

**Short Summary of Conclusions of the
23rd MEETING OF THE COMMITTEE ON TRADE IN WILD
FAUNA AND FLORA¹**

Brussels, 17 May 2002

1. Adoption of the agenda

The agenda was adopted with one additional item for discussion under item 4.

**2. Adoption of the summary of conclusions of Committee 21 (all languages).
Review of the summary of conclusions of Committee 22.**

The summary of conclusions of Committee 21 was adopted. The summary of conclusions of Committee 22 will be translated and submitted to the Committee for adoption at the next meeting.

3. Outstanding Action Points

The representative of Austria informed the Committee that TRAFFIC Europe and WWF Austria would set up an office in Budapest for which the Austrian Ministry of Environment would probably provide financial support.

The representative of the UK said that they would undertake a review of their enforcement legislation in the light of the provisions of Art. 9.4 of Council Regulation 338/97.

The representative of Germany informed the Committee about the new nature protection legislation which entered into force on 4 April 2002 and about the ongoing review of the implementing legislation.

4. EU proposals for CoP12 (Santiago de Chile, 3-15 November 2002)

The Committee discussed EU listing proposals and other proposals for the forthcoming CoP in Chile. The European Community and its Member States will submit the following proposals to CoP12, as amended in line with the outcome of the discussions:

Listing proposals:

- *Ara couloni* on Appendix I
- *Mauremys annamensis*, *Heosemys sp.*, *Leucocephalon yuwonoi*, *Orlitia borneensis* on Appendix II

¹ Draft conclusions subject to final confirmation upon approval of the minutes of the meeting by the representatives of the Member States

- *Atrophaneura jophon*, *Atrophaneura pandiyana*, *Papilio aristophontes*, *Papilio nireus*, *Papilio nireus* on Appendix II
- *Cetorhinus maximus* on Appendix II
- *Guaiacum spp.* on Appendix II

Regarding *Cetorhinus maximus*, Denmark entered a reservation on behalf of its territories outside Community jurisdiction.

Other proposals:

- Decision regarding the implementation of CITES in the EC
- Revision of Res. Conf. 10.2 Permits and certificates
- Revision of Res. Conf. 10.5 Shipments covered by ATA and TIR carnets

5. Imports of *Swietenia macrophylla* from Brazil

The Committee discussed how to deal with export permits from Brazil in the light of the doubts about the legal acquisition of the timber. The Chairman concluded that the Commission's advice not to accept permits without having checked with Brazil that the mahogany was of legal origin would be maintained for the moment. However, the advice would be reviewed after the clarification from Brazil which was expected to come shortly.

6. Treatment of vagrant species under Regulation 338/97

After a presentation by a Commission representative dealing with the Birds' Directive, several Member States expressed the view that all vagrant bird species which are covered by the Birds' Directive should be listed on Annex A of Regulation 338/97. The Commission pointed out that it had been a Council Decision to list some species on Annex B. It was agreed to further examine the underlying question of whether or not it was necessary to prohibit trade in these species.

7. Regulation 338/97 commercialisation certificates

With regard to primate pet trade, the Commission clarified that the Balai Directive allowed middlemen to import primates if they meet certain requirements and are approved. The question if primates should be permitted for pet trade was not one of conservation concern but of animal welfare. Therefore, a solution to this problem should better be sought with animal welfare and animal health authorities.

Regarding stricter measures for tiger and rhino products, the Commission agreed to look into the issue once again and to come back to it.

8. Status and transmission of SRG opinions

The current procedure of transmitting SRG opinions was perceived to be satisfactory.

It was requested that either the Committee or the SRG take a formal decision regarding the question of whether or not an SRG decision for an Annex A species was binding for all Member States. The issue will be tabled at the next SRG meeting.

9. Treatment of ecological threat species under Art. 9.6 of Reg. 338/97

The Chairman said that this question needed to be examined in the light of the outcome of the 6th Conference of the Parties of the Convention on Biological Diversity (CBD), as part of a comprehensive approach.

10. Any Other Business

Transponders conforming to ISO standards

Art. 36.3 of Commission Regulation 1808/2001 leaves a certain degree of flexibility. Nevertheless, the use of transponders conforming to ISO standards is important for enforcement purposes.

Import of hunting trophies of African elephant for non-commercial purposes from Botswana, Namibia and Zimbabwe

The preferred option for dealing with this problem is that Member States issue a certificate on a case-by-case basis and inform range states about the provisions of the EU Regulations according to which they cannot issue an import permit for hunting trophies.

Annual and Biennial Report

The Commission asked Member States to send comments on the Biennial Reports and the analysis, which would be sent to them in the following week, to TRAFFIC Europe by mid-June. The Annual Report 2000 is with the printers and will be sent out in the coming weeks.

Reference Guide

The updated English version of the Reference Guide can be found on the following website:

http://www.europa.eu.int/comm/environment/cites/legislation_en.htm

The translations will follow in due course.

Imports from Madagascar

In the absence of reliable information from Madagascar, it was not possible to take a decision on a ban at this stage. The Commission undertook to contact the Secretariat and check the validity of the requests for a moratorium. In the meantime it was necessary to scrutinize import permits from Madagascar carefully.

Araucaria araucana

The Commission informed Member States that the postal vote had not resolved the issue and that it would go to CoP12.