

Summary of Conclusions

57th MEETING OF THE COMMITTEE ON TRADE IN WILD FAUNA AND FLORA

Brussels, 15 December 2011

1. Adoption of the agenda

The agenda was adopted.

2. Update on on-going activities

- **Job vacancy for "scientific advisor"** in the CITES team of the European Commission: The chair invited Member States to make interested candidates known. Deadline for applications is 6 January 2012.
- **New Suspension Regulation:** The Commission would undertake a new revision shortly to reflect latest SRG decisions.
- The Commission had received all **Annual Reports 2010**. Regarding the 2009-2010 Biennial Reports, one submission was still outstanding.
- **Annual Report Analysis** undertaken by UNEP-WCMC: The Commission invited Member States to express their views on the usefulness of the analysis and to consider which changes if any could be made to the format / content of the analysis. The Chair underlined that the analysis should provide information that is really of assistance to Member States.

2.1 Rules of Procedure (COM 57/2/1)

The Committee noted the draft text of the new Rules of Procedure that were to be applied in the context of the new examination procedure, together with some suggestions that had been submitted earlier. It was agreed that Member States could submit any further comments until 15 January 2012. After that date, these Rules of Procedure would be considered as adopted.

3. Summary of conclusions of the 56th Committee meeting (SoC COM 56)

The document was tabled for information purposes.

One Member State referred to the wording on the 2012 regime for eels. The representative of the Commission committed to inform all Member States about comments on the summary of conclusions received unless there was a clear indication not to do so, and to reply to those comments.

4. Outstanding Actions Points (COM 57 OAP)

The document was noted.

In addition to the nine standard outstanding action points, there were some points raised at the last Committee to which the Commission had received little feedback so far. The Commission therefore extended the deadline for response until 31 January 2012.

5. Short report by the Commission on the outcome of the 58th Scientific Review Group meeting (02/12/11)

The Chair of the SRG informed the Committee about the main issues raised at SRG 58 (other than those included in the agenda of COM 57):

- Further clarifications were needed from South Africa regarding *Panthera leo*.
- Together with the CITES Secretariat, the Commission would try to obtain more information from Cameroon regarding the quota for *Prunus africana*.
- The SRG formed a positive opinion for stockpiles of three reptile species from Paraguay (*Caiman yacare*, *Tupinambis* spp., *Eunectes notaeus*).
- The SRG had a first discussion on possible EU action in the context of the Periodic Review Process. The Chair of the SRG emphasised the need to get the support of the range states for any further action.
- A representative from the CITES Secretariat presented lessons learnt from capacity building projects.

6. Short report by the Commission on the outcome of the 23rd Enforcement Group meeting (10-11/11/11) (COM 57/6)

The Chair of the Enforcement Group summarized the outcome of the last meeting of the EG. In particular, the EG discussed the following issues:

- Implementation and enforcement of wildlife trade legislation in China: There was a dedicated session with Chinese representatives to discuss various issues of mutual interest. Several action points had been agreed at that meeting, and the cooperation with China seems to take off well.
- Traffic in birds and eggs: The EG had created a specific working group to address this issue. The terms of reference had been made available to the Committee.
- Interpol meeting in March 2012: Member States were invited to consider high level participation to this meeting.
- Falsified certificates: The EG discussed how this problem could be better addressed. The relevance to set up a database at EU level was mentioned. In this context, DG TAXUD provided the information that similar databases had been developed already in other areas.

Referring to the possible set up of a database, the Chair recalled the link to the issue of e-permitting and the single window initiative prepared by DG TAXUD. He stressed the need to further reflect on how all these strands could come together. This topic would come back to the Committee in a more structured manner. In addition, the Committee

noted the information about a workshop on the role of customs for the protection of environment, organised by the Commission and the Danish authorities and scheduled for May 2012.

The Commission would make available recent information about another case of forged certificates.

7. Process for inclusion of *Lamna nasus* in CITES Appendix III

The Chair informed the Committee that the Commission inter-service consultation for the Council Decision on the inclusion of porbeagle into CITES Appendix III had now been closed and that the Commission would proceed with the next steps.

Regarding the general revision of the Annexes to Council Regulation (EC) No 338/97, the representative from the Commission informed the Committee that all language versions were available and that the Annexes should be adopted within the next weeks. The species *Lamna nasus* had been included in Annex C of this document with a footnote that this inclusion would apply once the species was listed on CITES Appendix III.

8. *Anguilla anguilla* (COM 57/8)

The representative from the Commission informed the Committee that the Commission had written to the CITES Secretariat as well as to ranges states and trading partners to inform them about the 2012 regime for *Anguilla anguilla*. Furthermore, the latest ICES report had been made available to the SRG.

The representative from DG MARE then informed the Committee about the process for the reporting template to be prepared in the context of the revision of the Eel Regulation (Council Regulation (EC) No 1100/2007). This template should be the basis for uniform and concise reports and should be available early 2012. Through this template, Member States should report on the implementation of their Eel Management Plans (EMPs), describe problems encountered and raise questions. These reports would be due by end June 2012. After their evaluation, the Commission would draft a global report for the European Parliament and the Council by the end of 2013. Based on that report, the Commission might propose amendments to the Regulation and the EMPs. The Chair emphasised the need for close cooperation between the different competent authorities at national level to ensure that the national reports were as complete as possible. Member States authorities of the different areas (environment, fisheries, aquaculture) should channel their comments and requests through the competent authority that would report back to the Commission. The Chair also referred to the possibility of a joint meeting between CITES authorities in the Member States and fisheries administrations.

Further to the TRAFFIC report discussed at the last Committee meeting, the Commission had contacted some Member States to clarify some discrepancies. The representative from the Commission invited those Member States that had not yet commented on the report to look into it. Regarding the legality and traceability of eels, the Commission would look into possible solutions and see with DG SANCO if and how the issue could be taken forward

The Chair invited Member States to describe how they were dealing with the problem of traceability and submit that information to the Commission.

Finally, the representative from the Commission informed the Committee about NGO suggestions to list either *Anguilla rostrata* or even all *Anguilla* species in CITES Appendix II.

9. Revision of Implementing Regulation

9.1 Amending Regulation (COM 57/9/1)

9.2 Commission Implementing Regulation (on forms of permits and certificates) (COM 57/9/2)

Both draft measures had successfully passed the Commission inter-service consultation. Some legal aspects still needed clarification, after which the Commission would proceed with the translations of the measures and subsequent submission to Member States and the European Parliament. The Commission would ensure that both Regulations would start to apply at the same date. Adoption of both Regulations was expected for summer 2012.

The Commission would reply to the specific questions on the forms raised at this meeting in writing. The Committee agreed that hybrids of *Acipenser brevirostrum* need to be incorporated in Article 62 of the Amending Regulation.

9.3 Guidelines

The Chair stressed the need for a reinforced timetable for the elaboration of guidelines. He invited Member States to inform the Commission by 15 January 2012 about the state of play of the work and to indicate whether documents would be ready for discussion at the next Committee meeting.

The Commission would re-circulate the overview table listing (i) the issues where guidance was considered necessary and (ii) which Member States had signalled their interest to coordinate or participate in the elaboration of guidance documents.

10. International issues

10.1 Preparation CoP 16 (COM 57/10/1)

Regarding the preparations for the next Standing Committee end of July 2012, Denmark would take care of the logistics. As usual, the Commission would prepare the orientation paper in conjunction with the EU members of the Standing Committee which would then be discussed at a Committee meeting. Given the slow progress so far on many SC issues, it is likely that most of the discussions would only take place after the Committee meeting scheduled for February 2012.

Regarding possible proposals to be submitted at CoP 16, one Member State suggested to discuss the issues of bycatch, tropical timber and *Lamna nasus*. That Member State proposed to prepare a discussion paper for the next meeting.

Possible issues raised by other Parties or stakeholders were also discussed. A more detailed discussion on CoP 16 preparations and possible EU proposals would take place at the next meeting of the Committee.

10.2 Working group on captive-breeding and ranching operations (COM 57/10/2)

The representative from the Commission referred to the EU reply on the questionnaire to Notification 2011/037 which had been submitted to the CITES Secretariat. This issue would be discussed further at the next Standing Committee and possibly at the next CoP.

10.3 Cooperation ICCAT – CITES (COM 57/10/3)

The representative from the Commission referred to the recent annual ICCAT meeting. One outcome was the guidelines for cooperation between ICCAT and CITES which were tabled for information at this meeting. The document would have to be approved at the next Standing Committee. The EU proposal to ban porbeagle fishing was again rejected at the ICCAT meeting.

11. Rhino horns: Re-export and EU internal trade (COM 57/11 rev)

An intense discussion took place on the draft guidance document updated by the Commission. The Chair recalled that, under Article 8 of Regulation 338/97, the Member States do not have an obligation to issue certificates when the conditions in Article 8(3) are met but are only authorised to do it. The Commission will come back to the Member States on the implication of this provision for the treatment of applications under Article 8(3).

In addition, the Chair also indicated that the Commission would revise part 3 of the document; this revision will consist in raising the threshold for the necessary evidence needed from applicants which seek to obtain internal EU certificates for rhino horns specimens.

12. Interpretation of Article 8 (prohibition of commercial use for Annex A-listed species) (COM 57/12)

The Committee agreed that the question of whether birds used for breeding require a certificate under Article 8(3) should be addressed in the context of the elaboration of guidance documents.

13. Trade in *Zhaoermia mangshanensis* related to the European Union (COM 57/13)

The Chair invited Member States to inform the Commission about any trade in this species. The matter would be further discussed at the next Committee meeting.

14. Report on international trade in frog legs (COM 57/14)

The representative from the Commission informed the Committee that the report pointed to significant trade in wild specimens of two frog species from Indonesia into the EU, but contained no information about the impact on the population of these

species. He indicated that the implementation of a listing would be very difficult and that the range states had not been involved in the process. In his view, an information document could be submitted to the next Animals Committee.

The Chair invited Member States to consider the preparation of such an information document. The matter would be discussed further at the next Committee meeting.

15. Trade in *Crocodylus niloticus* from Madagascar (COM 57/15)

The Committee agreed that this matter should be discussed at the next Standing Committee. The results of a recent mission of the CITES Secretariat to Madagascar might provide useful elements for a further evaluation of the matter. For the time being the trade ban will affect only skins originating in Madagascar while skins re-exported will be accepted in the EU.

16. Follow-up to the Vienna Symposium (COM 57/16)

A small working group had been established to prepare a paper to be submitted to the next Standing Committee. Member States were invited to submit their comments on this issue by 15 January 2012 to help the preparations.

17. Need for transmission of CITES Notifications to EU Member States by the Commission

The representative of the Commission pointed out that all Parties were responsible for implementing CITES notifications on trade suspensions. He therefore asked Member States whether there was a need for the Commission to transmit information to them on such notifications. Trade suspensions on specific species / country combinations are followed up through the EU Suspension Regulation; for all other trade suspensions, there is no transposition into EU law.

The Chair concluded that the Commission would stop this practice unless Member States specifically requested its continuation by 15 January 2012.

18. Link between the future EU strategy on Invasive Alien Species and Council Regulation 338/97

The representative of the Commission informed the Committee about the envisaged timeline for the EU Strategy on Invasive Alien Species. He presented different options and a draft list of criteria to the Committee for further consideration.

Option A: Wait for the entry into effect of the EU strategy on IAS, no further action under Council Regulation 338/97 in the interim, stop listing on a case-by-case basis

Option B: CITES COM to adopt a certain number of criteria which could be used to elaborate a list for inclusion in the Annexes of CR 338/97 even before the entry into force of the EU strategy on IAS.

Possible criteria:

- Species are in trade
- Species are likely to be a threat to endemic species and to environment
- Species are capable to establish a viable population in the wild
- Species are long living
- Justification for urgent action

The Committee had a debate on which approach should be followed with regards to invasive alien species and what other measures could be used to address this issue.

The Chair then invited Member States to submit their views on the different approaches to the Commission. This issue would be discussed further at the next meeting.

19. Import of hybrids of *Sarracenia* species – indication of parental species

The Chair invited Member States to inform the Commission about the practices in their countries by 15 January 2012: how do they treat import applications for hybrid specimens when the export permit does not mention the name of the species of the parental stock? Based on that information, the Committee would consider further how to take this matter forward.

20. Interpretation of rhino annotation for Namibia (COM 57/20)

This matter had also been discussed at the SRG who had referred the matter to the Committee for political agreement.

The Chair invited Member States to submit comments on the proposed document by 15 January 2012.

21. Any other business**21.1 Meeting dates 2012 (COM 57/21/1)**

The document was tabled for information.

The Chair drew Member States' attention to the fact that all dates were indicative and would only be confirmed 4 – 6 weeks before each meeting.

21.2 New system of marking of young *Testudo* spp. in Italy (COM 57/21/1)

The representative from Italy informed the Committee about a current initiative to establish a new identification system from small tortoises.

21.3 Workshop in Vietnam

The Netherlands will organise jointly with Vietnam a workshop to support the UNFF process on tropical timber species. Further information would be made available on Circa.

ATTENDANCE LIST
of the
57th MANGEMENT COMMITTEE MEETING ON CITES

Brussels, 15 December 2011

MEMBER STATE	ORGANISATION	PARTICIPANTS
BELGIUM	Federal Public Service Health, Food Chain en Environment	3
BULGARIA	Ministry of Environment and Water	1
CZECH REPUBLIC	Ministry of the Environment	1
CYPRUS	Ministry of Agriculture, Natural Resources and Environment	0
DENMARK	Ministry of Environment	1
GERMANY	Bundesagentur für Naturschutz	2
	Federal Ministry for the Environment	1
ESTONIA	Ministry of Environment	1
IRELAND	Department of Arts, Heritage and the Gaeltacht	1
GREECE	Ministry of Environment	2
SPAIN	Ministerio de Industria, Turismo y Comercio	1
FRANCE	Ministère de l'écologie et du développement durable	2
ITALY	Ministero dell'Ambiente e della Tutela del Territorio e del Mare	1
	Corpo Forestale	1
LATVIA	Nature Conservation Agency	1
LITHUANIA	Ministry of Environment	0
LUXEMBOURG	Ministry for sustainable Development and Infrastructures - Environment department	1
HUNGARY	Ministry for Rural Development	1

MALTA	Environment and Planning Authority	1
NETHERLANDS	Ministry of Agriculture, Nature & Food Quality	2
AUSTRIA	Ministry of Agriculture and Forestry, Environment and Water Management	0
POLAND	Ministry of Environment	2
PORTUGAL	Instituto da Conservação da Natureza	0
ROMANIA	Ministry of Environment and Forestry	0
SLOVENIA	Ministry of Environment	1
SLOVAKIA	Ministry of Environment	0
FINLAND	Finnish Environment Institute	1
SWEDEN	Swedish Board of Agriculture	1
UNITED KINGDOM	DEFRA	1
	AHVLA (DEFRA)	1
CANDIDATE COUNTRY		
CROATIA	Ministry of Culture	1