

**The Member States are invited to
note the ACTION points.**

**Short Summary of Conclusions of the
36th MEETING OF THE COMMITTEE ON TRADE IN WILD FAUNA AND FLORA**

Brussels, 8th February 2006

- Introduction by the Chairman

- 1) The agenda was adopted with one additional suggestion under point 9 relating to the 250gr caviar personal effect derogation.

- 2) **Adoption of summaries of conclusion**

The translated summaries of conclusions of the 34th meeting were adopted.

The draft summary of conclusions of the 35th meeting was cleared for translation.

- 3) **Outstanding Action Points**

All outstanding Action Points were maintained.

Inform the Commission of details of their CITES-related research projects in course and special interests and expertise in various sectors.

The representative of Italy informed the Committee that the Italian Environment Ministry, in collaboration with consultancies in Perugia, intended to take part in the organisation, in April or May 2006, of a seminar on trade in medicinal plants. Representatives from the Member States' management authorities, scientific authorities, the Commission services as well as the CITES Secretariat would be invited to attend.

Taking account of the enforcement related concerns linked to this trade, the Chair proposed that the event could also include such aspects and stressed that the Commission would be happy to contribute and invited Member States to provide information in preparation of this event. **(ACTION)**

Inform the Commission about stricter domestic measures

The Chair reminded the Member States, unless specific information had already been sent in follow-up to the 35th Committee meeting, to provide the Commission with further information on any stricter measures adopted and implemented on national level. If no stricter measures had been put in place, it should also be mentioned explicitly. **(ACTION)**

Inform the Commission, after consultation with respective Enforcement Authorities, about possible exchange of information using confidential Risk Information forms (RIFs)

The Chair of the Enforcement Group reported that, at the 11th Enforcement Group Meeting held on 10th November 2005, customs officers were urged to make use of the tool in order to

alert customs in other Member States of cases or trends of concern relating to CITES Species.

Member States were invited to share information on the use of the RIFs, in particular their experience with the recently issued RIF alerting Member States that the EU could not allow import of caviar and other sturgeon products from wild sources until the CITES secretariat had published export quotas for 2006. **(ACTION)**

Inform the Commission about the Member States' practices with regard to the handling of confiscation of personal effects, when more than the allowed amount is attempted to be imported

Member States were reminded to send the relevant information to the Commission with a view to share experience among Member States through CIRCA. **(ACTION)**

4) Revision of the Rules of Procedure

The revised Rules of Procedure were adopted by the Committee.

5) a) Analysis of 2003 annual reports by UNEP-WCMC

As part of their contract with the Commission, UNEP-WCMC made a verbal presentation based on the analysis of the 2003 annual reports of trade data submitted by Member States. In relation to trade suspensions, it was suggested that information on date of issuance of permits would be a useful addition to future annual reports

b) Draft revision of Guidelines for the preparation and submission of CITES annual reports

The Committee agreed to the amendments as proposed by the CITES Secretariat. It noted that some of the changes in the terminology chapter, in particular the inclusion of 'Plywood', would require an amendment to Annex VII of the Commission Regulation. It also suggested a further addition to the terminology chapter with a description of specimens for baleens of whales which, according to the representative of Denmark, were imported occasionally and could not be recorded separately or would not fit under any of the existing descriptions. Furthermore, some country codes would need to be adjusted. It was agreed that the representative of the Czech Republic as one of the representatives to the Standing Committee would inform the CITES Secretariat accordingly.

6) Preparation for CoP 14

The Committee agreed to the Community procedures for the submission of Community proposals to the 14th Conference of the Parties to CITES (CoP 14) to be held in The Hague, the Netherlands, from 3 to 15 June 2007.

The Chair clarified that the Member State that would prepare a proposal should be clearly mentioned in the document and should lead discussions on the proposal. A standard formulation for this to be included in proposals would need to be agreed in due course.

The representative of the Netherlands, being the host country, shortly reported on the current state of play of the arrangements for CoP 14.

7) Short report by the Commission on the outcome of the "Workshop on introduction from the sea" held in Geneva from 29/11 - 1/12/2005

The Commission informed the Committee about the outcome of the “Workshop on introduction from the sea” held in Geneva from 29/11 - 1/12/2005. It was decided to have a more in-depth discussion at one of the next Committee meetings.

8) Short report by the Commission on the outcome of the 11th Enforcement Group and the special session on Sturgeon Enforcement

The Commission informed the Committee about the outcome of the 11th Enforcement Group and the special session on Sturgeon Enforcement. The Commission furthermore informed the Committee about the current state of preparations for the “Sturgeon Enforcement Workshop – Combating illegal trade in caviar” to be held in Brussels end of June 2006.

The Chair invited the Member States to provide suggestions to the Commission by 3rd March with regard to the organisation of the workshop, in particular proposing facilitators for the different sessions. **(ACTION)**

9) Caviar labelling – discussion on requirements of new Commission Regulation post-CoP 12

Following an exchange of views and experience between Member States on caviar labelling, it was agreed that the Commission would further discuss the practical problems linked to the labelling requirements with the CITES Secretariat and would send a note to the Member States setting out the options for tackling this issue.

Following a request from the UK representative on how to handle the 250gr caviar personal effect derogation in view of the current ban on caviar trade, the Committee agreed that the scope of the current ban would not apply to this derogation.

10) Short report by the Commission on the outcome of the 34th and 35th meeting of the Scientific Review Group

The Chair of the Scientific Review Group (SRG) informed the Committee about the outcome of the last two SRGs.

11) Scleractinia – Discussion on interpretation of fossil corals based on opinion of Scientific Review Group

The Committee agreed to follow the line proposed by the SRG, i.e. to interpret fossil corals as proposed in Conference proposal 13.36 (coral rock exempted except for live rock).

12) Study on effectiveness of EC Wildlife Trade Regulations

The Commission representative informed the Committee about its intention to launch a study on the effectiveness of EC Wildlife Trade Regulations.

The chair urged Member States to contribute fully to this study.

In addition, the representative of Germany made a brief presentation on the workshop that Germany, in coordination with the Commission, will be organising on the island of Vilm, Germany, with a view to discuss the functioning of the current EU wildlife trade Regulations.

13) **Electronic data sharing amongst EU CITES Management Authorities**

The Chairman invited the Member States to send their comments, by the end of February, to the Commission and to the United Kingdom who would then prepare a new document to be tabled at one of next Committee meetings. In view of evaluating the potential added value of a possible EU-wide database and assessing whether a sufficient level of interoperability among the MSs' databases would already exist, the comments to be submitted should cover type, current use and general information of the respective databases. **(ACTION)**

14) **Interpretation of definition “Member State of destination”**

A number of Member States had recently raised questions as regards the interpretation of the term “Member State of Destination” in Articles 2 and 4 of Regulation (EC) No. 338/97 and its implications as regards where the responsibility lies for issuing an import permit. Pending further legal internal advice, it was the Commission's preliminary view that it is not necessary for an importer to be based in the Member State, which it wishes to apply for an import permit to and that traders should ensure that it is the Member State of the place of destination which is mentioned in the export documents from third countries.

15) **Any other business**

a) *Update on EU Enforcement study*

The Chair informed the Committee about the current state of play of this study and urged the Member States to fill in and return the questionnaires which had been recently sent to them by the contractor.

b) *State of Play with regard to FLEGT*

In follow-up to the 35th Committee meeting, a Commission representative provided further information on the current state of play of the FLEGT system and possible linkages with CITES.

c) *Use of CIRCA Newsgroup*

It was agreed to make use of the newsgroup function on CIRCA for the two working groups that had been established at the last Committee on ‘pre-convention breeding stock’ and ‘customs-e-permitting’.

Furthermore, the Chair invited the Member States to reflect on the changing nature of password protected CIRCA site and inform the Committee by mid-March about their views either to slim down the access to the Committee members only or to maintain the increased number of accesses to the interest groups. **(ACTION)**

d) *Annual and biennial reporting exercises – state of play*

The Chair thanked the Member States for all their efforts in submitting their respective annual and biennial reports to the Commission.

e) *Compilation of Points of Interpretation and Clarification of EU CITES regulations agreed at Committee meetings (1997 – 2005)*

The document was tabled for information purposes and represented a compilation of Committee conclusions relating to the interpretation of the EU Regulations.