

Short Summary of Conclusions of the

31th MEETING OF THE COMMITTEE ON TRADE IN WILD FAUNA AND FLORA

Brussels, 2nd July 2004

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

The translated summaries of conclusions of the 29th meeting were adopted. The draft summary of conclusions of the 30th meeting was cleared for translation.

- 3) **Outstanding Action Points**

Inform and update the Commission of names and addresses of SAs and of specialists in animal/plant species

The Chairman invited the representatives of Latvia and Cyprus to provide the requested information. **(ACTION)**

Inform the Commission about measures taken to implement Art. 9.4 of Reg. 339/97

This Action Point was deleted. However, the Chairman pointed out that it could be raised again as substantial agenda point if Member States felt necessary to exchange further information. The representative of Luxembourg requested the Commission to provide again the relevant information supplied by the United Kingdom, Germany and Denmark, because Luxembourg had not yet adopted adequate legislation to implement this provision.

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

The Committee agreed to adjust the wording of this Action Point to refer to the current candidate countries.

Inform the Commission about stricter domestic measures

The Chairman encouraged the new Member States to report on this issue as some of them had such measures adopted at national level for monitoring purposes.

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

The Action Point was deleted following discussion under agenda point 5).

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

The Action Point was deleted following discussion under agenda point 6).

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

The Action Point was deleted following discussion under agenda point 4).

Inform the Commission about the use of specimen-specific certificates to Annex A when specimen passed through a chain of ownership

The representative of Finland, Denmark and the United Kingdom offered to provide supplementary information in writing to be posted on CIRCA. **(ACTION)**

Inform the Commission, after having received further information from the Commission and consultation with respective Enforcement Authorities, about possible exchange of information using confidential Risk Information Forms (RIFs)

The Committee decided to refer this issue for consideration to the Enforcement Group.

4) Use of the Phytosanitary Certificate as CITES document for shipments to Switzerland

There is an optional provision in the CITES Resolution Conf. 12.3 that phytosanitary certificates may be used in lieu of export permits for artificially propagated plants if they carry the declaration “the specimens are artificially propagated as defined by CITES”. This is reflected in the Commission Regulation 1808/2001.

Following a bilateral agreement reached between the EU and Switzerland, phytosanitary certificates are no longer required for shipments between and originating from both countries respectively since 1 April 2004. However, this agreement does not include the CITES sector.

Several Member States with a high volume of trade in artificially propagated plants expressed their concerns about a possible increase in the administrative burden having to issue separate CITES export permits now as a consequence of this agreement by which agricultural Ministries would not have to continue issuing phytosanitary certificates.

The Commission offered to circulate an information note to the Member States describing the options which are currently available. With regard to a long-term option, the Commission would explore with other Commission Services about a possible solution at Community level. **(ACTION)**

5) Evaluation of captive bred status

Article 24: The Committee revisited the issue of species not meeting the criteria of Article 24 of Commission Regulation 1808/2001 (Outstanding Action Point from COM 26) in the light of material supplied by Germany and the United Kingdom.

Scientific aspects: The Chairman of the SRG informed the Committee of discussions that had commenced in that forum concerning the scientific aspects of this issue and reminded the Committee of the need for Management Authorities to consult with their Scientific Authorities on the validity of claims of captive bred status.

Stricter measures: The representatives of Slovakia and Hungary expressed concerns about the consequences of the EU internal market regime with regard to their stricter national measures in place.

The representative of Italy offered to provide information in writing on their internal comprehensive procedure in place which was set up to consult the scientific authorities allowing e.g. DNA testing **(ACTION)**.

The Committee decided to involve the Enforcement Group in this matter. Furthermore, the representative of the Commission pointed out that this issue would also be included in the terms of reference of a new monitoring contract to be awarded by tender.

6) Use of Article 30

The Committee exchanged information on the application of Article 30 by the Member States, by which Annex A specimens held by scientific institutions and used for primarily non-commercial purposes do not need individual certificates if the institution in question itself registers under that article.

The Commission agreed to prepare an information document for the 32nd Committee meeting with a view to propose some parameters for interpretation of Article 30. **(ACTION)**

7) Introduction of live Annex B specimens

With reference to document COM 31/7 reproducing the legal advice taken on this issue, the Chairman drew the attention of the Committee to the fact that, according to Article 4(2)(b) of Regulation 338/97, a specimen should be delivered to the destination specified in the import permit and be housed there before it could be commercialised.

8) 2002 EC Annual Report

As part of their contract with the Commission, UNEP-WCMC made a verbal presentation based on the preliminary analysis of the Annual Reports of trade data submitted by Member States. The representative of UNEP-WCMC informed the Committee that the final analysis would be available by mid-July (old Member States) and by mid-August (new Member States) respectively.

9) Report “Expanding borders: New challenges for Wildlife Trade Controls in the European Union”

The Committee decided that the next Enforcement Group to be held on 10th September 2004 should discuss this document first and report back to the 32nd Committee meeting. **(ACTION)**

10) Ratification of the Gaborone amendment by new Member States

The Chairman encouraged those new Member States who have not ratified the Gaborone Amendment so far, to undertake the appropriate steps as soon as possible.

11) Review of implementation of Article 4(6)(c) of Council Regulation (EC) No. 338/97

The Chairman of the SRG informed the Committee that the 30th SRG held on 1st July endorsed the conclusions of the SRG Working Group on the application of Article 4(6)(c) of Regulation 338/97. This article allows the Commission to suspend imports “of live specimens of species listed in Annex B which have a high mortality rate during shipment or for which it has been established that they are unlikely to survive in captivity for a considerable proportion of their potential life span”.

The Committee was requested to reflect on the policy objective of this provision (conservation or animal welfare). It was concluded that this issue needed to be reconsidered again upon availability of the final report of an on-going study outsourced by the Commission services.

12) Preparation of the “51st meeting of the Standing Committee”

Rules of Procedure: The 50th Standing Committee (SC 50) agreed that a discussion document should be prepared by Germany for consideration at SC 51 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 SC, including closed sessions, without invitation”.

The Committee concluded that the Commission should prepare a draft document, including an explanation of the reasons for a presence of the European Community in closed sessions, to be submitted by Germany as regional representative to the Standing Committee.

Possible ban on trade in specimens of CITES-listed species with the Faroe Islands: At SC 50, the Standing Committee agreed that the CITES Secretariat should, within 30 days, prepare a document on this subject, incorporating recommendations made at the SC meeting, to be considered by SC members through a postal procedure.

The Committee agreed that Denmark should further consult internally and submit the outcome to the Committee within a week. The Commission would then launch a broader consultation in order to adopt a common position in all likelihood after 13th July.

SC50 Compliance open-ended Working Group (CITES Notification 2004/052): The representatives of the United Kingdom, the Netherlands and Sweden indicated their intention to nominate a representative to join this working group. The Chairman invited the remaining Member States who would be interested to join this group as well, to inform the Commission by e-mail. **(ACTION)**

13) Any Other Business

- a) *Frequent cross-border movements of personally owned live animals (Cites Secretariat Notification 2003/082)*

The Committee agreed to delay the reply to the CITES Secretariat on the above-mentioned issue pending adoption of the new Commission Regulation. Once adopted, it was agreed that the Commission should reply on the Member States’ behalf.

The representative of Germany pointed out that they had already replied directly to the CITES Secretariat on 30 April 2004 and proposed to post a copy of their reply on CIRCA **(ACTION)**.

- b) *Update on schedule of CoP 13 meeting*

The representative of the Dutch Presidency presented a progress report on the preparatory work for CoP 13. He reminded the Member States that the official invitations to the Council Working Group meetings (WPIEI) would be issued by the Council Secretariat to the Permanent Representations.

The Chairman informed the Committee about the current state of play of the Commission proposal for a Council Decision on the common EU position. He furthermore announced that a second NGO hearing would be held on 29/7 to present the Commission proposal. Further meetings would be planned at the CoP in Bangkok itself to ensure a regular dialogue with the NGOs.

c) *Charges for CITES applications*

The representatives of Italy and the United Kingdom underlined the discretionary power of each Member State in this regard. The representative of the United Kingdom offered to submit a copy of a domestic consultation paper for circulation to the Member States for their views. **(ACTION)**

The Chairman invited the remaining Member States to provide details of charges and proposed to come back to this issue at the next meeting. **(ACTION)**

d) *Use of multiple permits and certificates issued by the USA*

The representatives of Belgium and Italy undertook to provide the relevant information to the Commission for a closer evaluation of this issue. **(ACTION)**

The Chairman proposed to re-address this question at the next Committee meeting.

e) *Submission of Annual and Biennial reports*

The Member States reported on the state of play of their reports to be submitted.

f) *Progress with new import Suspensions Regulation*

The Chairman of the SRG reported that the SRG asked for the Indonesian corals to be included in the Suspensions Regulation. The Commission would circulate a revised draft text for the Member States' perusal. In order to facilitate the process, the Member States agreed to start consultation on the basis of the English text only within the 4-week deadline. The Chairman expressed his appreciation of the Member States' efforts in accommodating the Commission services.