

## Short Summary of Conclusions of the

### 45<sup>th</sup> MEETING OF THE COMMITTEE ON TRADE IN WILD FAUNA AND FLORA

*Brussels, 10 November 2008*

Housekeeping issues and welcome

#### **1. Adoption of the agenda**

The agenda was adopted with two additional items under 20) "Any other business", namely the application of Article 9 of Council Regulation 338/97 and the brochure "The illegal trade in wild birds for food".

#### **2. Update on on-going activities**

The Chair gave an update on the state of play of current and new EU legislation as well as other matters of interest to the Committee:

- Council Regulation (EC) No. 338/97 was amended in relation to the Commission's implementing powers (Comitology). Once the "aligned" regulation was published in the Official Journal, the Commission would make it available on Circa as well.
- Follow-up to the Effectiveness Study: The Chair reported that quite a lot of input was received in the context of the stakeholder meeting held on 29 September 2008. This would also feed into the December expert meeting. The purpose of the December meeting would be to look practically what changes should be made to the Implementing Regulation and where guidance would be useful, in particular for Council Regulation 338/97. Invitations for this meeting would be sent shortly.
- The Directive on environmental crime was adopted by Council on 24 October 2008 and will be signed by the European Parliament at the November Plenary session.
- Two important projects of the CITES Secretariat are supported by the European Commission, one concerning the implementation of CoP 14 decisions, the other on capacity building.

#### **3. Draft summary of conclusions of the 44<sup>th</sup> Committee meeting (SoC COM 44)**

The draft summary of conclusions of the 44<sup>th</sup> Committee meeting was adopted.

#### **4. Outstanding Actions Points (COM 45 OAP)**

The Chair urged Member States to submit information on these points as and when available.

The Committee then agreed on some changes and deletions on this list.

**5. Short report by the Commission on the outcome of the 45<sup>th</sup> Scientific Review Group meeting (15/09/08)**

The Chair of the Scientific Review Group reported on the outcome of the 45<sup>th</sup> meeting. Several issues would also be discussed at this Committee meeting, namely *Anguilla anguilla* with a focus on implementation and enforcement aspects and the issue of Annex X.

**6. Short report by the Commission on the outcome of the 17<sup>th</sup> Enforcement Group meeting (30-31/10/08)**

The Chair of the Enforcement Group reported on the outcome of the 17<sup>th</sup> meeting. With regard to the EU Enforcement Action Plan, the Commission would soon circulate a template to see where Member States stand with the implementation of this plan.

The Chair of the Scientific Review Group reported on the Lynx workshop which was organised on recommendation of the Animals Committee and was held on 29 October 2008.

**7. 2006 Annual reports – Analysis (UNEP-WCMC) (COM 45/7)**

The representative from UNEP-WCMC presented the findings of this analysis. Member States were invited to submit comments on the analysis as well as on the recommendations by 24 November 2008. UNEP-WCMC would also prepare the so-called Yearbook for publication on Europa. This report would also be circulated to Member States for comments before it was actually published.

**8. Potential species qualifying for Annex X of the Implementing Regulation (UNEP-WCMC) (COM 45/8)**

After several discussions on the criteria at the Committee and the SRG, the SRG eventually recommended not to include any new species on Annex X.

The Committee agreed to this recommendation. Nevertheless, the Chair pointed out that this exercise was very useful and that the Commission and UNEP-WCMC would consider the scope for repeating the exercise of collecting relevant data on the issuance of internal trade certificates. The issue of non-CITES species and their inclusion on Annex A of the Council Regulation would be followed up at the expert meeting in December.

**9. EU electronic data sharing – pilot project (UNEP-WCMC) (COM 45/9)**

The representative from UNEP-WCMC introduced the concept paper and stressed that this pilot project could become a proposal for CoP 15. At this stage, Member States were invited to submit any comments or suggestions directly to UNEP-WCMC.

The Committee welcomed this initiative. The Chair said that this topic would be presented on a regular basis to the Committee.

**10. Analysis of trade in caviar (UNEP-WCMC / TRAFFIC) (COM 45/10)**

The representatives from TRAFFIC and UNEP-WCMC presented the findings and recommendations of this report.

The Chair invited Member States to submit comments on the report to TRAFFIC and UNEP-WCMC by 24 November 2008. She pointed that, after that date, TRAFFIC and UNEP-WCMC would finalise the report which would then be published on Europa. Furthermore, the report would be sent to the CITES Secretariat. The Commission would also raise some issues identified with the Secretariat, the United States and Russia.

**11. Report on Member States' provisions and measures to implement the caviar labelling and licensing provisions (TRAFFIC) (COM 45/11)**

The Committee agreed to make the compilation of caviar labels available through the EU-TWIX network once the document had been reviewed.

The representative from TRAFFIC then summarised the report and asked Member States to come back on the points highlighted in the report. She said that overall the implementation of these provisions was very good.

The Chair invited Member States to submit comments on the report by 24 November 2008 to TRAFFIC and the Commission. The Commission and TRAFFIC would clarify with the Secretariat the issue of the country of origin for processed caviar. The final report would be sent to the Secretariat and published on Europa.

**12. Biennial reporting format (TRAFFIC) (COM 45/12)**

The Committee agreed that the Commission would update the format in line with the comments received in writing and at the meeting. The Chair asked the United Kingdom in its function as member of the report working group to submit the changes suggested to Part 1 of the Biennial Report format to the CITES Secretariat. For the next reporting exercise, Member States should use part 1 as it currently stands and part 2 as it will be updated after these discussions.

**13. Reference guide revision (TRAFFIC)**

The Chair suggested to send a revised version of the reference guide by e-mail to Member States for comments.

**14. Preparations for CoP 15**

**14.1 Procedures and timetable (COM 45/14/1)**

The Committee agreed to the proposed procedure and timetable, subject to clarifications. The Chair pointed out that first discussions between the Swedish and Spanish Presidencies and the Commission would take place in December.

**14.2 Possible EU listing proposals**

Several Member States were considering listing proposals however decisions had yet to be taken whether to go ahead or not. The Commission emphasised the need

to involve range states as much as possible in any proposal and invited Member States to submit relevant information as soon as possible in writing. Possible proposals would be discussed further at the next SRG and COM meetings.

### **14.3 Possible EU resolution & decision proposals**

#### **a) Certification and labelling of timber (COM 45/14/3/1)**

Whilst the Committee welcomed the general objective that experiences through voluntary timber certification processes could be valuable for implementation of CITES timber listings, it expressed a number of concerns about the draft proposal. The issue would be further discussed at the SRG.

The Chair then invited Member States to submit any other proposals that were currently under consideration in writing as soon as possible. She suggested to have draft amendments to existing resolutions and decisions prepared with the proposals.

### **14.4 Specific issues**

#### **a) Introduction from the Sea (COM 45/14/4/1)**

The Committee agreed to the general approach outlined in the document. The Commission and Germany as members of the working group would submit the document as presented and continue the work in the working group in accordance with the line approved.

### **15. Application of negative opinions for re-exports (COM 45/15)**

In the past it was agreed that negative opinions should apply retrospectively to re-exports from third countries in order to prevent fraud. After lengthy discussions, the Committee agreed to maintain a case-by-case approach for such applications.

### **16. *Anguilla anguilla* – implementation issues (COM 45/16)**

The Chair of the SRG introduced the subject. The Committee then discussed the implementation issues linked to the *Anguilla anguilla* listing and agreed that a consistent approach between the requirements of the eel regulation and the necessities of the CITES listing was essential. The Committee established a small working group to look into the practicalities and to draw up a proposal for some kind of quota system.

### **17. Definition of worked specimens (COM 45/17)**

The Chair invited Member States to submit comments on this document by 24 November 2008. The issue would be discussed further at the expert meeting and possibly at the next Committee meeting.

### **18. Certificates for unidentified juvenile specimens (COM 45/18)**

Member States agreed that the situation needed to be clarified on how this was implemented. This issue would also be discussed at the expert meeting.

**19. Definition of “primarily commercial purposes” (COM 45/19)**

The issue would be discussed at the expert meeting and possibly again at the next Committee meeting.

**20. Any other business**

**20.1 Meeting dates 2009 (COM 45/20/1)**

This document was submitted for information. At this stage, all meeting dates were still provisional.

**20.2 Use of purpose code "P" on import permits (COM 45/20/2)**

This issue had been clarified in the meantime.

**20.3 *Amazona ochrocephala "magna"* (COM 45/20/3)**

The Committee concluded that the subspecies *Amazona ochrocephala "magna"* should be considered to be with the species *A. oratrix* on Appendix I / Annex A in line with the original listing of this (sub)species. The nomenclature oversight will be corrected in the Annexes and CITES appendices as soon as possible.

**20.4 New AOB – Application of Art. 9**

This point will be discussed at the expert meeting.

**20.5 New AOB – Brochure**

The representative from the Netherlands drew participants' attention to the recently published brochure "The illegal trade in wild birds for food".