

## Summary of Conclusions

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

*Brussels, 11 June 2010*

#### 1. Adoption of the agenda

The agenda was adopted.

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

- **Visit of John Scanlon**, new Secretary General of CITES: Mr Scanlon visited several Commission departments to establish contacts and discuss follow up to CoP 15 and funding.
- **New Suspensions Regulation**: The decisions taken at SRG 52 were incorporated into the latest draft. The draft Regulation will now be submitted for inter-service consultation, followed by the usual comitology procedure whereby Member States and the European Parliament will be consulted.
- **Annual Reports 2009 and trade in bigleaf mahogany**: The Chair invited Member States to submit their contributions by 15 June 2010 and 30 June 2010 respectively.

#### 3. Summary of conclusions of the 50<sup>th</sup> Committee meeting (SoC COM 50)

The document was tabled for information purposes.

#### 4. Outstanding Actions Points (COM 51 OAP)

The document was noted. The Chair invited Member States to submit any relevant information if and when available.

#### 5. Short report by the Commission on the outcome of the 52<sup>nd</sup> Scientific Review Group meeting (18/05/10) (see also: [SRG on Europa](#))

The Chair of the SRG informed the Committee about the outcome of SRG 52. SRG discussions had focussed on *Anguilla anguilla*, *Ursus arctos*, *Canis lupus*, several species of reptiles from Benin, bigleaf mahogany, a long list of species subject to long-standing suspensions, the review of four sturgeon species and corals. Furthermore the SRG had agreed to make the reports discussed at its meetings publicly available as far as possible.

The Committee then debated the new chip marking tool which was also presented at SRG 52 and agreed to discuss this further at the September meeting.

## **6. Short report by the Commission on the outcome of the 20<sup>th</sup> Enforcement Group meeting (29-30/04/10)**

The Chair of the Enforcement Group reflected the outcome of the last meeting. One issue that had been discussed was the role of the Enforcement Group in general. Furthermore, the EG had suggested inviting some neighbouring countries to one of its future meetings to share information with them and to enhance cooperation. In addition, the EG had discussed the problem of illegal trade in tortoises, the Enforcement Action Plan and internet trade.

The Chair asked Member States to provide further thoughts on the effectiveness and functioning of the Enforcement Group, bearing in mind the Group's mandate.

## **7. *Anguilla anguilla***

### **7.1 Report TRAFFIC (COM 51/7/1)**

The representative from TRAFFIC presented the findings.

The Committee welcomed the useful information and confirmed that this information provided useful input for further discussions on the eel management.

### **7.2 Overview of data on catch levels**

The Chair invited Member States to provide and/or update their submissions concerning eel catch data (deadline: 15 July). He explained that these data would also feed into the review process ahead of COM 52.

### **7.3 Eel management plans: State of play**

The representative from DG MARE explained that from the 19 eel management plans received in accordance with Regulation (EC) No 1100/2007, 4 plans still needed to be approved. The Commission would make recommendations how those plans could be improved. Member States have to report to the Commission on the implementation of their management plans by 30 June 2012. After the assessment of those reports, the Commission might propose amendments to the Regulation or additional measures as appropriate.

The Committee expressed concerns about the questions of restocking and illegal fishing.

### **7.4 Review process for the EU trade regime**

The Committee decided to set up the Eel Working Group again with the task to review the process for the EU trade regime for *Anguilla anguilla*. Terms of reference would be agreed in due course, on the basis of a proposal by the Commission.

## **8. CITES CoP 15 follow-up**

### **8.1 Lessons learnt (COM 51/8/1)**

The Commission representative reflected on the lessons to be learnt from CoP 15 and how the work of the EU (internally and externally) could be improved prior to and at the next CoP.

Considering the results of the last two CoPs, the Committee then discussed the evolvement and perception of CITES as a tool and its effectiveness over the years.

The Chair invited Member States to submit their own thoughts and ideas in writing. On that basis, the Commission would explore further the possibility of a dedicated meeting on this topic.

### **8.2 Annexes to Council Regulation (EC) No 338/97**

The Commission representative explained that the Annexes to Council Regulation 338/97 had been updated to reflect the **CoP 15 decisions** as well as some CITES Notifications concerning Appendix III. He pointed out that the draft was currently under scrutiny with the European Parliament and that it was the Commission's aim to have the new version of the Annexes adopted in July and published soon thereafter.

The Committee would have further debates on the issue of unilateral listing for marine species proposed by the EU for listing at CoP 15 in the autumn. The Chair invited Member States to submit their thoughts on such possible listings in writing, taking into account all elements on this issue, notably the conservation benefits of such listing, the impact of such unilateral decision on the EU position in CITES, the impact on trade and its legality under international trade law.

Regarding trade of products containing Candelilla wax in the period between the entry into force of the amended Appendices of the Convention (23 June 2010) and the publication of the new Annexes of Regulation 338/97, it was clarified that importing Member States need to issue import permits but can accept any documentation accompanying the shipment demonstrating the legal origin of the products (as no export permit would be issued by the exporting country any longer).

## **9. Effectiveness Study follow up / Revision of Implementing Regulation / Development of Guidance Note (COM 51/9)**

Further to the consultation process carried out over the last two years and the publication of the "effectiveness study", the Commission would present a non-paper by 1 July 2010 to Member States. This non-paper would identify provisions of the Implementing Regulation which would need to be amended (to reflect earlier discussions with Member States and changes in Resolutions in CoP 15) as well as issues on which guidance could be provided. The Commission would endeavour to adopt a revised Regulation and a guidance document in Spring 2011.

**10. EU Action Plan on Enforcement (COM 51/10)**

The Commission representative asked Member States – in particular those that had not done so to date – to submit and/or update the information on the implementation of the EU Action Plan on Enforcement by September 2010. On the basis of such consolidated overview and analysis of progress made over the past years, the Commission would then consider possible further action to take implementation forward. The Commission would also check whether information provided in the Biennial Report could feed into this exercise.

**11. Application of NDF for specimens confiscated in a third country (TRAFFIC) (COM 51/11)**

The Committee appreciated the information and recommendations provided in the report and agreed that this information could be included in a guidance document.

**12. Fraudulent use of EU certificates (COM 51/12)**

The Committee suggested that the Enforcement Group should provide feedback on this document. The matter would be discussed further at the next Committee. The Commission invited Member States to see if and how the EPIX (Electronic Permit Information eXchange)<sup>1</sup> project being developed by UNEP-WCMC could address the questions raised in document COM 51/12.

**13. MIKE/ETIS funding**

The Chair informed the Committee that funding for MIKE was guaranteed until the end of 2011.

Committee members stressed that the programme provides very useful information but were concerned that it was still far from being self-standing. This issue, together with the question of ivory sales, would be discussed again at the next meeting.

While the matter could be discussed at the CITES SC in August 2011, decisions on future funding would need to be made well before. The Chair therefore asked Member States to send questions regarding the MIKE programme to the Commission. The Commission would then consider how best to take the matter forward.

**14. EU-TWIX (COM 51/14)**

The representative from TRAFFIC described EU-TWIX, why it is a very successful tool for EU enforcement officers, and explained the need for further funding of this tool as of 2011 if Member States wished to continue this tool.

Member States and the Commission would explore possibilities of further funding of the project.

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<sup>1</sup> Cf. presentation of this project in Circa under the link below  
[http://circa.europa.eu/Members/irc/env/cites1/library?l=/cites\\_management/management\\_26022010/com\\_50\\_follow\\_up&vm=detailed&sb=Title](http://circa.europa.eu/Members/irc/env/cites1/library?l=/cites_management/management_26022010/com_50_follow_up&vm=detailed&sb=Title)

**15. Commercialization within the EU of caviar of captive-bred *Acipenser brevirostrum* (A/I) (COM 51/15)**

The representative from Belgium explained the matter.

The Committee concurred that traceability had to be ensured whilst at the same time the administrative burden regarding issuance of certificates should be limited as much as possible. The Chair invited Member States to submit their comments in writing. The Commission would then reflect on how the issue could be solved.

**16. Application of Article 9 Council Regulation (certificate for movement of live specimens) (COM 51/16)**

The representative from Germany introduced the issue.

The Chair asked Member States to submit their reflection on the application of Article 9 in writing. The issue would be discussed further at the next Committee; discussions would also be relevant in the context of the revision of the Implementing Regulation.

**17. Proof of legal acquisition**

The Commission invited those Member States that had not yet submitted their contributions to do so as soon as possible. This matter would also be discussed further in the context of the revision of the Implementing Regulation.

**18. Application of Article 3 (7) – language used on certificates (COM 51/18)**

This point was deferred to COM 52.

**19. Possible contradiction in Regulation 865/2006 (COM 51/19)**

This point was deferred to COM 52.

**20. Up-grading the security of CITES papers (COM 51/20)**

This point was deferred to COM 52. However, the Committee suggested that the Enforcement Group should provide feedback on this document in the meantime.

**21. Any other business**

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**ATTENDANCE LIST**  
**of the**  
**51<sup>st</sup> MANGEMENT COMMITTEE MEETING ON CITES**

*Brussels, 11 June 2010*

<b>MEMBER STATE</b>	<b>ORGANISATION</b>	<b>PARTICIPANTS</b>
<b>BELGIUM</b>	Federal Public Service Health, Food Chain and 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 Environment	1
<b>ESTONIA</b>	Ministry of Environment	1
<b>GERMANY</b>	Bundesagentur für Naturschutz	3
<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	2
<b>LUXEMBOURG</b>	Ministry of Environment	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 Environment	1
<b>GREECE</b>	Ministry of Environment	1

<b>PORTUGAL</b>	Instituto da Conservação da Natureza	1
<b>ROMANIA</b>	Ministry of Environment and Forestry	0
<b>SLOVENIA</b>	Ministry of Environment	1
<b>SLOVAKIA</b>	Ministry of Environment	1
<b>FINLAND</b>	Finnish Environment Institute	1
<b>SWEDEN</b>	Swedish Board of Agriculture	1
<b>UNITED KINGDOM</b>	DEFRA	2
	Animal Health	1