

Short Summary of Conclusions of the

43rd MEETING OF THE COMMITTEE ON TRADE IN WILD FAUNA AND FLORA

Brussels, 4 April 2008

1. Adoption of the agenda

The agenda was adopted with three additional items under 14) “Any Other Business”, namely the definition of worked specimens, a list of laboratories that research DNA samples and information on narwhal tusks on a Canadian website.

2. Draft summary of conclusions of the 42nd Committee meeting (SoC COM 42)

The draft summary of conclusions of the 42nd Committee meeting, including changes and comments from Member States was adopted. The Chairman reminded the Committee that, the Commission Translation Service no longer provides translations for this type of document.

3. Outstanding Actions Points (COM 43 OAP)

The representative of the Commission asked Member States to send updates in writing concerning the caviar questionnaire and requested also to submit information on specific sturgeon species used in aquaculture (ACTION).

4. Short report by the Commission on the outcome of the 43rd Scientific Review Group meeting (29/02/08)

The Chair of the Scientific Review Group reported on the outcome of the 43rd meeting.

4.1 Clarification with regard to the non-Party status of Tajikistan (*Testudo horsfieldii*/Ukraine)

With regard to imports of captive bred specimens of *Testudo horsfieldii* from Ukraine with parental stock originating in Tajikistan, the representative of the Commission informed the Committee that in the Commission's view the Regulations do not require that non-Party CITES authorities be published on the CITES website in order for trade to take place, but rather that documents be issued by the non-party which are in accordance with the Convention. The Committee concluded that in this specific case the imports in question from Ukraine were in accordance with the Regulations. However it was agreed that this should not set a precedent and that the Committee could discuss the more general issue of how to treat non-Parties at a future meeting.

5. Annual reports 2005 – Yearbook (COM 43/5)

The Chair encouraged Member States to provide comments by 11th April, after that the Year Book 2005 would be published (ACTION).

6. Biennial reports 2005-2006

6.1 Analysis (TRAFFIC) (COM 43/6/1)

The Chair informed the Committee that the first set of comments received by Member States had been incorporated.

Following a detailed presentation of the analysis by TRAFFIC¹, the Committee agreed that further amendments and clarifications would be submitted within two weeks by Member States. The revised version of the Analysis would then be uploaded on circa for final check and then published on Europa.

6.2 Reporting format

Several comments on the format were received from Member States in the framework of the Analysis of biennial reports exercise and it appeared that a number of questions in the biennial report format needed to be clarified.

Following a presentation by TRAFFIC of possible changes that could be made to the biennial report format, the Committee agreed that further comments and additional suggestions would be submitted to TRAFFIC and the Commission within 2 weeks. The Commission would then upload proposals for changes to the format on circa for comments and discussion at a future Committee Meeting.

7. Implementation of caviar labelling and registration provisions (TRAFFIC) (COM 43/7)

A presentation on the state of play of implementation of the caviar labelling and registration provisions was made by TRAFFIC. Following a brief discussion and clarification of certain issues, TRAFFIC informed the Committee that a more detailed document will be circulated including a compilation of the labels used in Member States.

The Chair informed the Committee that a more detailed discussion on enforcement related aspects would take place at the Enforcement Group and that it is necessary these issues would be further discussed in the Committee.

8. Initial Preparation of Standing Committee 57

The Chair informed Member States that next Standing Committee would be held from 14 to 18 July in Geneva. The Agenda was not yet available on the web.

8.1 Update on SC written procedures

Bulgaria and the United Kingdom, as SC members for the European region, gave an update on SC written procedures, in particular the finalisation of outstanding SC 55 items, the Philippines breeding operation issue and the proposed regional member for the Finance Sub-Committee.

There was no discussion or comments on the outcome of the update on SC written procedures.

¹ Reference to work carried out by TRAFFIC in this document relates to work carried out in the context of TRAFFIC's service contract with the Commission

8.2 Preparation of the Regional Report for Europe

Bulgaria and the United Kingdom gave an update on preparation of the Regional Report for Europe and urged Member States to provide input.

8.3 Japanese whaling and CITES (COM 43/8/3)

The Committee discussed issues of scientific whaling by Japan in relation to CITES provisions. The Committee didn't come to any conclusions whether or not CITES provisions were being adequately followed. Any such conclusions were in fact difficult to establish as there is no common interpretation under CITES of the requirements pertaining to "Introduction from the Sea". One Member State would, on a bilateral basis, informally seek further information from Japan for clarification.

8.4 Other issues

The representative from France gave a brief overview of preparations for the Standing Committee under French Presidency. A more detailed discussion would take place at the next Committee Meeting.

9. Exchange of views on upcoming Animals Committee / Plants Committee

The representative of the Commission informed the Committee about key issues to be discussed at the Animal Committee and Plant Committee including timber issues and fisheries issues (sharks working group). He stressed the importance that the EU starts preparations on a strategic level well ahead of the next COP on the focus of potential species listings and how the Animals Committee and Plants Committee could do preparatory work in this framework.

The chair informed the Committee that COP 15 preparations would be on the agenda of the Committee in the future.

10. State of play of CITES Working Group on electronic permitting (COM 43/10)

Italy gave the state of play of work in relation to the implementation of CoP decisions on electronic permitting by the CITES Working Group on electronic permitting.

The Chair welcomed the progress made by the Working Group and underlined the importance to provide funding to the Secretariat for this purpose. The Chair encouraged Member States to send any relevant information relating to electronic permitting to Italy.

11. Decision on electronic customs / Single Window

The representative of DG TAXUD gave a presentation on the decision on electronic customs / Single Window and on the next steps and timeframe for the implementation of the Single Window.

12. Amendment of CR 338/97 as regards the implementing powers conferred on the Commission

The Chair underlined that this point had been tabled for information only as this proposal was currently being discussed in Council. The representative of the Commission informed Member States about the procedure of amendment of CR 338/97

in order to integrate the new Comitology provisions. The discussion in Council has already started in March and the deadline for written comments to Presidency was 11 April.

13. U.S. requirements for validation/certification of CITES documents (COM 43/13)

The Committee discussed the new US requirements for validation and certification of CITES documents. A question was raised as to whether a permit should be considered invalid if it hadn't been endorsed by customs. Following a discussion on how Member States handle similar situations, it was agreed that Member States should provide information in writing on how they handle permits that have not been endorsed by customs and how they interpret the provisions of the Regulations as regards whether a permit should be considered invalid if it has not been endorsed by custom (ACTION).

The Chair also encouraged concerned Member States to ask for more detailed information from United States as to how they will implement these new provisions (ACTION).

14. Any other business

14.1 Update on on-going activities

The chair informed the Committee of the state of play of on-going activities:

- The amendment to the Implementing Regulation (the "Amending Regulation" (n°100/2008)) was adopted on 4th February and entered into force on 25th February.
- The new Annexes following CoP14 were adopted by the Commission on 31 March 2008; publication scheduled for 4 April 2008
- A new Suspension Regulation is under preparation in order to incorporate the nomenclature issues resulting from CoP14; the issue had been tabled at SRG 43 already and no objections had been received to the proposed changes. Member States would probably be consulted in June
- The revised list of national authorities and places of introduction were published on 18 March 2008 in OJ C 72
- Regarding the Effectiveness study, the Chair mentioned that the Commission's legislative activity is coming to a halt in view of the forthcoming end of this Commission's term but informed the Committee that the Commission intends to start working on follow-up, particularly as regards revising the implementing Regulation, in the autumn. For that purpose we would hope to organise an expert workshop and stakeholder meeting as a first step.
- A table of national legislation prepared by TRAFFIC has been placed on circa. This information, together with the compilation of legislation texts will be published on Europa and forwarded it to the CITES Secretariat.

14.2 Update on animal health legislation (COM 43/14/2) (SRG 43/12/2/1 + 2)

The representative of the Commission informed the Committee of the state of play of draft legislative proposals for animal health requirements for the import of non-humane primates and for a decision laying down health certificate models and list of third countries for import of certain live animals

14.3 Update on preparations for an EU Strategy on Invasive Alien Species

The representative of the Commission informed the Committee of the state of play of preparations for an EU Strategy on Invasive Alien Species. Some Member State representatives commented on possible problems with regard to using the Wildlife Trade Regulations for regulating invasive alien species owing to the fact that the Regulation is focussed on endangered species, and mentioned the problem of species being invasive in one part of the territory and not in others

14.4 Guidance note on BIPs (COM 43/14/4)

The Chair informed the Committee that the Commission is preparing a guidance note to assist Border Inspection Points and Customs in relation to live specimens that need to be checked by both. The draft would be discussed at the Enforcement Group after which it would be finalised and published.

14.5 Potential species qualifying for Annex X of the Implementing Regulation

It was agreed that Member States would submit information on internal trade certificates issued for the past two years as well as suggestions of species that could qualify for inclusion in Annex X, within 3 weeks (ACTION).

14.6 Job vacancy for END

The chair mentioned that a vacancy notice for the END post would be circulated to PermReps shortly.

14.7 List of laboratories that research DNA samples

It was agreed that Member States would provide information on laboratories that can do DNA testing and establish parental relationship. A request for such information would be sent via EU-TWIX (ACTION)

The point on the definition of worked specimens would be deferred to the next meeting.