

**SHORT SUMMARY OF CONCLUSIONS OF THE 30TH MEETING OF THE SCIENTIFIC
REVIEW GROUP ON TRADE IN WILD FAUNA AND FLORA¹
1 JULY 2004**

The SRG took the following decisions under Articles 4.1(a)(i) and 4.2(a) of Regulation 338/97:

**1) Negative opinions² for import of specimens from the following species/
countries combinations:**

<i>Prunus africana</i>	D. R. Congo
<i>Agapornis pullarius</i>	D. R. Congo
<i>Grus carunculatus</i>	Tanzania
<i>Chamaeleo fuelleborni</i>	Tanzania
<i>Panthera leo</i>	Ethiopia

**2) Negative opinions for import of specimens of the following species/countries
combinations confirmed - to be formalised in the Suspensions regulation:**

<i>Heosemys spinosa</i>	Indonesia
<i>Siebenrockiella crassicollis</i>	Indonesia
<i>Liasis fuscus</i>	Indonesia

**3) Positive opinion for import of specimens of the following species/countries
combinations:**

<i>Python breitensteini</i>	Indonesia (subject to the use of species specific quotas)
<i>Python brongersmai</i>	Indonesia (subject to the use of species specific quotas)
<i>Python curtus</i>	Indonesia (subject to the use of species specific quotas)
<i>Ceratotherium simum simum</i>	Namibia (Future similar cases concerning Appendix I trophy species managed on private farms are to be brought to the SRG.)

¹ Subject to confirmation by the Members of the Scientific Review Group. Further, it is understood that the above opinions are also those of each Scientific Authority and will be reflected in any opinion given in relation to the application of Art. 4.1(a) and 4.2(a) of Regulation 338/97. These opinions will remain valid unless or until circumstances related to the trade or conservation status of the species change significantly.

² Recommendation based on the following guidelines: The species is in trade or is likely to be in trade, and introduction to the Community from the country of origin at current or anticipated levels of trade is likely to have a harmful effect on the conservation status of the species or the extent of the territory occupied by the species.

4) Negative opinions changed to positive:

<i>Psittacus erithacus</i>	D. R. Congo (subject to careful scrutiny of export documents in order to check if quotas are applied)
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- 5) The SRG reconfirmed the “positive opinion” taken at SRG 29 on *Python curtus sensu lato* from Indonesia subject to use of individual species quotas on the export permits based on the nomenclatural changes agreed at CoP 12. The taxon formerly referred to as *Python curtus sensu lato* should now be referred to as *Python curtus* (i.e. *sensu stricto*), *Python breitensteini* and *Python brongersmai*.
- 6) The SRG re-confirmed the “no opinion” taken at SRG 28 for *Accipiter toussenelii* as well as for *Kaupifalco monogrammicus*, *Melierax metabates*, *Melierax (Micronisus) gabar*, *Otus (Ptilopsis) leucotis* and *Polyboroides typus* (W). However, any new import applications from Guinea are to be considered by the SRG.
- 7) Regarding *Ursus arctos* from Croatia, the SRG deferred the final decision on the negative opinion taken at SRG 27 to the next SRG meeting to be held in December 2004. The Group noted positively the content of the Management Plan submitted by Croatia and awaits news on its formal adoption and implementation.
- 8) The “negative opinion” for *Tillandsia xeographica* from Guatemala formed at SRG 27 (with option of specific cases being brought back to the SRG) remains valid, however leaving open the possibility for a written procedure if positive developments are to be reported by the Member States in the near future.
- 9) The SRG approved the attached report on the application of Article 4(6)(c) of Regulation 338/97.

Amendments to Annex D of Council Regulation 338/97

The SRG requested the Commission to list *Selaginella lepidophylla* on the occasion of a future revision of Annex D of the Council Regulation 338/97 after CoP 13.

Application of Article 4(6)(c) of Council Regulation (EC) No. 338/97 on the protection of species of wild fauna and flora by regulating trade therein

Report of the Scientific Review Group convened under Article 17 of Council Regulation (EC) No. 338/97

Article 4(6)(c) allows the Commission to publish import suspensions in respect of Annex B species "...which have a high mortality rate during shipment or for which it has been established that they are unlikely to survive in captivity for a considerable proportion of their potential lifespan". Its application need not be confined to animals only although, to date, most of the attention has focussed on its application to that kingdom.

At present, 17 species of tortoise are subject to suspensions from all range States (wild specimens only) under this provision. Some of these are also subject to suspensions from certain countries under Article 4(6)(b) – i.e. on the basis that the granting of imports might have a detrimental effect on the survival of the species or on the extent of the territory occupied by it.

In 2002, the Scientific Review Group decided to reconsider the application of this provision, following a report by the Royal Society for Prevention of Cruelty to Animals which contained recommendations which would greatly extend its application to reptiles (Altherr and Freyer 2001). The group concluded that the analyses in the report were flawed and did not reflect the situation in the EU as a whole. Although it contained some interesting elements, its recommendations were not considered an appropriate basis for a possible extension of the use of Article 4(6)(c). Accordingly, the group agreed that, rather than continuing to address this provision on a species by species basis, it decided first to try to develop general criteria for its application and only then to consider these with respect to individual species or broader taxonomic groups.

During the discussions, the Scientific Review Group noted the evidence that mortality in transport – provided the specimens are transported in accordance with the provisions of Commission Regulation 1808/2001 – is not significant. In this regard, it considered a report prepared for the Bundesamt für Naturschutz, Germany (Schutz 2003) Accordingly, the group agreed to focus on the issue of mortality in captivity.

The group also decided that they should adopt a working understanding regarding the aim of this provision. The understanding agreed was that the purpose of applying the provision should primarily be one of conservation, rather than animal welfare – i.e. to protect species whose survival or conservation status in the wild was at risk because of the demand for replacement specimens.

It was also concluded that the criteria should be very simple to apply, given the relative lack of information on many aspects of the biology of wild fauna. Accordingly, it was agreed that the term "guidelines", rather than "criteria" should be used and that these guidelines should be relatively broad. After some deliberation, initial draft guidelines were agreed. These were as follows:

1. The species must be:

- i. Imported into the EC as live wild taken specimens [*It was agreed by all members of the working group that the restriction should only apply to wild taken species*];
- ii. Known or likely to be subject to levels of mortality in captivity greater than might be expected for a similar specimen (i.e. similar size, stage in life history, sex, etc) in the wild. [*In other words, bringing a specimen into captivity should not detrimentally affect its potential for survival*];

2. Assessment of (ii) above should be based on the following considerations:

- iii. the species must be known to be difficult to keep in captivity (even if routine care is given to them) by specialists;

or,
- iv. the Market for specimens is likely to be with general public/non-specialists and as a result known to be subject to high levels of mortality;

or,
- v. The levels of trade and potential detriment to the wild population are driven by the Communities demand for replacement specimens, due to poor levels of care, rather than being driven by the exporting country, i.e., the Community has a duty of care to improve husbandry success or to reduce levels of trade.

The SRG then considered the application of these draft guidelines in detail against the following species: *Agapornis pullarius*, *Psittacula longicauda*, *Eunectes murinus*, *Furcifer pardalis*, *Testudo horsfieldi*, and *Goniopora lobata*.

These discussions confirmed the fundamental problems that had been anticipated regarding the lack of available information to apply the provision, as currently worded, and revealed new ones with the application of even these more general guidelines. The problems identified were as follows:

- **How to determine the potential life span of species:** the life expectancy of most species in the wild is unknown and any data available is predominantly based on life expectancy in captivity, with no idea how this relates to wild populations.
- **How to compare rates of mortality between captive and wild specimens at different stages of their life history:** the age of imported specimens, taken from the wild, is rarely known, making comparisons of captive and wild taken specimens very difficult or even impossible. In practice the rate of mortality in captivity could be significantly different to that of wild populations, with specimens held in captivity

living for longer due to protection from predators, improved/regular diet, veterinary treatment, disease eradication etc

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How to define the term "specialist" when saying that species are "difficult to keep in captivity (even when routine care is given to them) by specialists"? for instance, could the term include amateur herpetologists who might have experience of keeping reptiles in general (in contrast to the general public) but might not have kept the relevant taxon before, or should it cover only professional herpetologists in zoos etc. who would have such experience?

The discussions also highlighted the need to be clearer with regard to the distinction between 4.6(c) and 4.6(b) restrictions (the latter being for cases where there is conservation detriment – irrespective of survival of live specimens in captivity). To the extent that the high replacement demand posed a conservation risk, this could be addressed by an import suspension under the latter provision, which is the basis for most import suspensions. On the other hand, sustainable management measures in the range States, such as conservative export quotas, might be sufficient to counter the risks posed by replacement demand and, in such cases, no import suspension was warranted on conservation grounds.

Based on these considerations, at its 30th meeting on 1 July 2004, the Scientific Review Group concluded as follows.

- 1. No clear link between the difficulty of keeping a species in captivity (on the one hand) and the conservation risks posed by demand for replacement specimens (on the other) could be confirmed as the data necessary for such an assessment were not available.**
- 2. While many species have poor survival rates in captivity, there is insufficient information available in most cases to assess their potential for survival relative to that in the wild.**
- 3. Where there is a conservation risk associated with high mortality rates and replacement demand, Article 4(6)(b) could be sufficient to address the problem.**

The Scientific Review Group with the assistance of UNEP-WCMC, reviewed the status of the 17 species currently subject to import suspensions under this provision to determine whether or not any of them warranted suspension by reference to Article 4(6)(b). It concluded that there is a number of species/country combinations where negative opinions and/or existing Article 4(6)(b) suspensions would be warranted if the Article 4(6)(c) suspension was lifted. Conversely, the small number of existing positive opinions should continue to apply and imports of the relevant species from the relevant countries could resume if the suspensions were lifted. However for the bulk of species/ country combinations, based on the current low levels of trade, Member States agreed that there was no need to decide on the necessity or otherwise of negative opinions at this stage but that future import permit applications should only be granted after obtaining a positive opinion from the Scientific Review Group. The detail of these findings is set out in the annex to this report..

The Scientific Review Group also noted that a study is currently being carried by the Istituto Ecologia Applicata under a contract with the Commission on all species subject to import suspensions. Therefore, as a precautionary measure, it concluded that any decision to lift existing Article 4(6)(c) suspensions should await the outcome of that study and its consideration by the Scientific Review Group. In formal terms, a final decision on the lifting of suspensions should be made by the Commission following the delivery of an opinion by the Committee convened under Article 18.

References

ALTHERR, S and FREYER, D (2001) *Mortality and morbidity in private husbandry of reptiles*. Report to the Royal Society for Prevention of Cruelty to Animals, United Kingdom.

SCHUTZ, C. (2003) *Transport losses of CITES-protected and non-protected animal species*. Report to the Bundesamt für Naturschutz, Germany.

Annex

Review of species presently subject to import suspensions under Article 4(6)(c) by reference to Article 4(2)(a)(i) and Article 4(6)(b)

Negative opinions that would be formed for the following species / countries combinations, if the import suspension under article 4.6 (c) was removed:

<i>Kinixys homeana</i>	Benin (W), Ghana, Togo (except R)
<i>Testudo horsfieldii</i>	Kazakhstan

Art 4.6(b) suspensions that would be confirmed for the following species / countries combinations, if the import suspension under article 4.6 (c) was removed:

<i>Geochelone elegans</i>	Pakistan
<i>Kinixys belliana</i>	Mozambique (W)
<i>Manouria emys</i>	Bangladesh, India, Indonesia, Myanmar, Thailand
<i>Manouria impressa</i>	Cambodia, China, Lao PDR, Myanmar, Thailand
<i>Pyxis arachnoides</i>	Madagascar
<i>Testudo horsfieldii</i>	China, Pakistan

Positive opinions that would be confirmed for the following species / countries combinations, if the import suspension under article 4.6 (c) was removed:

<i>Geochelone denticulata</i>	Guyana (15/12/1997), Suriname (22/07/1997)
<i>Kinixys belliana</i>	Togo (R) (less than 8 cm) (11/11/1997)
<i>Kinixys erosa</i>	Togo (R) (less than 8 cm) (11/11/1997)
<i>Kinixys homeana</i>	Togo (R) (less than 8 cm) (11/11/1997)
<i>Kinixys natalensis</i>	South Africa (10/12/1999)
<i>Manouria emys</i>	Malaysia (27/01/1999) ¹
<i>Testudo horsfieldii</i>	Uzbekistan (F, R with plastron length 6-8 cm) (26/03/2001)

No opinions that would be formed for the following species / countries combinations, if the import suspension under article 4.6 (c) was removed:

<i>Geochelone chilensis</i>	All Range states	
<i>Geochelone denticulata</i>	All Range states except Guyana and Suriname	
<i>Geochelone elegans</i>	All Range states except Pakistan	
<i>Homopus areolatus</i>	All Range states	
<i>Homopus boulengeri</i>	All Range states	
<i>Homopus femoralis</i>	All Range states	

¹ At SRG 11 (27/01/1999) a positive opinion was given for *Manouria emys* from Malaysia. However, the Summary of Conclusions of SRG 15 (10/12/1999) stated that an Art 4(6)b suspension was in place for *Manouria emys* from Malaysia as listed in Suspension Regulation 1968/99. This is incorrect – the range states that the suspension applies to are listed in Regulation 1968/99 and exclude Malaysia. Hence it appears that the positive opinion from 27/01/1999 should be maintained

<i>Homopus signatus</i>	All Range states	
<i>Kinixys belliana</i>	All Range states except Mozambique (W) and Togo (R)	
<i>Kinixys erosa</i>	All Range states except Togo (R)	
<i>Kinixys homeana</i>	All Range states except Benin (W), Ghana, Togo	
<i>Kinixys natalensis</i>	All Range states except South Africa	
<i>Manouria emys</i>	All Range states except Bangladesh, India, Indonesia, Malaysia, Myanmar, Thailand	
<i>Manouria impressa</i>	Malaysia, Viet Nam	
<i>Psammobates oculiferus</i>	All Range states	
<i>Psammobates tentorius</i>	All Range states	
<i>Testudo horsfieldii</i>	All Range states except China, Pakistan, Kazakhstan and Uzbekistan (F, R)	