

Information document in view of a potential revision of EU rules governing trade in hunting trophies in species included in Annex B of Regulation 338/97

The European Union (EU) is considering a possible revision of its legal provisions governing the import of hunting trophies into EU Member States. The EU plays a significant role in trade in hunting trophies worldwide and wishes to ensure such trade is sustainable.

1. Current legal framework

1.1. General regime

The EU implements the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) through the EU Wildlife Trade Regulations and in particular Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein¹.

The species protected under the EU Wildlife Trade Regulations are listed in four Annexes (A to D) including Annex B which includes most CITES Appendix II-listed species as well as a number of additional species for which a need for protection under those regulations was deemed necessary.

In accordance with the EU Wildlife Trade Regulations, the import of specimens included in Annex B can only occur if, in addition to an export permit delivered by the exporting country, an import permit is delivered by the importing country. The import permit will only be delivered if the scientific authority of the importing Member State is satisfied that the current or expected levels of trade in Annex B species to be imported into the EU will not have a harmful effect on the conservation status of the species, or on the extent of the territory occupied by the relevant population of the species.

1.2. Specific provisions in force in relation to hunting trophies

The EU Wildlife Trade Regulations include a set of rules applying to hunting trophies, which differ from the general regime described above. The main difference with the general regime is that the import of hunting trophies of Annex B specimens into the EU is not conditional upon the presentation of an import permit delivered by the importing country. EU residents introducing into the EU for the first time a hunting trophy of an Annex B specimens are only required to present to Customs a CITES export permit issued by a third country.

¹ Further details on EU Wildlife Trade Regulations are available on http://ec.europa.eu/environment/cites/pdf/2007_referenceguide2_en.pdf

2. Considerations of possible amendments to the current regime

Concerns have been raised about the sustainability of trade in hunting trophies for some Annex B species/populations, especially in cases where hunting trophies represent a large share of the overall trade affecting the species / populations in the exporting country concerned. Under the current EU regime, there is no scrutiny by EU scientific authorities to ensure that imports of Annex B hunting trophies into the EU do not have a harmful effect on the conservation status of the species.

There were also examples of Annex B hunting trophies such as rhinos which, after being imported into the EU, entered the illegal market. The difficulty to investigate those cases was increased by the fact that no import permit had been issued by the EU importing country for those specimens.

At the 16th Conference of the Parties of the CITES Convention, the EU proposed to tighten the regime applying to trade in hunting trophies and require that export permits are systematically required for their export. This proposal was not approved but it was agreed that permits and re-export certificates would be required for the export and re-export of rhino horn or elephant ivory contained in hunting trophies. CITES Parties also agreed to adopt Decision 16.84 setting that all CITES Parties should consider introducing stricter domestic measures to regulate the re-export of rhinoceros horn products from any source.

Against this background, the EU is currently assessing a possible amendment of the EU regulatory framework to ensure that the sustainability of trade in hunting trophies into the EU is better monitored and that the subsequent use of these items can be better tracked. The introduction of a requirement for import permits to be delivered by the importing EU Member State for the first introduction of hunting trophies of Annex B specimens (all or selected species or populations) into the EU and other potential amendments is being discussed in this context by EU Member States.