

Short Summary of Conclusions of the

30th MEETING OF THE COMMITTEE ON TRADE IN WILD FAUNA AND FLORA¹

Brussels, 20 April 2004

1. The agenda was adopted.
2. **Adoption of summaries of conclusions**

The translated summaries of conclusions of the 28th meeting were adopted. The draft summary of conclusions of the 29th meeting was cleared for translation with one amendment.

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 informed the Committee that they had fulfilled their obligations by transmitting the required information to the Commission. The Chair invited Accession Countries with outstanding information to provide it by 1 May 2004. (**ACTION**)

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

The representative of Austria and Hungary reported about the activities of the regional Traffic office set up in Budapest to help implementing CITES in the Accession Countries. Austria is sponsoring this project. They reported that a workshop for lawyers, organised by Traffic, would be held from 3-4 June 2004 in Budapest and current funding might not be sufficient.

The Chairman invited the representatives of Austria and Hungary to provide more information about this event to the Commission services for inclusion in the summary report of this meeting. (**ACTION**)

The representative of Slovenia informed the Committee about a meeting organised by Traffic and held in Budapest beginning of March. Representatives of Management Authorities of six Accession Countries attended to discuss common problems regarding the future implementation of the EU CITES Regulations.

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

At the previous Committee meeting (COM 29), the delegation of Germany had submitted an information document regarding this issue to be discussed in more detail at the next meeting (COM 31).

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

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

The representative of France informed the Committee about France's intention to apply Article 30. The Chair invited the other Member States to assist by submitting already available guidelines on this issue to the French Management Authority. **(ACTION)**

Inform the Commission about possible agreements with Switzerland not to use phytosanitary certificates anymore.

The Swiss Management Authority sent individual letters to some EU Member States informing them about the agreement reached with the Community that waived the obligation to provide phytosanitary certificates with exported plants. The Chairman agreed to have a more substantial discussion on this issue at the next meeting, including the possibility of a wider reaching agreement with Switzerland on the implementation of CITES and mutual recognition.

4. Replacement of Commission Regulation 1808/2001

The Member States were invited to submit comments or corrections on the current draft document by 30 April 2004. **(ACTION)**

The representatives of Germany and the United Kingdom already pointed out some observations and undertook to confirm in writing.

5. Preparation for CoP 13

a. Planning for CoP13

The representative of the Netherlands as incoming Presidency informed the Committee about possible dates reserved for the Council Working Groups (14 – 15 July 2004 and 29 – 30 July 2004), however yet to be confirmed.

b. EU CoP 13 proposals related to the amendment of the appendices or the interpretation and implementation of the Convention

The Committee considered CITES CoP 13 proposals that had been forwarded for sponsorship or co-sponsorship by the Member States of the European Community. The opinion of the existing Member States, and informally that of the new Member States acceding on 1st May, was sought.

The Chairman explained that any proposals submitted would be submitted on behalf of the 25 countries being the Member States of the Community after 1st May. Accordingly, it would be necessary for ALL those countries to confirm their position **by 3rd May (noon)** to the Commission services through written procedure before submitting the proposals to the CITES Secretariat **on 5th May**. Silence would be interpreted as a confirmation of views expressed at the meeting (see Annex for outcome of the written procedure). The Committee agreed that listing proposals prepared by Member States should be submitted by the proponent Member State and the other proposals by the EU Presidency. **(ACTION)**

The following proposals were discussed:

- i.** Listing of *Lamna nasus* (porbeagle) on Appendix II (DE)

- ii. Listing of *Squalus acanthias* (spiny dogfish) on Appendix II (DE)
- iii. Listing of *Lithophaga lithophaga* (European date mussel) on Appendix II (SI)
- iv. Listing of *Caesalpinia echinata* (Pau de Brasil) on Appendix II (DE)
- v. Draft discussion paper on *Saiga tatarica* (saiga antelope) (DE)
- vi. Co-sponsorship of US proposal to list *Cheilinus undulatus* (humphead wrasse) on Appendix II
- vii. Range State consultation concerning proposal by Australia to list *Carcharodon carcharias* (Great white shark) on Appendix I
- viii. Draft resolution re the conservation of and trade in great apes (UK)
- ix. Draft discussion paper on Bushmeat (UK)
- x. Draft resolution on electronic licensing and permit systems (UK)
- xi. Draft resolution on the retrospective issuance of permits (UK)
- xii. Annotation of the Appendices to exempt certain biological samples (UK)
- xiii. Draft resolution and decision on personal and household effects (IT)
- xiv. Draft discussion paper on synergies between CITES and CBD² (DE)
- xv. Draft discussion paper on compliance guidelines (CION)

With respect to the proposal by Australia to list *Carcharodon carcharias* (Great white shark) on Appendix I, the Committee agreed to indicate support for an Appendix II listing.

6. 50th Standing Committee

a. *Short report of regional representative to the Standing Committee*

The delegate of Germany as regional representative to the Standing Committee (SC) reported on the outcome of the 50th SC held in Geneva from 15-19 March 2004.

b. *Follow-up actions*

Rules of Procedure: SC 50 recommended that a discussion document be prepared by Germany for consideration at SC51 with a proposal for amending Rules 5 and 26 of the Rules of Procedure, to allow “regional economic integration organisations with competence for the implementation of the Convention to be represented at meetings of the Standing Committee, including closed sessions, without invitation”. It was agreed that the Commission would prepare a text, in consultation with the Member States, to be submitted by Germany to the CITES Secretariat, preferably before the summer break. (**ACTION**)

National Reports: Cyprus had been determined by SC 50 as one of the countries which had failed to provide annual reports for the period 2000-2002 to the CITES

² The Commission acknowledged that this document (being prepared for CoP 13 at the request of SC 50) could not be made available before the 26th March deadline, because the workshop to discuss this issue would only take place from 21 to 24 April 2004 in Vilm.

Secretariat. It is therefore faced with a trade ban, which would have Internal Market implications. The representative of the Commission informed the Committee that UNEP-WCMC had in the meantime received the 2001 and 2002 Annual Reports from Cyprus.

Burundi: The Chairman and the representative of Ireland reported on the outcome of a meeting with the Delegation of Burundi, to discuss the Burundian problem of large stockpiles of confiscated ivory, which took place in the margins of SC 50. The Chairman informed the Committee that the Commission services were currently exploring possibilities of assisting Burundi in finding a solution.

Trade in Minke Whale Meat between Norway and the Faroe Islands: The CITES Secretariat was asked by SC 50 to prepare a document on this issue to be considered by the SC members through a postal procedure. This procedure might result in a trade ban for Denmark with regard to the Faroe Islands which, however, would not affect the European Union.

7. National Legislation Project

Cyprus, Estonia, Latvia and Hungary are affected by the Legislation Review and have to ensure that they have adequate national legislation for implementing CITES in place by the 51st Standing Committee (SC) (October 2004).

The Chairman underlined the importance of having adequate national legislation in place, in particular, in view of the accession to the EU. He strongly urged the countries in question to submit information about their measures undertaken to ensure having adequate national legislation in place by the SC 51 and the current state of play with regard to the implementation of the EU-Wildlife Trade Regulations, in particular Article 16 of Council Regulation 338/97. (**ACTION**)

8. Any Other Business

a) *Possible illegal trade in chameleons from Bali*

On 6 January 2003, the European Commission informed the Member States about the existence of a chameleon farm in Bali, Indonesia, which was offering F1 and F2 specimens of various chameleons for export. Some of these specimens originated from founder stock imported from Madagascar in defiance of a recommended suspension by the Standing Committee. The Member States were advised that imports of such specimens into the Community would not be consistent with the provisions of Articles 4.1 and 4.2 of Council Regulation 338/97.

The Chairman reminded the Member States to be vigilant because it would appear that the farm was still offering specimens and some might be entering the EU.

b) *CITES specimens admitted to customs bond*

The Chairman reminded the Member States about the Committee's agreement at the 20th Committee meeting that the introduction into a bonded warehouse would equal an import into the Community and therefore would require a permit.

Furthermore, the 2nd paragraph of Article 8 of Commission Regulation 1808/2001 lays down that "specimens shall not be authorised to be assigned to a customs procedure

until after the presentation of the requisite documents". Since the placing of goods in a customs warehouse means that the goods have been assigned to a customs procedure (see definitions in Article 4.16 of the Community Customs Code, Council Regulation 1913/92), a permit is required. Customs authorities should act accordingly and any other procedure would not be in accordance with the Commission Regulation 1808/2001.

c) *Venue and budget of the 15th meeting of the Plants Committee*

The Chairwoman of the Plants Committee reported on the state of play of discussions with the CITES Secretariat on the next venue of the Plants Committee. Slovenia offered to host the next meeting. However, the budgetary constraints of the CITES Secretariat and the requirement for the Animals Committee to take place back to back would be practical obstacles to overcome.

The Chairman encouraged the delegation of Slovenia to maintain their offer and to re-consider re-opening the discussion at CoP 13 and clarifying the budgetary constraints in the appropriate budgetary sub-committee.

d) *Import of *Canis lupus* from Bosnia-Herzegovina*

The representative of Slovenia informed the Committee about an application to import a wolf trophy from Bosnia-Herzegovina, which is not a Party to CITES. The specimen had an export permit, but the Secretariat advised Slovenia that it was not valid as Bosnia did not have the institutional mechanisms in place for issuing it.

e) *Import of *Ursus arctos* from Croatia to Slovenia*

The representative of Slovenia informed the Committee about an import of bear hunting trophies from Croatia, against which there is a negative opinion in place. The import was applied for by Italian and German tourists, who seemed to have intended to hold the specimen in Slovenia until after the Accession date and then move it to the EU. The Slovenian authorities had refused the import.

The representative of Slovenia furthermore pointed out that his country voluntarily had implemented the suspension regulations already before the Accession date.