

Short Summary of Conclusions

46th MEETING OF THE COMMITTEE ON TRADE IN WILD FAUNA AND FLORA

Brussels, 13 March 2009

1. Adoption of the agenda

One addition to the agenda was suggested, namely a short report on the recent meeting on the African elephant action plan. Furthermore, the order of agenda items was changed. With these amendments, the agenda was adopted.

2. Update on on-going activities

- Alignment of Council Regulation 338/97: the alignment will be adopted as an “A” point at a future Council meeting.
- New **Suspensions Regulation**: The voting results on this draft measure have been submitted to the European Parliament. The deadline under the right of scrutiny expires on 19 March 2009. The Commission will then launch the written procedure for final adoption.
- Amendment to the **Annexes of Council Regulation 338/97**: This item would be discussed under agenda item 10.
- Follow-up to the **Effectiveness Study**: The Commission is working on the summary record of the experts meeting held on 11 and 12 December 2008. The draft summary record will be sent for comments as soon as available. This record will not be made public and will serve as the basis for further internal work. The Commission intends to hold a further expert meeting in the course of 2009. The Commission also pointed out that new rules apply for impact assessments since these have to be made now in principle also for implementing regulations. Given the fact that a good basis for such an impact assessment was already available in the Effectiveness study, the Commission hoped that this would not cause too much delay.
- Directive on Environmental Crime: Directive 2008/99/EC of the European Parliament and of the Council on the protection of the environment through criminal law was adopted on 19 November 2008 and published in the Official Journal L 328 on 6 December 2008. This Directive could be presented in more detail at a future meeting of the Enforcement Group.

3. Draft summary of conclusions of the 45th Committee meeting (SoC COM 45)

With an amendment to the text under point 15, the draft summary of conclusions of the 45th Committee meeting was adopted.

4. Outstanding Actions Points (COM 46 OAP)

The Committee agreed to one deletion on this list. Furthermore, the Commission would incorporate information on the latest submissions of information and make the revised document available.

5. Short report by the Commission on the outcome of the 46th and 47th Scientific Review Group meeting (see also: [SRG - short SoC](#))

The Chair of the Scientific Review Group reported on the outcomes of the 46th and 47th meeting of the SRG. Several issues would also be discussed at this Committee meeting.

The Chair of the SRG reported that SRG 46 had recommended to move several species from Annex B to Annex C and to include several species in Annex D in the new Annexes. Regarding international trade in aquatic ornamental species, the SRG had agreed to look first at other means of data collection before considering inclusion of some species in Annex D. The SRG had also discussed the outcomes of the mission to Indonesia. Several recommendations were agreed by the SRG and subsequently communicated to Indonesia.

Concerning SRG 47, the Chair pointed out the encouraging number of replies from third countries. SRG 47 discussed i.e. the situation of paddlefish in the US, the situation of *Prunus africana* and *Pericopsis elata*, a country review for Malaysia and timber fact sheets. Furthermore the SRG discussed issues for the upcoming Plants and Animals Committees as well as for CoP 15.

The Chair of the SRG then reflected the latest discussions concerning the NDF for *Anguilla anguilla*. With regard to glass eels (less than 12cm), the SRG decided to accept national exports whose maximum levels are to be set along the following procedure for Member States intending to export glass eels:

- a baseline of catches, against which future quota reductions will be measured; is taken from the 2007/2008 fishing season which Member States have to report to the European Commission;
- the export levels for the 2008/2009 fishing season will be set at a max of 85% of the baseline;
- the export levels for the 2009/2010 fishing season will be set at a max of 43% of the baseline for those countries for which eel management plans are approved under Regulation 1100/2007 by the European Commission and set at zero for those countries for which management plans have not been approved.

The SRG will review the situation in 2010 for the fishing seasons 2010/2011 and 2011/2012; countries proposing further exports should report further data and good evidence in order to reconsider the situation before further exports are agreed.

The SRG decided that exports of other live eels and eel products can take place until the review of the situation in 2010, but need to be considered on a case by case basis by national CITES authorities based on the national eel management plans.

With regards to imports of eels and eel products, the SRG decided to apply a similar approach that such imports are in principle accepted only if they are from specimens

exported by countries of origin with approved management plans based on suitable scientific advice.

Eels or eel-products being re-imported into the Community need to be derived from eels harvested and exported before the CITES listing came into force or from eels having been exported legally by the EU and/or from other non-EU exporting range states which have similar approved management plans based on suitable scientific advice in place. This requires close tracking, monitoring and reporting by the exporting countries by which the re-exported (aquaculture) products are linked to export documents originally approved by the EU or the other non-EU range states.

The representatives from the Netherlands and Sweden expressed their disagreement with this opinion of the SRG and the representative from Germany issued a reservation on this opinion.

6. Preparations for CoP 15

6.1 Procedures and timetable (COM 46/6/1)

Due to the postponement of CoP 15 and without a confirmed new date yet, the Chair pointed out that the whole timetable had to be revised. EU meetings would have to be reshuffled as well, although the meeting dates as indicated were confirmed¹. If CoP 15 were to be held in the first quarter of 2010, the Committee agreed on 3 July 2009 at the latest as new deadline for internal submission of EU draft proposals.

6.2 Possible EU listing proposals

(a) Shark proposals (DE)

- *Squalus acanthias* (SRG 47/9/2/1/1)
- *Lamna nasus* (SRG 47/9/2/1/2)

The representative from Germany presented the two proposals.

Following the defeat of these EU proposals at CITES CoP14, the Chair noted that the situation has now changed because the EU has now presented the EU shark action plan presently being discussed in Council. The Chair pointed out that the Committee should reflect further on the appropriate way forward for these listing of the 2 sharks. The Committee agreed that the advisory role of FAO had to be taken into consideration and that other range states should be ready to support the proposals. The Chair suggested to discuss these proposals in the context of the next Animals Committee.

Germany would report on the results of further consultations at the next Committee meeting.

¹ Subject to final confirmation 4 to 6 weeks prior to the meeting!

(b) Other proposals for discussion

- **Developments on Merbau (SRG 47/9/2/2/1)**

The representative from Germany presented the state of play on discussions with regard to possible listing of merbau.

The Committee agreed that, if such a proposal is being developed by Parties, at least one country of origin had to support such listing proposal but that the EU would overall give positive consideration to further developments in this matter.

- ***Huso huso* (SRG 47/9/2/2/2)**

The Committee suggested a cautious approach and agreed to await the results of the next Animals Committee before reflecting further on a possible listing proposal.

6.3 Possible EU resolution & decision proposals

(a) Dealing with worked items of Black coral (UK) (COM 46/6/3/1)

The Committee supported the contents of the documents but agreed to reflect further on the best way forward how to handle this matter.

(b) Reporting of units of measurement (UK) (COM 46/6/3/2)

The Committee supported the contents of the documents but agreed to reflect further on the best way forward how to handle this matter.

(c) Electronic licensing (UK) (COM 46/6/3/3)

The Committee welcomed the initiative which is also supported by the CITES Secretariat but emphasised the need that the E-commerce working group acknowledged such an initiative as well before taking the matter further.

(d) Certification and labelling of CITES listed timber (DE)

The Chair noted that reservations against this proposal persisted.

6.4 Specific issues

(a) Elephant ivory moratorium (DE) (COM 46/6/4/1)

The Chair pointed out the sensitive nature of this matter. The Committee decided to give this issue proper consideration and to take it into account for the elaboration of the EU common position for the CoP itself; while agreeing not to take any position at this point, but to duly consider any possible proposals and their arguments.

(b) Notification 2009/006 - Selection of nominees for chairmanship of CoP committees

The Chair invited Member States to reflect further on this Notification and to come up with good ideas.

(c) Europe in the Standing Committee (COM 46/6/4/3)

The Chair reported that the number of representatives for the European region would increase after CoP 15. The Committee agreed in principle to a share of 2 EU and 2 non-EU representatives and would consider this further.

6.5 State of play of organisation, side-events and communication activities

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7. *Anguilla anguilla* – implementation issues (COM 46/7)

The Committee took the following decisions regarding implementation issues for *Anguilla anguilla*:

Publication of export quota

The Committee decided to inform the CITES Secretariat about the agreement reached on implementation of the eel listing and the maximum export levels for the fishing seasons 2008/2009 and 2009/2010 and to ask the Secretariat to issue a Notification on this to inform other Parties.

Include information on used quota on certificates

The Committee agreed on the full application of quota inclusion on permits and certificates as of the next fishing season.

Description codes

The Committee agreed to use code “FIG” for live fingerlings and glass eels, “BOD” for frozen or dead products and “LIV” for live products other than fingerlings and glass eels. The Committee also decided to use “kg” as unit measurement.

Exchange of information

The representative from UNEP-WCMC explained that the already existing caviar database could easily be adapted to ensure expeditious monitoring of trade in eels. The Chair pointed out that such a system could assist with the traceability of products and the checking of quota levels.

The Committee then agreed that work on such a database be started so that it could be tried in time for the next fishing season. In this context, the Chair invited Member States to already share certificates and export permits with UNEP-WCMC; the decision on the final product of the database would be taken at a future Committee meeting.

Exemption on personal effects

This matter would be considered further in the context of the follow-up to the Effectiveness Study and would be discussed at a future meeting.

8. EU electronic data sharing – pilot project (UNEP-WCMC) (COM 46/8)

The representative of UNEP-WCMC presented the state of play for this pilot project.

The representative from the UK elaborated on the work done under their auspices in the same context. (Get statement for long soc)

The Chair pointed out that this matter would be discussed further at future Committee meetings.

9. Definition of worked specimens (COM 46/9)

The Chair invited Member States to provide further input with regard to the criteria to be used for the definition of worked specimens and to provide further examples of such specimens. The matter would then be discussed at a future meeting of the Committee or Enforcement Group.

10. Draft Commission Regulation amending Council Regulation (EC) No 338/97 (COM 46/10)

Following the written procedure on this draft measure, a Member State raised concerns about the listing of *corallium* species in Annex C. Subsequently the matter was put on the agenda of this Committee for further discussion.

After discussing the various options possible, the Committee decided to approve the listing of *corallium* species in Annex C and that the Commission should pursue the procedure for adoption of this draft measure (Vote in favour: 316, vote against: 29).

11. Any other business

11.1 Enforcement and livelihood impacts wild bird trade ban ([COM 46/11/1])

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11.2 Candelilla - Informal meeting of CITES Secretariat with the private sector (COM 46/11/2)

This document was basically submitted for information. The Committee welcomed the interest expressed by industry to learn more about CITES and noted the possible administrative burden of CITES controls of certain final products in trade.

11.3 Article 8 certificates (FR) – zoo specimens (tour de table)

The Committee agreed to include this issue on the list of outstanding action points to gather more information how Member States deal with this.

11.4 Multiple use of export permits (COM 46/11/4)

The Committee took note of the latest information available.