

## Short Summary of Conclusions of the

### 29<sup>th</sup> MEETING OF THE COMMITTEE ON TRADE IN WILD FAUNA AND FLORA<sup>1</sup>

*Brussels, 29<sup>th</sup> January 2004*

The Chairman introduced Claus Sørensen, the recently appointed Director of International Affairs in DG.Environment, who is thus also responsible for CITES/wildlife trade matters.

1. The agenda was adopted with one additional item to be mentioned under point 8 viii).
2. **Adoption of summaries of conclusions**

The translated summaries of conclusions of the 26<sup>th</sup> and the 27<sup>th</sup> meeting were adopted. The draft summary of conclusions of the 28<sup>th</sup> meeting was adopted.

3. **Outstanding Action Points**

*Inform and update the Commission of names and addresses of Scientific Authorities and of specialists in animal/plant species*

The representative of Denmark indicated that she might be in a position to convey the required information at the next Committee meeting. The Chair also invited the Accession Countries to provide this information by the month of May 2004.

*Inform the Commission on activities on CITES implementation in candidate Member States*

The representative of Italy informed that a letter from his Ministry would be addressed to the competent authorities in the Accession countries offering free of charge the use of the Italian computerised system for releasing CITES certificates. They had already been contacted by the Hungarian authorities.

*Inform the Commission about species which do not meet the criteria of Article 24 of the Commission Regulation 1808/2001.*

The delegation of Germany had submitted an information document regarding this issue. Due to its late availability, the Chair invited Member States to comment in writing and if necessary, discuss it at a future meeting.

*Inform the Commission about the use of Article 30 of Regulation 1808/2001*

Agenda point deferred to a future meeting.

4. **Rules of procedure of the Committee**

The Rules of procedure were adopted. With respect to Article 10, the Committee finally agreed to the Commission proposal translating the Summaries of Conclusions only into the current working languages of the Commission services, i.e. English, French and German.

---

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

The position expressed by the representative of Spain and the comments made by the representative of Italy and other Member States were noted.

## 5. Replacement of Commission Regulation 1808/2001

The Chair informed the Committee that the final draft resulting from the Commission inter-service consultation would be transmitted to Member States as soon as possible for their final written comments in linguistic terms, if necessary. If possible, Member States would vote on the text at the next Committee meeting, unless final linguistic points needed to be clarified. Otherwise, the written procedure would apply in order to ensure that the Regulation would enter into force before the 13<sup>th</sup> Conference of the Parties (CoP13).

## 6. Preparation for the 13<sup>th</sup> Conference of the Parties (CoP 13)

### a) Planning for CoP13

The Chair pointed out that the dates for the April meetings might have to shift from 19 and 20 to 20 and 21 April because of demand for meeting rooms. Unfortunately, a clash with the CITES-CBD workshop (21-24 April) could not be avoided.

The Member States were reminded to respect the tight deadline of 26 March for the submission to the Commission of proposals related to the amendment of the appendices or the interpretation and implementation of the Convention.

Furthermore, the Chair informed the Member States about the outcome of a preparatory meeting held on 23 January 2004 concerning the Dutch Presidency with representatives from the Netherlands, where, in particular, the future format of the EU Common Position was addressed.

### b) Listing of *Lamna nasus* on Appendix II

### c) Listing of *Squalus acanthias* on Appendix II

The representative of Germany introduced these two draft CoP 13 proposals and reported on the outcome of the Scientific Review Group. Little information about the position of EU neighbouring countries was received so far. She pointed out that these proposals would be discussed at the Council Working Party on Internal and External Fisheries Policy on 5<sup>th</sup> February.

The Chair encouraged Member States to submit comments on the specific proposals to the German delegation in writing by the end of February, leaving aside the overarching strategic aspects. **Action Point**

### d) Listing of *Lithophaga lithophaga* on Appendix II

This proposal was tabled by the representative of Slovenia. The representative of the Commission reported on the outcome of the Scientific Review Group. He pointed out that because of the status of the species under the Habitats Directive, if the proposal was to be successful, it would have to be listed on Annex A of Council Regulation 338/97. Member States were invited to comment on the proposal. **Action Point**

## 7. Working Group on electronic issuance of permits and certificates

The Committee agreed on the terms of reference of this Working Group which resulted from

a report prepared by its chair, the representative of the United Kingdom. He also presented a discussion paper raising the main issues and outlining a possible way forward to present a draft resolution at CoP 13.

The Committee Chair invited the members of the Working Group to continue their work and to come forward with a first outline of a draft resolution at the next Committee meeting. Other Member States were also invited to contribute. **Action Point**

## 8. Standing Committee issues

### a) *Organisation of the European Regional meeting on 30 January 2004*

The representative of Germany informed the Committee that two more items had been added to the agenda of the European Regional Meeting to be held the following day. These were: (i) a change in the Rules of Procedures of the Standing Committee (SC) in order to allow the representatives of the European Commission to participate in Working Group meetings and closed session; and (ii) the national legislation project.

### b) *Substantive issues*

#### i) Letter to Kenya (re. SC49 Doc. 11.4) and other ivory issues

The Committee agreed on the wording for a draft letter to be sent to Kenya reflecting the position of the EU Member States to the document SC 11.44 which was discussed at SC 49.

#### ii) MOU between CITES and FAO

The Chair concluded that the Committee was currently not in a position to formulate an official opinion on the current draft CITES/FAO MOU to be discussed at the 9<sup>th</sup> Session of the Sub-Committee on Fish Trade in Bremen, 10 – 14 February 2004. There was a need to further clarify the scope of the text. The Committee agreed that both organisations, CITES and FAO, should undertake the maximum effort possible to cooperate; however, the autonomy of each organisation should not be undermined in order to be effective. Member States were invited to send comments to DG.ENV and DG.FISH before 5<sup>th</sup> February.

#### iii) Seating order of the EU-Member States

With regard to the seating arrangements at CoP 13, the Committee agreed that Member States should be seated together. The delegation of Germany as representative to the European Region to CITES was asked to inform the participants of the European Regional meeting the following day accordingly.

#### iv) Gabarone amendment (Implementation of Dec. 12.1)

The Committee was informed about the current state of play of ratifications. 11 ratifications were still needed. The Chair appealed to the Accession Countries who had not yet ratified the amendment to do so as soon as possible. **Action Point**

#### v) SC Working Group on Reporting

The representative of the Netherlands chairing this SC Working Group informed the

Committee that they had reviewed the CITES reporting requirements and reported to the CITES Secretariat who had, on that basis sent, out the Notification 2003/084 seeking additional input from all Parties with regard to annual reports, biennial reports and computerised systems for permit issuance and reporting. The deadline for comments was 15 February 2004. For coordination purposes, the Chair proposed that the Member States would send their replies to the Delegation of the Netherlands with a copy to the Commission services. **Action Point**

vi) Use of certificates in connection with ATA or TIR carnets

The representative of Italy as chair of the Working Group established by SC 49 reported on the outcome of their work and presented a document to be discussed at SC 50. A representative of DG.TAXUD proposed amendments to the text and furthermore explained in detail the nature and applicability of the ATA and the TIR carnets.

vii) Specimens to be exempted from the provisions of the Convention

The Committee discussed the corrected Swiss proposal which had to be withdrawn at CoP 12 for technical reasons. The proposal will be tabled at SC 50 in view of the next CoP 13. The Member States exchanged views on the proposal of the representative of the United Kingdom to add synthetically produced cell lines and modify some definition of specimens in the current proposal. The Chair concluded that discussions should concentrate on the re-tabled Swiss proposal itself and then, taking into account the CBD issue, further evaluate the need for a supplementary proposal to be examined at the next Committee meeting. He invited Member States to comment to the Commission services at their earliest convenience. **Action Point**

viii) Compliance by Malaysia with the Convention

The Committee agreed that it would be useful to raise the question of non-compliance by Malaysia at the SC 50 in Geneva, subject to prior discussion with Indonesia in the margins. The issue in question was the alleged smuggling of *Gonystylus spp.* and *Python curtus* from Indonesia.

**9) Common interpretation of the use of source and purpose codes**

The Committee discussed and partly agreed on a common interpretation of the use of source and purpose codes.

**10) Import of live annex B animals**

The representative of the Commission undertook to summarise the understanding of the Committee on the interpretation of the term “place of destination” in Article 4(1)(c), to seek legal advice, if necessary and to come back to the Committee at a future meeting. Member States were also asked to provide comments on their implementation of this provision. **Action Point**

**11) Application of Council Regulation N° 338/97 to specimens in transit leaving Accession Countries before 1<sup>st</sup> of May and arriving in existing Member States thereafter**

Following the advice issued by DG.TAXUD, the Committee agreed that

- Goods that left an accession country before midnight on 30 April but only entered EU25 after that time should be declared to customs;

- They are not liable for duty;
- Under Council Regulation 338/97, CITES import permits would still be required.

As regards the legality of acquisition for specimens imported into Accession Countries that were subject to suspensions in the EU, the Committee agreed that such specimens would have to be treated as being legally acquired for the purposes of interpretation of Council Regulation 338/97.

## 12) Worked specimens: outcome of case C-154/02 and related matters

The Committee noted the Court Judgement and further agreed to the two points of interpretation which were not addressed in the Judgement, but which had been communicated to the Member States by note of 17<sup>th</sup> December 2003.

## 13) Use of Article 30 of Commission Regulation N° 1808/2001

Agenda point deferred to a future meeting.

## 14) Alerting Customs of CITES fraud

### a) Trade in terrestrial orchids of the genus *Paphiopedilum*

The Committee agreed that these specimens were not traded in accordance with the Convention or with Council Regulation 338/97 and should be seized. The representative of Germany intended to prepare a document for consideration by the Plants Committee at its next meeting in Namibia, February 2004.

### b) Possible exchange of information using confidential Risk Information Forms (RIFs)

The representative of the Commission undertook to circulate more detailed information about the possible exchange of information using confidential RIFs, in particular addressing questions such as personal data and confidentiality. The Chair invited Member States to discuss this issue further with their respective Enforcement Authorities and re-discuss the item at a later stage. **Action Point**

## 15) Any Other Business

### a) *Annotations for Annex B plants*

The Committee noted the document prepared by the Scientific Authority of the United Kingdom. The representative of the Commission explained the issue with regard to Council Regulation 338/97 and the necessity to take it into account for any further revision of the annexes to the Regulation. He further recommended encouraging the Plants Committee to pursue the wider issue.

### b) *Trade in Finnish bear meat – use of “specimen-specific certificates”*

When the Regulation 939/97 was still in force, Finland pointed out the difficulty in applying transaction-specific certificates to bear meat which passed through a chain of ownership. However, that issue was never addressed. With the new Regulation in mind, the representative of Finland acknowledged that, to some extent, Finnish concerns were met by specimen-specific certificates. The Chair decided to create an action point inviting Member States to inform on how Annex A was applied in those kinds of situations. **Action Point**

c) *Outcome of “Workshop on economic incentives and trade policy “*

The Committee was invited to note the outcome of this Workshop.

d) *Biennial reporting*

The Member States whose reports were outstanding were reminded to urgently submit their biennial reports in order to allow WCMC in the framework of its contract with the Commission Services to compile the report and carry out an analysis. **Action Point**

e) *Use of covert methods by police to investigate CITES fraud*

The representative of Slovenia reported that his country was in the process of supplementing their criminal procedure act and that the Slovenian police force would therefore appreciate receiving information on conditions for the use of undercover measures in cases of illegal trade in CITES species. The Chair invited Member States to share information with the Slovenian Authorities.

f) *Outcome of the 28<sup>th</sup> Scientific Review Group meeting held on 15 January 2004*

i) *Import of hunting trophies of Grizzly Bears (*Ursus arctos*) from British Columbia*

The representative of the Commission reported that the SRG formed a negative opinion on the import of hunting trophies from BC.

ii) *Registration procedure for operations that breed Appendix I animals for commercial purposes*

CITES Notification 2003/071 invited Parties to submit comments by 31 January 2004. In the light of Member States' comments received at the 28<sup>th</sup> SRG, it was concluded that it was best to allow Member States and Accession Countries to comment individually to the CITES Secretariat. However, it was underlined that these comments should not prejudice a future common line. There were disagreements in particular with regard to “Establishing legal origin of founder stock” and “Equating the procedures for animals with those for plants”. EU Coordination was foreseen at the Animals Committee in Johannesburg at the end of March. .

iii) *Import of Spiny-tailed Lizards (*Uromastyx*) spp.*

The Chair reminded Member States of the importance to respect the negative SRG opinions in place with regard to this genus.

g) *Note from Germany regarding export quotas*

The Member States were invited to note the contribution of the delegation of Germany with a view to follow-up at a future meeting.