

## Summary of Conclusions

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

*Brussels, 15 June 2009*

#### 1. Adoption of the agenda

One addition to the agenda was suggested, namely the issue of dolphins from the Solomon Islands under agenda item 6.3. With this amendment, the agenda was adopted.

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

- **Alignment of Council Regulation 338/97:** Regulation (EC) No 398/2009 of the European Parliament and of the Council amending Council Regulation (EC) No 338/98, as regards the implementing powers conferred to the Commission, was adopted on 23 April 2009 and published in the Official Journal on 21 May 2009 (OJ L 126).
- **New Suspensions Regulation:** Commission Regulation (EC) No 359/2009 suspending the introduction into the Community of specimens of certain species of wild fauna and flora was adopted on 30 April 2009 and published in the Official Journal on 1 May 2009 (OJ L 110).
- **New Annexes of Council Regulation 338/97:** Commission Regulation (EC) No 407/2009 amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein was adopted on 14 May 2009 and published in the Official Journal on 19 May 2009 (OJ L 123).

The Chair apologised for the unfortunately numerous errors in this publication but pointed out that the necessary corrigenda were in preparation. He said that a letter had been prepared to OPOCE (publications office) that this would hopefully be an isolated event.

#### 3. Draft summary of conclusions of the 46<sup>th</sup> Committee meeting (SoC COM 46)

With amendments to the text under points 5 and 7, the draft summary of conclusions of the 46<sup>th</sup> Committee meeting was adopted.

Currently, for each meeting of the Committee two summary versions were produced. Referring to rules on access to documents which are in force now, the Chair suggested to prepare only one version of the summary of conclusions which would be circulated to Member States for approval before the document would be submitted to the European Parliament. The Committee agreed to these new proceedings.

#### 4. Outstanding Actions Points (COM 47 OAP)

The Committee agreed to one deletion on this list. Furthermore, following a recent reminder by the unit dealing with institutional matters, the Commission would incorporate the point on stricter measures again into the list of OAP as any new legislation in Member States had to be notified to the Commission.

#### 5. *Anguilla anguilla* – implementation and NDFs

##### 5.1 Implementation of the listing

##### 5.2 Letters to range states (COM 47/5/2)

##### 5.3 Eel database – discussion paper (COM 47/5/3)

The Chair invited Member States to provide information on their national catch levels for *Anguilla anguilla* for the fishing season 2008/2009, as well as previous fishing seasons (where available). This information should be submitted to the Commission by **15 August 2009**. It should comprise catch data on glass eels, silver eels and yellow eels.

The Commission noted that information submitted by Member States in the framework of their eel management plans do not contain such aggregated data. Such data are essential to ensure a proper implementation of the CITES listing of *Anguilla anguilla* further to the opinion by the SRG on 12 March 2009.

The Committee agreed to submit as much data as best as possible. The SRG would continue to discuss this issue as well and would review the situation in one of its next meetings once more when available information was available.

The Chair reminded Member States of the conditions governing the export of eels, as set by the SRG at its meeting on 12 March. He invited Member States that intend to export glass eels to provide that information to the Commission by **15 August 2009**, as well as the associated export quota. Member States which do not provide this information should not be entitled to export glass eels.

As there seem to be only few Member States wishing to export eels, the Committee agreed that there was no need for the development of an eel database for the time being. Should the situation change and warrant such a development, the Committee would evaluate the matter further. In the interim, Member States would provide the necessary information to each other on a case-by-case basis.

The representative from France explained that they were currently elaborating an IT system for their country and that they would be happy to give access to that system to UNEP-WCMC and to the Commission.

Nevertheless, Member States should report export permits and certificates for glass eels to UNEP-WCMC **in real time**.

The Chair informed the Committee that letters had been sent to all non-EU range states informing them about the implementation of the eel listing within the EU

and its consequences for the import of eels into the EU. To date, four replies had been received which would be discussed in more detail at the next SRG.

The Committee then discussed the issue which kind of assessment was necessary to authorise imports other than glass eels and how to deal with pre-Convention specimens. There was disagreement on whether there was need for a NDF for the importation of pre-Convention specimens. While the Chairman reminded the Committee that the text of the Council Regulation does not provide for an exemption, several MS pointed to the practice followed so far. They mentioned that NDF for pre-Convention specimens could not be based on sufficient data because it is highly likely that there are no data available for a species before it has been listed. One MS argued that that interpretation could lead to anticipating the entry into force of the listing by applying law retroactively. The Chairman indicated that application for these imports should be assessed with flexibility (NDF should be based on information from exporting countries about conservation status and measures in place or planned). It was agreed that the Commission would provide guidance to the Committee on this issue.

The Chair requested that Member States share information on positive import decisions via the Circa Newsgroup. Such information could also be useful for discussions at the next SRG meeting.

## **6. Preparation of Standing Committee 58 (see [SC 58 - Provisional agenda](#))**

### **6.1 Preparation of the Regional Report for Europe**

The Chair informed the Committee that Bulgaria would take care of the Regional Report compilation and invited Member States to submit their contributions to Bulgaria by **22 June 2009**.

### **6.2 EU Coordination under the Swedish Presidency**

This point was discussed together with point 6.5.

### **6.3 Discussion and agreement on the orientation paper (COM 47/6/3)**

The Chair reconfirmed the working arrangements that normally the SC members from the EU would express the lines but that for critical issues the Presidency would take the floor on behalf of the EU.

The Committee then had a detailed discussion on the various items in the orientation paper and agreed on the line to take on most of the agenda items to be discussed at the Standing Committee. The Chair concluded that the Commission would prepare a revised orientation paper to reflect the discussions and submit it to Member States as soon as possible for agreement. Some issues would need to be discussed further during coordination in Geneva.

The following issues should be dealt with by the Presidency:

- 20 - Ranching operations
- 33- Asian big cats
- 36 – Elephants
- 43 - Criteria for Annex I and II species

#### **6.4 *Crocodylus niloticus* / Madagascar (COM 47/6/4)**

The Committee agreed that the Community should support a recommendation under the Compliance guidelines but that it would not propose a trade suspension unilaterally. The EU position would be finalised in coordination in Geneva (see revised orientation paper).

#### **6.5 Practical arrangements at SC 58 – logistics / coordination**

The Presidency informed the Committee that a room was booked at the Conference Centre throughout the Standing Committee and that a confirmation for the first coordination meeting scheduled for 6 July in the morning would be circulated shortly.

#### **6.6 Other issues**

-

### **7. Preparations for CoP 15**

#### **7.1 Procedures and timetable (COM 47/7/1)**

The Chair explained that, in the assumption that CoP 15 would take place in March 2010, the EU common position would be finalised under the Spanish Presidency while discussion of substance would already start under the Swedish Presidency.

He reminded Member States that the deadline for submission of draft proposals to the Commission was **3 July 2009**.

#### **7.2 Possible EU listing proposals (see COM 46 for documents)**

##### **(a) Shark proposals**

- *Squalus acanthias*
- *Lamna nasus*

An update was given on the two proposals and it was explained that some further information was awaited.

**(b) Other proposals for discussion**

• **Developments on Merbau**

A state of play was provided on discussions with regard to possible listing of merbau and it was pointed out that it was very unlikely that a Member State would be in a position to present a proposal as for the time being range states which have been contacted did not support this initiative.

• ***Huso huso***

It was agreed that the outcome of the Significant Trade process should be awaited before considering further action.

**7.3 Possible EU resolution & decision proposals (see COM 46 for documents)**

**(a) Dealing with worked items of Black coral (COM 47/7/3/1)**

The state of play for this proposal was presented and it was agreed that a revised proposal would be submitted.

**(b) Reporting of units of measurement (COM 47/7/3/2)**

It was agreed that this issue would not be taken further as a CoP proposal but that a small working group during SC 58 could be set up to look into the matter.

**(c) Electronic licensing (COM 47/7/3/3)**

The representative from the proposing country clarified that the intention of this document was to allow for electronic exchange under CITES rules. Further co observations by some delegations, he said that a revised document would be submitted.

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

It was agreed that this issue would not be taken further for the time being but the proposing country indicated that it would look into the matter with the Secretariat and possibly submit something to CoP 16.

**7.4 Specific issues (see COM 46 for documents)**

**(a) Elephant ivory moratorium**

The representative from one Member State proposed to elaborate a statement concerning a common position that no additional ivory sales should be considered until CoP 17. The Chair re-iterated the sensitive nature of this matter. The Committee stressed the importance of the mediating role of the EU in the elaboration of the elephant compromise at CoP 15 and agreed to think further about the right message and the right time. The Committee agreed further to elaborate a general line to take for the Standing Committee in Geneva in case this topic came up.

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

The representative from the UK informed the Committee that they have submitted the following proposals:

For Committee I: Prof. Rodrigo Medellin (Mexico) and Dr. John Donaldson (South Africa)

For Committee II: Linda Maltby (Canada), Alfred Oteng Yeboah (Ghana) and William Dovey (New Zealand)

He also informed the Committee that Trevor Salmon (UK) was proposed by Turkey.

The representative from Belgium informed the Committee that he had been approached very recently by the CITES Secretariat whether he would participate in the Committee for verification of powers. The Committee welcomed this.

(c) **Europe in the Standing Committee**

The Chair concluded that this issue would be kept on the agenda for the Committee and invited Member States to identify an additional candidate (in case the EU wished to claim a third seat) for a representative and alternates.

(d) **Update on work on red corals**

The representative from Italy informed the Committee about the state of play of the preparations for a workshop on red corals to be held on 23 – 26 September in Naples and about the envisaged structure of this workshop. Invitations would be sent to, inter alia, the Member States, the European Commission, the CITES Secretariat, FAO, USA, Canada and Mediterranean range states.

The Chair suggested that Member States should submit comments and suggestions once a draft agenda and workplan were available. Furthermore he invited Italy to report back on this event at the December Committee meeting.

**7.5 State of play of organisation, side-events and communication activities**

The Chair invited Member States to share information/ideas on communication activities to the Commission.

**8. Effectiveness Study follow up (COM 47/8)**

The Chair reported that a draft summary of the expert meeting held in December had been circulated and that some comments had been received. As no further comments were made at the meeting, the revised report would be uploaded on Circa for further use.

Concerning further proceedings, the Chair explained that changes to the Implementing Regulation following the results of the expert meeting would be combined with the necessary CoP 15 follow up. Therefore there would not be a formal proposal before the CoP. The Commission would try to come back with an outline proposal (guidelines, informal proposal) in the autumn but the elaboration and timing of such documents would also depend on when the CoP will finally take place.

**9. [EU Action Plan on Enforcement](#) – Assessment of MS implementation (COM 47/9) (TRAFFIC)**

The representative from the Commission outlined the overview table on the assessment of Member States' implementation of the EU Action Plan on Enforcement. He informed the Committee that the document would be discussed in detail at the next Enforcement Group meeting. On that occasion, the concerns raised by some Member States about the format and assessment of the document would also be addressed.

**10. Import into the EU of finished products for *Euphorbia antisiphilitia* (COM 47/10)**

The representative from the Commission explained that, as long as there was no CoP decision revising the annotation for finished products for *Euphorbia antisiphilitia*, there was a need to issue import permits for such products.

The Chair invited Member States to inform the Commission about the current practice by **3 July 2009**. If necessary, the issue would have to be discussed again at a future meeting.

**11. Any other business**

The Chair informed the Committee that the Commission would reconsider the date for the next Committee meeting and would inform the group accordingly.

**ATTENDANCE LIST**  
**of the**  
47<sup>th</sup> MANGEMENT COMMITTEE MEETING ON CITES

*Brussels, 15 June 2009*

<b>MEMBER STATE</b>	<b>ORGANISATION</b>	<b>PARTICIPANTS</b>
<b>BELGIUM</b>	Federal Public Service Health, Food Chain en Environment	3
<b>BULGARIA</b>	Ministry of Environment and Water	1
<b>CZECH REPUBLIC</b>	Ministry of the Environment	1
<b>DENMARK</b>	Ministry of the Environment	1
<b>GERMANY</b>	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit	2
	Bundesagentur für Naturschutz	2
<b>ESTONIA</b>	Ministry of the Environment	1
<b>IRELAND</b>	Department of the Environment, Heritage & Local Government	1
<b>SPAIN</b>	Ministerio de Industria, Turismo y Comercio	2
<b>FRANCE</b>	Ministère de l'écologie et du développement durable	2
<b>ITALY</b>	Corpo Forestale dello Stato	1
	Ministero dell'Ambiente e della Tutela del Territorio e del Mare	1
<b>LATVIA</b>	Nature Protection Board	1
<b>LITHUANIA</b>	Permanent Representation	1
<b>LUXEMBOURG</b>	Ministry of the Environment	1
	Direction de l'Administration des Douanes et Accises	1
<b>HUNGARY</b>	Ministry of Environment and Water	1
<b>MALTA</b>	Environment and Planning Authority	1

<b>NETHERLANDS</b>	Ministry of Agriculture, Nature & Food Quality	2
<b>AUSTRIA</b>	Ministry of Agriculture and Forestry, Environment and Water Management	1
<b>POLAND</b>	Ministry of the Environment	1
<b>GREECE</b>	Permanent Representation	2
<b>PORTUGAL</b>	Instituto da Conservação da Natureza	1
<b>ROMANIA</b>	Ministry of Environment and Sustainable Development	1
<b>SLOVENIA</b>	Ministry of Environment	1
<b>FINLAND</b>	Finnish Environment Institute	1
<b>SWEDEN</b>	Swedish Board of Agriculture	2
	Swedish Environmental Protection Agency	1
<b>UNITED KINGDOM</b>	DEFRA	1
	Revenue and Customs	1
	Animal Health	1
	Scientific Authority	1