

Summary of Conclusions

48th MEETING OF THE COMMITTEE ON TRADE IN WILD FAUNA AND FLORA

Brussels, 21 September 2009

1. Adoption of the agenda

Several additions to the agenda were suggested under "Any other business", namely the visit of Mexican officials from their Management Authorities to a COM and/or SRG meeting; a possible error in the listing of *Bubo bubo bengalensis* in the EU Annexes; the question of unauthorised imports of ramin; follow up on trade in finished products of *Euphorbia antisyphilitica*. Furthermore, the order of agenda items was changed. With these amendments, the agenda was adopted.

2. Update on on-going activities

Concerning the revision of the Implementing Regulation, the Commission indicated that it would endeavour to provide more concrete information concerning the timeline for the drafting of guidelines and the submission of a draft proposal in the next coming weeks.

3. Summary of conclusions of the 47th Committee meeting (SoC COM 47)

As the summary of conclusions of the 47th Committee meeting was already adopted shortly after the meeting in June, the document was tabled for information purposes only.

4. Outstanding Actions Points (COM 48 OAP)

The document was noted.

5. Regulation on trade in seal products – state of play and further proceedings (COM 48/5)

The Chair presented the state of play and further proceedings on this issue. As the EU wildlife trade Committee had been nominated as the Committee for the purposes of the recently adopted Seals Regulation it would have to adopt the new Implementing Regulation under the Comitology procedure within 9 months after the publication of the Seals Regulation.

The Chair informed the Committee that a meeting specifically dedicated on this issue was scheduled for 8 January 2010. Furthermore, he invited Member States to submit names and contact details of those colleagues who would be in charge of the seals file to the Commission by 29 October 2009. Given the limited timeframe for this procedure, the Commission would ensure that a draft would be circulated to the right entities as

early as possible to allow for a substantial discussion in January 2010. The Commission would also create a specific folder on Circa.

6. Short report by the Commission on the outcome of the 48th (30/06/09) and 49th Scientific Review Group meeting (11/09/09) (see also: [SRG on Europa](#))

The Chair of the Scientific Review Group reported on the main outcomes of the 49th meeting of the SRG other than eels and CoP 15 issues which would be presented under the respective agenda item.

The Chair of the SRG reported that the main topics discussed at the meeting were reptiles from Malaysia, timber species from African countries, birds of prey from Tanzania as well as the discussion of long-standing import suspensions in particular for Madagascar. He pointed out that the SRG very carefully assessed the species for which long-standing import suspensions had been in place, bearing in mind the difficulties Madagascar has in implementing CITES, and explained that new decisions concerned only those species for which no exports had taken place over the last five years; in any case, as precautionary measure, all applications for those species had to be referred to the SRG. In addition, it was highlighted that commercial imports cannot be granted until the Suspension Regulation No 359/2009 has been amended accordingly.

The Chair of the SRG also referred to three additional requests for co-sponsorship which were received too late to be assessed by the Commission and the Member States. He emphasised that this did not reflect an opinion on the merits of the proposals and that these proposals would be discussed and assessed in the context of the elaboration of the EU Common position on all CoP 15 proposals.

7. Short report by the Commission on the outcome of the 18th Enforcement Group meeting (13-14/07/09)

This issue was postponed to COM 49.

8. 2007 Annual reports – Analysis (UNEP-WCMC) (COM 48/8)

By e-mail of 27 August 2009, the Commission invited Member States already to submit any comments they might have on the analysis to UNEP-WCMC and the Commission.

The Chair proposed at this meeting to submit any further comments on this to UNEP-WCMC and the Commission by 2 October 2009. UNEP-WCMC would finalise the analysis after this date and prepare the 2007 Yearbook for publication.

9. *Anguilla anguilla* – implementation and NDFs

9.1 Replies from Member States / Review quota situation (COM 48/9/1)

The Chair of the SRG reported that the SRG had noted a sharp decline in catches of glass eels during the 2008-2009 fishing season and that it had considered different scenarios on how this could be reflected in the export quotas for the 2009-2010 fishing season. Based on the discussion in the SRG the Commission had proposed that export quota for the fishing season 2009/2010 would be

reduced by 50% compared to what should have been the level of those quotas further to the opinion by the SRG in March 2009.

While a number of Member States recalled their preference for setting a zero export quota, one Member State pointed out that the reduction in catches in 2008/2009 may not necessarily reflect an equivalent reduction in recruitment, as the very specific hydro-climatic and economic conditions of the last fishing season have certainly contributed to the fishermen reducing their fishing effort by 40-60% depending on the regions. Eventually the Committee agreed to the Commission proposal. As a result, national export quota would amount to 21.5% of the catch level of the 2007/2008 fishing season (instead of 43%). It was also agreed that those levels could still be reviewed on the basis of the assessment by the SRG and of updated information as to the situation of the stocks.

The Chair also recalled that, in line with the SRG advice delivered in March 2009, export permit for glass eels harvested during the 2009-2010 fishing season could only be issued by Member States for which eel management plan had been approved by the Commission.

The Chair invited Member States to provide any useful information at their disposal which could help the SRG to perform an assessment of the situation at its next meeting.

DG MARE indicated that one eel management plan had been approved by the Commission and that other plans would be considered at the Fisheries and Aquaculture Committee meetings on 22 September, 28 October and 2 December. The Commission would pay particular attention to examining eel management plans from Member States which have expressed an intention to export glass eels.

9.2 Replies from range states (COM 48/9/2)

The Committee noted that the SRG gave a negative opinion for import applications from Tunisia until the outstanding questions were clarified and that all applications from Croatia and Syria had to be referred to the SRG.

9.3 Pre-Convention specimens (COM 48/9/3)

The Committee agreed on the following cut-off dates after which specimens of European eel can no longer be considered pre-Convention: **1 April 2011** for live specimens and **1 April 2012** for any other eel products. The date refers to the issuance date of CITES documents.

10. Standing Committee 58 – follow-up

The representative from the Commission informed the Committee about the recent meeting on Introduction from the Sea.

11. Preparations for CoP 15

11.1 Procedures and timetable (COM 48/11/1)

The Chair recalled the procedure agreed and well-known for a number of years now and invited the Committee to take a decision on the various proposals on the basis of the assessment provided by the Commission in the Commission Staff Working Paper. The current and in-coming Presidency indicated possible dates for the necessary WPIEI meetings where the EU common position on all proposals that will be submitted to CoP 15 will be defined.

All tabled CoP proposals as well as on replies to the requests for co-sponsorship would be agreed and adopted at today's meeting. Furthermore, all proposals in their finalised form (after incorporation of any comments arising from the Commission Staff Working Paper or from today's meeting) would have to be submitted to the Commission and Sweden by 30 September 2009.

In conjunction with the Presidency and the relevant Member States, the Commission would then finalise any outstanding formatting issues on the EU proposals which would eventually be submitted by the Sweden to the CITES Secretariat.

The Chair urged Member States that cannot attend CoP 15 to give a mandate to another Member State and to prepare this mandate in due time.

11.2 Presentation of Commission Staff Working Paper (COM 48/11/2)

The Chair informed the Committee that the Commission Staff Working Paper was now available (SEC (2009) 1228 final of 16 September 2009). The Commission would present the document in connection with the respective agenda items.

11.3 Possible EU listing proposals

(a) Shark proposals

- *Squalus acanthias* (COM 48/11/3/1)
- *Lamna nasus* (COM 48/11/3/2)

The Commission in its Commission Staff Working Paper gave a favourable assessment to the proposals, subject to a number of considerations to be taken into account. The Commission referred in particular to the interpretation of the listing criteria. The proponent introduced a revised version of the proposal that contains a new Annex (n° 4), which explains why, according to the proponent, the term "*decline*" is not relevant in the consideration of criterion B of Annex 2 a of Resolution Conf. 9.24. However, for the Commission noted that it still had some reservations about whether, this was the proper way to respond to the request of the Standing Committee, and developing detailed analysis on the general applicability of the term "*decline*" to criterion B is superfluous here. It would be sufficient to explain why and how criteria A and B are fulfilled.

Several Member States asked for time to consider the amendments made by the proponent, as they had not been circulated prior to the meeting, to see

how their previously stated concerns had been addressed. Subject to that review and a number of improvements to be introduced in the proposals, including Annex 4, the Committee agreed to approve the proposals. Member States are invited to submit any further comments regarding details of the proposals by 30 September 2009 after which the documents would be finalised.

11.4 Possible EU resolution & decision proposals

(a) Dealing with worked items of Black coral (COM 48/11/4/1)

The Commission in its Commission Staff Working Paper gave a favourable assessment to the proposal, subject to a number of considerations to be taken into account.

The Committee approved the proposal, and asked the proponent to prepare a final version for submission to the Commission and the Presidency, for submission to the CITES Secretariat.

(b) Electronic licensing (COM 48/11/4/2)

The Commission in its Commission Staff Working Paper gave a favourable assessment to the proposal, subject to a number of considerations to be taken into account.

The Committee approved the proposal, and asked the proponent to prepare a final version for submission to the Commission and the Presidency, for submission to the CITES Secretariat.

(c) Detector dogs (COM 48/11/4/3)

The Commission in its Commission Staff Working Paper gave a favourable assessment to the proposal.

The Committee approved the proposal, and asked the proponent to prepare a final version for submission to the Commission and the Presidency, for submission to the CITES Secretariat.

(d) Amendments to Resolution Conf. 12.15 on Conservation and trade in tigers and other Appendix-I Asian big cat species (COM 48/11/4/4)

The Commission in its Commission Staff Working Paper gave a favourable assessment to the proposal, subject to a number of considerations to be taken into account.

The Committee approved the proposal, subject to final agreement on minor amendments between the proponent and one Member State. The proponent would then prepare a final version for submission to the Commission and the Presidency, for submission to the CITES Secretariat.

11.5 Possible other listing proposals with request for co-sponsorship

(a) *Thunnus thynnus* (COM 48/11/5/1)

The Chair referred to the invitation made by Monaco that the EU co-sponsor their proposal to list Atlantic bluefin tuna under CITES Appendix I.

The Chair of the SRG recalled that, during the SRG meeting, all the Member States which took the floor, with one exception, agreed that the scientific criteria to list this species in Appendix I were met.

The Chair then outlined the position of the Commission on the issue, as reflected in the Commission staff working document SEC (2009)1228. In the tour de table which ensued, a clear majority of Member States represented at the meeting expressed their support for the Commission's assessment, while a number of other Member States indicated that they could not agree with it.

Various arguments were put forward by those Member States opposing the Commission's position, including the following:

- The EU should pursue its efforts to conserve and manage Atlantic bluefin tuna primarily within ICCAT. The Recovery Plan adopted in 2006 and reviewed in 2008 sets up the framework for a sound management of this resource and the initial results of those measures are encouraging;
- Uncertainty as to the fact that the Appendix I listing criteria are met;
- Directly involving CITES in the management of marine living resources would create a precedent which could seriously interfere with the governance of fisheries at global level;
- Not all scientific data used by Monaco are up to date and the most recent data should be considered;
- A listing under Appendix I would be a disproportionate step and have considerable detrimental socio-economic consequences.

Member States supporting the Commission's position indicated notably that:

- they were relying on the outcome of the SRG meeting for the assessment of the conservation status of the stock, and that, during this meeting, the Member States which took the floor on the issue with one exception indicated that the Appendix I listing criteria are met. The SRG had thus advised the Management Committee accordingly;
- ICCAT and CITES should have a complementary role, that ICCAT track record for the conservation of Atlantic bluefin tuna was not satisfactory and that the best way to send a clear message to ICCAT was to support the proposal by Monaco pending the outcome of the ICCAT November meeting;

- The nature of the support would be flexible enough to allow the EU to reconsider its co-sponsorship in case new scientific information shows that the listing criteria were no longer met.

All Member States acknowledged that the situation of the stocks of Atlantic bluefin tuna was a cause for serious concern and highlighted the importance of the upcoming ICCAT meeting in November 2009.

Given that the discussion had shown that there was no qualified majority in support of the Commission's assessment, and after considerable further discussion, the Committee agreed on the main elements which should feature in the reply to Monaco and on the principles which should guide future action of the EU in relation to the question of the listing of Atlantic bluefin tuna under CITES. This agreement is reflected in the statement below:

"The Committee shares many of the concerns expressed by Monaco about the dire state of the stocks of Atlantic bluefin tuna.

Whereas, taking into account the favourable opinion of the Scientific Review Group expressed on 11 September, the Committee considers that the criteria for such a listing may be met, the Committee also notes that the assessment on which the Monaco proposal is based draws from scientific advice issued in October 2008.

Given that updated scientific evidence may be forthcoming and in view also of the importance of the upcoming meeting of ICCAT in November 2009 for the conservation of Atlantic bluefin tuna, the Committee finds it premature at this stage for the EC to support a proposal for listing the species under Appendix I; the Committee therefore considers that the EU should not provide a positive answer to the request by Monaco to co-sponsor its proposal to list the species under CITES Appendix I.

This does however not prejudice the final position that the EU would adopt at the CITES CoP in March 2010 if the listing proposal is transmitted to the CITES secretariat for consideration at CoP15. The Committee considers that the final position of the EU on the opportunity to list Atlantic bluefin tuna under Appendix I of CITES will depend to a large extent on the outcome of the ICCAT meeting taking place in November 2009.

In that respect, particular attention will be paid to:

- *The most recent scientific data relating to the stocks of Atlantic bluefin tuna, and*
- *The need that conservation measures are adopted in line with the recommendations of the ICCAT Scientific Committee in order to ensure the recovery of the stocks, especially but not limited to the reduction of Total Allowable Catches from 2010 onwards".*

The Commission will reply to Monaco on behalf of the EU along the lines described above.

In this reply, the attention of Monaco will also be drawn to the following elements of detail, which were raised both in the Commission Staff Working Paper as well as in the discussion with regard to the Monaco proposal:

- the part on biological criteria should be made clearer, following CITES Resolution Conf. 9.24 (Rev. CoP14) and the FAO methodology, notably insofar as it relates to the productivity of the species and the assessment of the decline of the species (in particular in relation to the notion of projected decline and the fact that in case of uncertainty measures proportionate to the anticipated risk should be taken);
- The need to refer to the latest scientific information available;
- The need to establish a cooperation mechanism between CITES and ICCAT to allow for exchange of information on the status of the stocks and management and conservation measures

(b) *Corallium* spp. and *Paracorallium* spp. (COM 48/11/5/2)

The Commission in its Commission Staff Working Paper gave a favourable assessment to the invitation by the USA to co-sponsor their proposal for listing the species under Appendix II, subject to a number of considerations to be taken into account.

The Committee decided that the EU should respond positively to the request by the USA, unless new elements emerge from the upcoming *Corallium* workshop in Italy (23-26 September), which provide convincing evidence that would cause the Committee to reverse this decision. The decision whether to reverse this decision would be adopted via written procedure to be launched before the end of September.

In that context the following timetable was agreed:

- a) The Commission will provide an assessment to Member States on the outcome of the Naples workshop by 30th September;
- b) Member States will then have until 7th October to respond to the written procedure;
- c) Based on the outcome of the written procedure the Commission would inform the USA of the final position of the Community with regard to the co-sponsorship, including any further comments regarding details of the proposal.

11.6 Specific issues

(a) Europe in the Standing Committee

The Chair invited Member States to identify potential candidates for the Standing Committee (as well as for the Plants Committee) by the end of

October 2009 as applications have to be submitted to the CITES Secretariat by 13 November 2009.

11.7 Regional meetings of the European CITES Parties

The EU representatives in the Standing Committee would report back on this issue at the next meeting.

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

This issue would be discussed in more detail at the next meeting.

12. Training needs and tools - results of questionnaire (TRAFFIC) (COM 48/12)

The chair of the Enforcement Group recalled that this document was already discussed in that forum. He invited Member States to submit any further comments on the document and its recommendations and informed the Committee that the report would be published on Europa and the TRAFFIC website once the document was finalised.

13. Applying NDF for seized specimens of *Pterocarpus santalinus* (COM 48/13 [SRG 48/17])

This issue was postponed to COM 49.

14. Any other business

This issue on trade in finished products of *Euphorbia antisyphilitica* was postponed to COM 49.

Concerning the issue of *Bubo bubo bengalensis*, the Commission would look further into the matter. It would come back to the Committee at a future meeting if and how this issue should be dealt with.

ATTENDANCE LIST
of the
48th MANGEMENT COMMITTEE MEETING ON CITES

Brussels, 21 September 2009

MEMBER STATE	ORGANISATION	PARTICIPANTS
BELGIUM	Federal Public Service Health, Food Chain en Environment	4
BULGARIA	Ministry of Environment and Water	1
CZECH REPUBLIC	Ministry of the Environment	1
CYPRUS	Ministry of Environment	1
DENMARK	Ministry of the Environment	1
GERMANY	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit	2
	Bundesagentur für Naturschutz	2
IRELAND	Department of the Environment, Heritage & Local Government	1
SPAIN	Ministerio de Industria, Turismo y Comercio	2
FRANCE	Ministère de l'écologie et du développement durable	3
ITALY	Corpo Forestale dello Stato	1
	Ministero dell'Ambiente e della Tutela del Territorio e del Mare	1
	Permanent Representation	1
	Embassy of Italy	1
LITHUANIA	Ministry of Environment	1
HUNGARY	Ministry of Environment and Water	1
MALTA	Environment and Planning Authority	1
	Ministry of Resources & Rural Affairs – Fisheries division	1
	Permanent Representation	1

NETHERLANDS	Ministry of Agriculture, Nature & Food Quality	2
AUSTRIA	Ministry of Agriculture and Forestry, Environment and Water Management	1
POLAND	Ministry of the Environment	1
GREECE	Ministry of Rural Development & Food	3
PORTUGAL	Instituto da Conservação da Natureza	1
ROMANIA	Ministry of Environment and Sustainable Development	1
SLOVENIA	Ministry of Environment	1
FINLAND	Finnish Environment Institute	1
SWEDEN	Swedish Board of Agriculture	1
	Ministry of Environment	2
UNITED KINGDOM	DEFRA	2
	Permanent Representation	1
	Animal Health	1