

The Member States are invited to note the ACTION points.

Short Summary of Conclusions of the

33rd MEETING OF THE COMMITTEE ON TRADE IN WILD FAUNA AND FLORA

Brussels, 3rd March 2005

- 1) The agenda was adopted with one additional item to be mentioned under point 9) Any Other Business.

- 2) **Adoption of summaries of conclusions**

The translated summaries of conclusions of the 31st meeting were adopted with one additional change on request of the representative of Luxembourg.

The draft summary of conclusions of the 32ndth meeting was cleared for translation.

- 3) **Outstanding Action Points**

All outstanding Action Points were maintained.

- 4) **Amendment of the new Commission Regulation (ex-No 1808/2001 post CoP 13)**

- a) **Discussion of CoP 13 amendments**

The Committee discussed the amendments to be made to the new Commission Regulation in order to take into account the relevant resolutions adopted at CoP 13. The Chairman invited the Member States to submit written comments to the Commission **by 31st March 2005. (ACTION)**

It was agreed that the Commission would circulate a draft letter notifying the CITES Secretariat of the stricter measures in place in the EU regarding trade in personal and household effects to the Member States for their comments. (ACTION)

- b) **Clarification of provisions of the new Commission Regulation (ex-No 1808/2001)**

In response to the written procedure launched on 25 January 2005 submitting the draft Commission Regulation (ex-N^o 1808/2001) for the Member States' approval, Germany had requested that the draft Regulation be tabled again for discussion at the Committee. In addition to linguistic comments, several Member States had formulated comments of substantial nature, mainly relating to consistency and coherence.

The Committee agreed on the changes to be made to the text and on the interpretation to be given to some of the new provisions.

The Chairman concluded that the Commission would circulate by mid-March a revised draft for information to the Member States and once the revised linguistic

versions in all languages were to be available, another written procedure would be launched (**ACTION**)

5) Update on progress made – National Legislation Project

The representative of Ireland reported on the progress made in enacting adequate legislation for the implementation of the Convention. The representative of Lithuania was not in a position to attend the meeting. However, she had informed the Commission before the meeting about the current state of play and undertook to provide written information soon.

The representatives of France, the United Kingdom, the Netherlands and Denmark reported about the progress made with regard to their overseas territories.

The Chairman invited the Member States in question to submit the information in writing. (**ACTION**)

6) Use of Article 30 of Commission Regulation (EC) No. 1808/2001

The Chairman proposed to postpone the discussion on this item to the 34th Committee meeting because further legal clarification was awaited from the Commission's legal service.

7) Documentary evidence required by the Management Authorities for permits and certificates under Council Regulation (EC) No. 338/97

The Committee discussed the documentary evidence practices applied by the Member States in particular as regards specimens of Annex B species originating within the Community, and considered that there appeared to be little prospect for harmonisation. The Commission representative summarised that, according to the provisions in place:

- for Annex B species, the burden of proof of the legal origin/acquisition of specimens was on the holder;
- the Management Authority of another Member State could not be required to provide documentation proving the legal origin of a specimen originating in its territory, except where this is provided for explicitly in the Regulations.

The Chairman concluded that Member States should cooperate where possible, but that it was up to the Management Authority to decide whether the elements of proof provided by the holder were sufficient. In addition, he stressed that there seemed to be little scope for harmonising practices in this regard.

8) Format of future biennial reports

The Committee agreed to use the new format as agreed at the 13th Conference of the Parties (CoP 13) for the coming reporting exercise. The Chairman invited those Member States, who would not be in a position to use the new format for the coming exercise, to inform the Commission accordingly.

It was also agreed that the Commission would issue by the end of March some guidance for the completion of the parts of the report for which a common response should be submitted by Member States by virtue of the EC Regulations and propose one

additional page to be annexed to the report covering specific questions on the EU CITES regulations in place. **(ACTION)**

9) Any Other Business

- a) Clarification of wording “manipulation” in note 14 of Commission Regulation (EC) No. 1497/2003 & definition of derivatives*

The Committee agreed on an understanding that, in principle, urine, faeces and ambergris were not covered by the Council Regulation 338/97 unless there was evidence of manipulation.

- b) Economic incentives and trade policy reviews*

The Chairman invited the Member States to support the recommendations presented by the representative of the United Kingdom in preparation for the 53rd Standing Committee Meeting to consider contributions to funding and research activities.

- c) Application of Article 4(1)(b)(ii) of Council Regulation (EC) No. 338/97*

Following the discussion in the Committee, the Chairman proposed that the Commission would prepare a revised document to be placed on CIRCA **(ACTION)**. The Enforcement Group would then be asked to confirm the practice of the proposed procedure.

Application of Article 23 of Commission Regulation (EC) No. 1808/2001

The Committee agreed to refer this agenda item to the Enforcement Group.

- d) Draft reply to the “European Union Wild Bird Declaration”*

This document was only tabled for information purposes. The Chairman underlined that it was inappropriate to discuss substance since Member States veterinary authorities¹ had already agreed a response and Environment Ministers would also discuss the issue at the Environment Council on 10 March 2005. Some Member States stated that their Ministers would express support for Belgium’s motion to introduce legislation, whereas some underlined that their Governments would be against a total ban.

- e) Outcome of CITES Secretariat mission to Peru regarding *Swietenia macrophylla**

The Committee was informed that this issue was tabled for discussion at the next Scientific Review Group to be held on 15 March 2005. The Commission thanked the United Kingdom for funding the mission and for sending their own expert, Ms. Madeleine Groves.

- f) Exemptions for confiscation of personal effects in the EU Member States*

¹ represented in the Standing Committee on the Food Chain and Animal Health, section Animal Health and Animal Welfare

Member States were invited to submit information to the Commission on their practices with regard to the handling of confiscations of personal effects when more than the allowed amounts was attempted to be imported. The matter would then be referred to the Enforcement Group (**ACTION**).

g) *Meeting Schedule for 2005*

The Committee noted the change in the meeting schedule.

In view of the meeting of the 53rd CITES Standing Committee to be held from 27/6 - 1/7/2005 in Geneva, the representative of Germany suggested to coordinate the preparation of the meeting with the Czech Republic and the Commission. It was agreed that this could be discussed at the next Committee meeting on 14th June.

h) *CITES Memorandum by Mr Wijnstekers of 18th January to the Standing Committee on UNEPS's intention to change the administrative services to the Convention*

The Member States agreed to enquire on national level with the services responsible for other Multilateral Environmental Agreements (MEAs) and to share findings **by the end of March**. The representative of the Commission offered to discuss this issue with UNEP. (**ACTION**)

i) *Mutual assistance and cooperation between national authorities responsible for the implementation of CITES in the EU*

In the light of loyal cooperation among national authorities, the Chairman encouraged the Member States to deal expeditiously with requests emanating from another Member State.