

Summary of Conclusions

53rd MEETING OF THE COMMITTEE ON TRADE IN WILD FAUNA AND FLORA

Brussels, 6 December 2010

1. Adoption of the agenda

The agenda was adopted.

2. Update on on-going activities

- **New Suspensions Regulation:** The latest Suspension Regulation was adopted on 5 November 2010 and published in the Official Journal L 290 of 6 November 2010.
- The Chair invited Member States that had not yet submitted their formal notification to the CITES Secretariat on some reservations to the CITES Convention to do so as soon as possible.
- The Commission had signed a new contract with TRAFFIC on "*Monitoring of the implementation and enforcement of the EC Wildlife Trade Regulations*".

3. Summary of conclusions of the 52nd Committee meeting (SoC COM 52)

The document was tabled for information purposes.

4. Outstanding Actions Points (COM 53 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 54th Scientific Review Group meeting (03/12/10) (see also: [SRG on Europa](#))

The Chair of the SRG informed the Committee about the outcome of SRG 54. The main issues discussed (other than *Anguilla anguilla* and the possible revision of the Annexes) were the following:

- the ban on sturgeon species (source code W) from the Caspian was confirmed;
- the SRG agreed on a positive opinion for hunting trophies of *Ursus arctos* from Russia;
- the SRG agreed on a negative opinion for *Encephalatus* spp. from South Africa;
- the SRG agreed on certain characteristics that artificially propagated specimens of *Tillandsia xerographica* have to show and that subsequently only those specimens would be allowed for import. This will also be reflected by an annotation in the next version of the Annexes to Council Regulation (EC) No 338/97.

The Committee then discussed the specific import application of *Prunus africana* from DRC as the SRG had referred this case to the Committee. Once all necessary documentation was available, the Committee would assess the application again.

The Chair also informed the Committee that the Commission would start a written procedure within the SRG if new information on sturgeon species became available. In the interim, he invited Member States to carefully enforce the existing decision in particular during the Christmas period.

6. Short report by the Commission on the outcome of the 21st Enforcement Group meeting (03-04/11/10)

The Chair of the Enforcement Group reflected the outcome of the last meeting (other than those points which are discussed as well by the Committee). In particular, several case studies concerning the dismantling of international network involved in the smuggling of birds and eggs as well as on tortoises were presented. The Chair suggested to have a practical presentation of the EPIX database at the next Committee and Enforcement Group meetings to get familiar with the features of this system. Regarding the issue of forensics, he reiterated the request to Member States to submit available information.

A half-day session was devoted to an exchange of information with Morocco which is one of the main range or transit country for CITES species illegally traded and seized in the EU (i.e. for tortoises and macaques). Several avenues for cooperation were identified (awareness-raising, exchange of information on seizures and investigations, joint actions). A new legislation is currently in the process of being adopted and might reinforce the tools at the disposal of the Moroccan authorities to address illegal trade in CITES species.

7. Effectiveness of the Enforcement Group (COM 53/7)

The Chair of the Enforcement Group summarised the EG discussions and conclusions on this issue. The EG is considered as a useful tool to exchange information, and a number of points were identified to improve further its work, notably in terms of follow-up to the discussions in meetings and the organisation of working groups. The EG would consider at its next meeting whether there was a need to revise the Terms of reference for the group.

The Chair noted the general support of the recommendations presented in the document and pointed out that the Commission could facilitate the exchange of sensitive information.

8. *Anguilla anguilla* – implementation of the listing

The Chair emphasised the responsibility of the EU in ensuring a proper implementation of the listing in eels, which have been included in CITES Appendix II on the basis of an EU proposal.

8.1 Implementation of the listing (COM 53/8/1)

The Chair of the SRG informed the Committee that, at the meeting of the SRG on 3 December 2010, the Scientific Authorities of the Member States had concluded unanimously that given currently available information about the conservation status of European eels it would not be possible for scientific authorities in the EU to deliver a "non detriment finding" for any export from or import into the EU of European eels until the end of 2011.

The situation will be reassessed in the course of 2011 in view of the glass eel fishing season 2011/2012. In that respect, the Chair of the SRG and the representative of DG Mare indicated that the likelihood that the situation of the eel stock would change radically within that period was low.

After discussion on the respective roles of the SRG and the Management Committee under the terms of Council Regulation (EC) No 338/97, the Chair concluded that, in line with Council Regulation (EC) No 338/97, the consequences of this assessment are that export or import permits can not be issued until further review of the situation by the SRG by the end of 2011. The Commission will convey this information to the CITES Secretariat (notification of a zero export quota for *Anguilla anguilla* specimens and derived products until the end of 2011 for all EU Member States) and to third parties. One Member State considered that such a notification was premature and reiterated its serious concern on the methodology used by the SRG in the case of European eels as well as on the conclusions reached by the SRG that no NDF could be made for export and import of European eel specimens.

The Committee also discussed the specific case of imports of eels from Tunisia. The Committee agreed that, in line with the opinion adopted by the SRG at its 51st meeting in February 2010 and for the sake of consistency of the EU position, import could continue within the conditions set at this occasion until the end of 2010. After that, the general import ban would apply to Tunisia, just as for all other countries.

The Committee felt that the Eel Working Group should be reconvened, notably to assess all available new information and provide guidance on the conditions and criteria under which a "non-detriment finding" could be performed in view of the glass eel fishing season 2011/2012.

The Chair clarified that SRG opinions are valid from the moment of their adoption.

It was also recalled that the export quota for glass eels allocated for the period November 2009-October 2010 had been exhausted.

The Committee held an exchange of view on the possibility to "uplist" European eels from Annex B to Annex A of Council Regulation (EC) No 338/97. The SRG had agreed that the scientific criteria for such inclusion were met, as was already indicated in the EU proposal for the inclusion of the species in CITES Appendix II at CoP14 in 2007. Most Member States did not have any official position on the possibility to include the species in Annex A of Council

Regulation (EC) No 338/97. A number of them stressed that such inclusion would be premature as it would not give a chance to ensure a recovery of the species under Annex B and would jeopardise the efforts done within the Eel Regulation and associated management plans.

The Chair indicated that the Commission would endeavour to organise a joint meeting with fisheries and CITES administrations in the course of 2011 to see how common solutions could be found to the question of eel management and conservation in the long term.

The Commission would also provide to the Committee a document outlining the process leading to the adoption of eel management plans and recalling what those plans contain.

8.2 Illegal trade in eels (COM 53/8/2)

The Chair of the Enforcement Group invited Member States to look at the recommendations put forward in the document and to check whether the findings were correct. He also informed the Committee that a specific Working Group on illegal trade in eels was created at the last EG, with the purpose to exchange information and to address those points in the best possible manner. He requested the Committee to make sure that sufficient priority was given to this. Any comments on the report would be communicated to the Working Group.

9. Possible revision of Annexes to Regulation (EC) No 338/97

The Chair pointed out that the purpose of this meeting was to get feedback from Member States on whether or not to take up the issues presented under this agenda item in a new draft of the Annexes. He also said that it would take a minimum of six months to have the formal procedure finalised.

9.1 Listing of non-CITES listed species: marine species

The representatives from the Commission informed the Committee about informal contacts with other range states about a possible Appendix III listing for the porbeagle; no definitive answers had been received so far. They also referred to the procedure that was required before an Appendix III listing could enter into force. The Committee discussed the possibilities 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. The Commission would consider the opinions expressed by Member States and would reflect on a way forward.

9.2 *Lygodactylus williamsi*

The Committee pointed out that it would need further information from Tanzania regarding a possible Appendix III listing before taking a final decision regarding an Annex B listing.

9.3 Review of corals annotation (COM 53/9/3)

The Chair of the Enforcement Group reported the diverging views within the EG on this issue. Some Member States felt that such an amendment would lead to enforcement problems when it comes to the identification of the corals; furthermore, such a change would require more controls. Other Member States had no problem with an extension of the definition and would be prepared to carry out the necessary checks if those corals were imported in large quantities for commercial purposes.

9.4 *Callosciurus erytherus*, *Sciurus niger* and *Haliotis midae*

As there was no time for discussion at its meeting on 3 December 2010, the SRG would be consulted in writing to express their views on a possible listing of *Callosciurus erytherus* and *Sciurus niger* in Annex B of Council Regulation (EC) No 338/97 as well as on a possible listing of *Haliotis midae* in Annex D of Council Regulation (EC) No 338/97.

10. International meetings

10.1 CoP 15 follow up (COM 53/10/1)

The Committee appreciated the document prepared. The Chair invited Member States to submit written comments to the Commission by 17 December 2010 stating whether the points raised in the document are relevant and which of them should be pursued further, flagging in particular the points that should be raised at the next Standing Committee. He emphasised the importance of setting up a transparent voting systems at CoPs.

10.2 Preparation for Standing Committee (COM 53/10/2)

The EU representatives in the Standing Committee (SC) informed the Committee that a clear timeline for SC tasks to be accomplished at its next meetings would hopefully be available by mid December.

The Chair invited Member States to submit comments in writing whether issues were missing in the draft SC workplan or if some points should not be included by 17 December 2010.

11. Possible revision of the Implementing Regulation (COM 53/11)

The Committee welcomed this document which listed the issues that would merit a change in the EU legislation and where guidelines would be sufficient. The Chair invited Member States to submit comments on part 1 of the document and on part 2 if possible by 14 December 2010 with a view to whether points should be added or deleted.

12. New stricter measures for rhino horn (COM 53/12)

The representative from the United Kingdom informed the Committee about the recently adopted stricter measures for rhino horn. He also pointed out that Germany had undertaken similar steps.

The Chair of the Enforcement Group informed the Committee that the EG would welcome a uniform approach with regard to re-export of rhino worked specimens to avoid that loopholes are used within the EU.

The Chair noted the general concerns about increasing demand for rhino horn and stressed that a strict application of existing EU legislation would allow to strictly constrain re-export of rhino horns presented as antiques. He concluded that very strict standards for re-exports should be applied and that the Commission might elaborate guidance on this issue. He invited Member States to share any information on intra and extra EU trade concerning rhino horn.

13. MIKE/ETIS and African Elephant Action Plan (COM 53/13)

The representative of the Commission informed the Committee that the Commission was exploring the possibility to continue the funding of MIKE for another two years. He stressed that a message from African elephant range states about the importance of this programme would be helpful in this context.

Ongoing CITES processes on elephant and ivory trade would be discussed in more detail at the next Committee meeting.

14. EU-TWIX funding (COM 53/14)

The representative of the Commission called upon Member States to consider financial contributions to this project. He pointed out that some Member States had already been able to secure funds.

15. Outcome of the ICCAT meeting (COM 53/15)

The representative of the Commission informed the Committee of the outcome of the recent ICCAT meeting. CITES and ICCAT Secretariats will explore together ways of cooperation and exchange of information. Regarding bluefin tuna, ICCAT agreed on a TAC of 12.900 tons which was applicable for the next three years. Conservation measures were adopted for a number of sharks species (hammerhead, oceanic whitetip, and short fin mako sharks). The EU proposal to prohibit porbeagle fishery was not adopted.

16. Yearbook 2008 (COM 53/16)

The representative from the Commission recalled that this document had been circulated to Member States in November and that Member States were invited to submit any comment by 17 December 2010 to the Commission. The Commission would then prepare the publication of the Yearbook.

17. Access to documents

The representative of the Commission informed the Committee about the rules for access to documents and that the disclosure of documents could only be refused under a few exemptions.

18. Any other business

18.1 Meeting dates 2011 (COM 53/18/1)

This document was submitted for information. At this stage, all meeting dates were still provisional.

18.2 Replacement of documents

The Chair invited Member States to provide information on national practices regarding the replacement of documents.

ATTENDANCE LIST
of the
53rd MANGEMENT COMMITTEE MEETING ON CITES

Brussels, 6 December 2010

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	1
DENMARK	Ministry of Environment	1
ESTONIA	Ministry of Environment	1
GERMANY	Bundesagentur für Naturschutz	1
	Federal Ministry for the Environment	1
IRELAND	Department of the Environment, Heritage & Local Government	1
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	2
	Corpo Forestale	1
LATVIA	Nature Conservation Agency	1
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	1
GREECE	Ministry of Environment	1
	Permanent Representation	1
PORTUGAL	Instituto da Conservação da Natureza	0
ROMANIA	Ministry of Environment and Forestry	1
SLOVENIA	Ministry of Environment	1
SLOVAKIA	Ministry of Environment	1
FINLAND	Finnish Environment Institute	1
SWEDEN	Swedish Board of Agriculture	1
UNITED KINGDOM	DEFRA	1
	Animal Health	1