

## Summary of Conclusions

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

*Brussels, 22 March 2011*

The Chair welcomed in particular Mr John Scanlon, CITES Secretary-General, and Mr Marcos Silva from the CITES Secretariat who attended part of the meeting.

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

The agenda was adopted.

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

- The Chair invited Member States to submit their contributions for the 2010 Annual Reports as well as for the 2009-2010 Biennial reports by **15 June 2011**.
- Regarding the EU Enforcement Action Plan, the Chair informed the Committee that a letter was sent to Member States concerning the nomination of focal points for the exchange of wildlife trade information and intelligence.

##### **2.1 Information by the Commission on the new "Comitology" rules**

The representative from the Commission gave a presentation on the new rules for adopting legislative measures applying since the entry into force of the Lisbon Treaty. Until the alignment of Council Regulation (EC) No. 338/97 by mid 2014 at the latest, the procedures as such for the adoption of measure under CITES would remain mostly unchanged. After the alignment, the adoption of the Annexes and the Implementing Regulation would fall under the category "Delegated Acts", the Suspensions Regulation would fall under "Implementing Acts".

#### **3. Summary of conclusions of the 53<sup>rd</sup> Committee meeting (SoC COM 53)**

The document was tabled for information purposes.

#### **4. Outstanding Actions Points (COM 54 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 55<sup>th</sup> Scientific Review Group meeting (11/03/11) (see also: [SRG on Europa](#))**

The Chair of the SRG informed the Committee about the outcome of SRG 55. The main issues discussed (other than the specific COM agenda items) were the following:

- following the positive outcome of a CITES – ITTO project whereby Cameroon was enabled to start appropriate activities in some regions so that small scale trade

could resume, the ban for *Prunus africana* from Cameroon was lifted subject to a quota of 150000 kg for 2010 and 2011 respectively; regarding possible applications for stockpiles of this species from Cameroon, the representative from the Commission pointed out that it would be up to the Committee to look at such requests if and when received;

- the SRG agreed on a negative opinion for *Balearica pavonina* from Sudan;
- the SRG removed the negative opinion for *Encephalartos* spp. from South Africa;
- the SRG started the preparations for the Plants and Animals Committees.

## **6. International meetings**

### **6.1 CoP 15 follow up (COM 53/10/1 rev.)**

The Chair referred to the discussions on the possible lessons to be learnt from CoP 15 and pointed out that the EU should start to apply some of those lessons in view of the upcoming Standing Committee. He concluded that the Commission would cooperate further with those Member States commenting on the document with a view to finalising the text as soon as possible.

### **6.2 Preparation for Standing Committee (SC 61) (COM 54/6/2)**

In his introductory remarks, Mr Scanlon expressed his gratitude for the support that the EU provided to CITES. Regarding the preparation for the Standing Committee, he pointed out that the Secretariat was very keen to closely cooperate with the Standing Committee as the subsidiary body and in particular with the Chair of that committee. He referred to some of the sensitive issues that were reflected in the annotated agenda, namely "Introduction from the Sea", the consideration of time-bound listings, annotations, strategic vision and voting procedures. He also put forward the question how CITES (as an operational Convention) could access broader sources of financing. Finally he stressed the importance of regional workshops and the need for good cooperation between the different international bodies.

#### **6.2.1 Timetable and procedure for adoption of EU positions**

The Chair referred to the pragmatic approach taken in the past for the preparation of the EU positions and suggested to proceed in the same way for SC 61, i.e. the EU positions would be agreed in the Committee on the basis of an "orientation paper" and would then be presented at the SC by either the European representatives or by the Presidency for a number of important issues. Coordination would be ensured by the Presidency. The Commission had contacted Hungary and Poland to this end already.

The Chair indicated that the Commission agrees to follow this practice given that the EU is not a Party to the CITES Convention and that, once this is the case, the working arrangements to define the EU position and the representation of the EU in the CITES meetings would change, in line with the Lisbon Treaty.

He invited the Committee to agree on the positions as early as possible, notably on the potential EU proposals, with a view to undertaking some outreach activities sufficiently ahead of the SC meeting. Notwithstanding the discussions of the specific agenda items, the Chair invited Member States to submit their comments on the orientation paper to the Commission by **8 April 2011**.

#### **6.2.2 EU proposals to be submitted by 16 June 2010 to CITES Secretariat (voting arrangements; conservation and trade in rhino horns; issues related to enforcement of CITES requirements for captive-bred and ranched specimens) (COM 54/6/2/2)**

##### *Improving transparency of voting during CoPs*

This draft proposal addressed in particular the need to verify the voting results immediately after a vote and the issue of secret ballots.

The Committee agreed in principle to take this proposal forward.

##### *Conservation of and trade in African and Asian rhinos*

This proposal was generated by the alarming increase of killing of rhinos and the increasing sales of and prices for rhino horns in the EU. Its main purpose was to raise the matter with the Standing Committee and launch a process which would lead, inter alia, to the adoption of stricter measures for the trade in rhino horns.

A number of observations were made, notably on the need for early action towards range States and on the fact that the EU should not at this stage present detailed suggestions for changes in Resolutions but rather try to rally other Parties on the need to join a working group on the matter.

##### *Compliance and Enforcement – Captive-bred and ranched specimens*

This document was generated by the problems observed on the implementation of the CITES provisions on specimens with codes "C" or "R" and the need to raise this issue within the CITES instances. Further to the comments received, the Commission would redraft the paper.

**Member States were invited to submit their comments on the three draft EU proposals to the Commission by 8 April 2011. [NB: once agreed, Hungary would undertake to submit the EU proposals to the CITES Secretariat by 16 June 2011.]**

#### **6.2.3 Preparation of the EU orientation paper (COM 54/6/2/3)**

The Committee started the discussion on two other issues of particular importance, namely the possibility to have time-bound listings for certain species under certain circumstances and a mechanism for ivory trade.

Member States were invited to submit their comments on the issues contained in the draft orientation paper (available on Circa) to the Commission by **8 April 2011**. The Commission will then issue a new draft.

The orientation paper should be finalised at the next Committee meeting on 26 July 2011.

#### **6.2.4 Notifications [2011/014](#) and [2011/015](#) and 2011/023**

The representative from the Commission invited Member States to send their contributions regarding Notifications 2011/014 (on Asian big cat species), 2011/015 (on Humphead wrasse) and 2011/023 (on Transport in live specimens) to the Commission by **15 April 2011**. The Commission would then prepare a coordinated reply to the CITES Secretariat.

### **7. Revision of the Implementing Regulation (COM 54/7)**

For ease of reference, the proposed amendments to Implementing Regulation (EC) No. 865/2006 were incorporated in track changes mode. However, the official proposal would take the format of an amending regulation.

After a first round of discussions, the Chair invited Member States to submit any comments on issues to be corrected or included to the Commission by **15 April 2011**. The Commission would submit a revised version after that date.

Regarding the elaboration of interpretative guidance, the Chair said that the Commission would prepare a list of topics for which guidance should be developed and invited Member States to volunteer preparing draft texts for some of those issues. This could be done through small working groups. The Commission would at some stage compile those texts and present a draft for further discussion.

### **8. Revision of Annexes to Regulation (EC) No 338/97 (COM 54/8)**

The representative from the Commission summarised the amendments that were made to the Annexes since CoP 15. This draft proposal was approved by the SRG from a technical point of view, subject to some editorial changes. The SRG would also discuss the issue of invasive small turtles at future SRG meetings. The Commission took note of the issue of possible restrictions in accordance with Art. 9.6 of the Council Regulation with regard to the listing of the invasive squirrel species.

#### **8.1 Listing of non-CITES listed species: marine species**

The Commission referred to the discussions of listing *Lamna nasus* (porbeagle), *Squalus acanthias* (spiny dogfish) as well as red and pink corals in either Annex B of Council Regulation (EC) No 338/97 or Appendix III of the Convention as discussed at the last Committee meeting. DG ENV is supportive of the inclusion of *Lamna nasus* in Annex C to Council Regulation (EC) No. 338/97 and in Appendix III of the Convention. If this is agreed within the Commission, the Commission would coordinate the necessary steps prior to the inclusion of the species in Appendix III (i.e. range state consultation, notification to the CITES Secretariat). The Commission would not table other marine species for inclusion in the Annexes in the context of this procedure.

## **8.2 *Lygodactylus williamsi***

The Chair pointed out that this species from Tanzania could still be included in the current proposal if Tanzania would submit feedback soon on concrete action (listing in Appendix III).

## **9. *Anguilla anguilla* – implementation of the listing**

### **9.1 Implementation of the listing (COM 54/9/1)**

The representative from the Commission informed the Committee that, based on its terms of reference, the Eel Working Group would take up work again. The Eel Working Group should provide guidance to the SRG and the Committee by this autumn to have a basis for future decisions.

The Commission will circulate a template for submission of eel data (catch, trade and seizure) very soon. Member States will be invited to provide those data by **1 June 2011**. The Commission representative from DG MARE also referred to the reporting obligations under the Eel Regulation.

### **9.2 Illegal trade in eels (TRAFFIC) (COM 54/9/2 + COM 53/8/2)**

The representative from the Commission invited Member States to look at the data contained in document COM 54/9/2 and the different options proposed. One question arising from this report was the issue of legality of re-imports of eels into the EU. He furthermore referred to the work of the EG Working Group on illegal trade in eels. The Enforcement Group would also discuss this matter at its next meeting.

### **9.3 Reply from third States (COM 54/9/3)**

Following the decision of the EU to ban imports and exports of eels, the Commission had received feedback from exporting countries like Algeria and Tunisia as well as from importing countries like China, Russia and Belarus. The Commission would make any relevant information available on Circa.

## **10. EU coordinated approach on trade in rhino horns (COM 54/10)**

The Committee endorsed the proposed document on guidance regarding the trade in rhino horns. Furthermore, Member States were invited to verify and/or complete the data compiled in the tables attached to the guidance document.

## **11. EPIX – presentation by UNEP-WCMC**

The representative from UNEP-WCMC presented this new tool for an electronic permit information exchange. This was followed by a presentation from the CITES Secretariat supporting the development of such a tool.

The Commission representative from DG TAXUD also supported this project whose approach was complementary to the single window concept and encouraged the establishment of a link between these two systems.

The Chair pointed out that this tool could feed into the discussions in various other contexts as well and that there should be adequate liaison with the respective Secretariats. This issue would also be presented at the next meeting of the Enforcement Group.

**12. Treatment by Member States of US captive-bred certificates presented as export permits under Article VII(5) of the Convention (COM 54/12)**

The Commission would study the question and consider whether there was a need for guidance on this matter. This issue might be discussed further at a future Committee meeting.

**13. DE research project – determination of age and origin of African elephant ivory (COM 53/13)**

The representative from Germany updated the Committee on this project which would run until 2012. Germany intended to present the findings of this project during a side event at CoP 16.

**14. Information on a case of illegal trade in birds of prey (COM 54/14)**

The representative from the Commission presented this recent case of illegal trade in birds of prey. He pointed out that the issue at stake was to avoid similar cases in the future. This matter would also be discussed at the next meeting of the Enforcement Group.

The Commission would prepare a written reply to the Member State concerned and put this reply on Circa for information.

**15. Symposium "The relevance of community-based natural resource management to the conservation and sustainable use of CITES-listed species in exporting countries" (Vienna, 17 - 20 May 2011) (COM 54/15)**

The Committee noted the information.

**16. Stricter measures (UK study) (COM 54/16)**

The representative from the UK presented the results of this study.

The Chair invited the UK to reflect further on the findings of the study and to present a paper to a future Committee meeting to allow for a more detailed discussion and possible follow-up.

**17. Use of code D on export permits (COM 54/17)**

This problem would be addressed in the context of the revision of the Implementing Regulation.

**18. Biennial report analysis – format (COM 54/18)**

The agenda item was postponed to the next meeting.

**19. Marking of amphibians**

The agenda item was postponed.

**20. Trade from South Sudan**

The agenda item was postponed.

**21. Issuance of certificates for Annex A specimens for human consumption (COM 54/21)**

This issue was discussed in the context of agenda item 7.

**22. Any other business**

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

*Brussels, 22 March 2011*

<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>CYPRUS</b>	Ministry of Agriculture, Natural Resources and Environment	1
<b>DENMARK</b>	Ministry of Environment	1
<b>ESTONIA</b>	Ministry of Environment	1
<b>GERMANY</b>	Federal Ministry for the Environment, Nuclear Safety and Nature Conservation	1
	Federal Agency for Nature Conservation	2
<b>IRELAND</b>	Department of the Environment, Heritage & Local Government	1
<b>SPAIN</b>	Ministerio de Industria, Turismo y Comercio	1
<b>FRANCE</b>	Ministère de l'écologie et du développement durable	2
<b>ITALY</b>	Ministero dell'Ambiente e della Tutela del Territorio e del Mare	1
	Corpo Forestale	1
<b>LATVIA</b>	Nature Conservation Agency	1
<b>LUXEMBOURG</b>	Ministry for sustainable Development and Infrastructures - Environment department	1
<b>HUNGARY</b>	Ministry for Rural Development	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	0
<b>POLAND</b>	Ministry of Environment	2
<b>GREECE</b>	Ministry of Environment	1
	Permanent Representation	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	1
	Animal Health	1
<b>CANDIDATE COUNTRY</b>		
<b>CROATIA</b>	Ministry of Culture	1