deadlines imposed by the co-legislators to have the implementing measures adopted by 20th August 2010. The Rules of Procedure of the Committee¹ allow for using the accelerated procedure of 5 calendar days in urgent cases. The Chairman informed the Committee that it was his intention to use this procedure. **Pending the availability of the text in all Community languages, the Proposal would be submitted to Member States and the respective Permanent Representations on 10th May for a vote by written procedure to be concluded by 14th May. (ACTION)**

Before closing on this Agenda point, the Chairman also informed the Committee that it was the intention to notify the draft measure to the Technical Barriers to Trade (TBT) Committee in the framework of the WTO.

4) **Any other business**

The Chairman said that, if need be, individual points regarding seals could be put on the agenda of one of the next regular EU Wildlife Trade Committee meetings. He reiterated again that the Commission would work on the Commission Decision in relation to the CN codes as well as the guidance note on the application of the customs procedures once the Draft Commission Proposal on the Implementing measures would have been submitted to the European Parliament for scrutiny.

¹ Revised version adopted by the EU Wildlife Trade Committee (CITES Committee) on 8/2/06

ATTENDANCE LIST
of the
CITES COMMITTEE MEETING – 2nd TRADE IN SEAL PRODUCTS

Brussels, 14 April 2010

MEMBER STATE	ORGANISATION	PARTICIPANTS
AUSTRIA	Ministry of the Environment	1
BELGIUM	SPF – Santé Publique, Sécurité de la chaîne alimentaire et Environnement	2
BULGARIA	Ministry of Environment and Water	0
CYPRUS	Ministry of Agriculture, Natural Resources and Environment	0
CZECH REPUBLIC	Ministry of the Environment	1
DENMARK	Ministry of Foreign Affairs	2
ESTONIA	Ministry of Environment	0
FINLAND	Ministry of Agriculture and Forestry	2
FRANCE	Ministère de l'écologie, de l'énergie, du développement durable et de la mer	1
GERMANY	Ministry of Agriculture, Food and Consumer Protection	1
	Federal Ministry of food, Agriculture	0
GREECE	Ministry of the Environment, Energy & Climate change	0
HUNGARY	Ministry of Environment and Water	1
IRELAND	Department of the Environment, Heritage and Local Government	0
ITALY	Ministero delle Politiche Agricole, Alimentari e Forestali	1
LATVIA	Dabas aizsardzības pārvalde	0
LITHUANIA	Ministry of the Environment	0

LUXEMBOURG	Ministry of Environment	0
MALTA	Environment and Planning Authority	0
NETHERLANDS	Ministry of Agriculture, Nature & Food Quality	2
POLAND	Ministry of Environment	1
PORTUGAL	Instituto da Conservação da Natureza	1
ROMANIA	Ministry of Environment and Forestry	0
SLOVENIA	Ministry of Environment and Spatial Planning	1
SLOVAKIA	Ministry of Environment	1
SPAIN	Estructura de Apoyo	1
SWEDEN	Swedish Board of Agriculture	2
UNITED KINGDOM	DEFRA	1
	UK Border Agency	1