



Council of the
European Union

Brussels, 1 July 2016
(OR. en)

Interinstitutional File:
2016/0200 (NLE)

10864/16
ADD 1

ENV 473
WTO 186

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	1 July 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2016) 437 final - ANNEX 1
Subject:	ANNEX to the proposal for a COUNCIL DECISION establishing the position to be adopted on the European Union's behalf with regard to certain proposals submitted to the 17th meeting of the Conference of the Parties (CoP 17) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Johannesburg, South Africa, 24 September – 5 October 2016

Delegations will find attached document COM(2016) 437 final - ANNEX 1.

Encl.: COM(2016) 437 final - ANNEX 1



Brussels, 1.7.2016
COM(2016) 437 final

ANNEX 1

ANNEX

to the

Proposal for a COUNCIL DECISION

establishing the position to be adopted on the European Union's behalf with regard to certain proposals submitted to the 17th meeting of the Conference of the Parties (CoP 17) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Johannesburg, South Africa, 24 September – 5 October 2016

ANNEX I

Union Position on key issues to be discussed at the 17th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Johannesburg, South Africa, 24 September – 5 October 2016

A. GENERAL CONSIDERATIONS

1. The Union considers CITES as a key international Convention for biodiversity conservation and against wildlife trafficking.
2. The Union should support an ambitious position at CITES CoP17, in line with relevant Union's policies and its international commitments in these fields, in particular the targets relating to wildlife under the Sustainable Development Goal 15, the Strategic Plan for Biodiversity 2011-2020, including the Aichi Targets, agreed within the Convention on Biological Diversity (CBD), the CITES Strategic vision¹ and the UNGA Resolution Resolution 69/314 on wildlife trafficking. The EU position should also serve to attain the objectives set out at EU level through the EU Biodiversity Strategy to 2020, the EU Action Plan against wildlife trafficking, the EU approach to promote trade and sustainable development, as reflected in the EU "Trade for All" strategy and the EU Action Plan on the conservation and management of Sharks.
3. The priorities for the Union at CITES CoP17 should be to:
 - fully use the CITES instruments to regulate international trade of endangered species of animals and plants species subject to unsustainable international trade, pursuing a science-based approach;
 - reinforce the response by the international community against wildlife trafficking and;
 - improve transparency and accountability within CITES and ensure that appropriate modalities are agreed that reflecting the EU's new status as a Party to the Convention.
4. The Union's position on proposals for amendments of the appendices should be based on the conservation status of the species concerned and on the documented impact that trade has or may have on their status. To this end, the most relevant and robust scientific advice should be taken into consideration for the assessment of listing proposals.
5. The Union position should take account of the contribution that CITES controls can make towards improvement of the conservation status, while acknowledging the efforts of those countries and international bodies that have implemented effective conservation measures. The Union should ensure that the decisions taken at CoP17 maximise the efficiency of CITES, by minimising unnecessary administrative burdens and by achieving practical, cost-efficient and workable solutions to implementation and monitoring issues.

¹ cf. CITES Resolution Conf. 14.2

6. The CoP is the governing body of CITES and a number of decisions adopted at CITES CoP17 will be implemented by the Standing Committee, which is the main CoP subsidiary body. The Union's position defined for CITES CoP17 should therefore also guide the EU's approach at the meetings of the Standing Committee taking place after CITES CoP17.

B. SPECIFIC ISSUES

1. The Union became in 2015 the first Regional Economic Integration Organisation to accede as a Party to CITES. The modalities for the participation of the Union to the CoP will need to be spelt out in the **Rules of Procedure** (RoP) of the CoP meeting, notably when it comes to voting. The Union considers that the RoP should reflect the text of the CITES Convention (Article XXI para 2 to 6) and should not contain provisions which subject the exercise of its rights as a Party to conditions not foreseen in the Convention. In that regard, the Union supports that the text of the RoP relating to Regional Economic Integration Organisations is aligned with the provisions in the RoP in place in many other international Conventions (Convention on Biological Diversity, Convention on Migratory Species, UN Framework Convention on Climate Change, Montreal Protocol, Stockholm, Basel and Rotterdam Conventions). In recognition of the fact that this issue has triggered questions from third Parties, the Union should provide information ahead of the CoP on how the repartition of votes between the Union and the Member States will be operated. The Union should also be ready to show a certain degree of flexibility in the discussions on the RoP, provided that neither the rights of the Union as a Party, nor the distribution of the competencies as laid down in the TFEU, are undermined.
2. The Union considers that **transparency** and accountability within CITES should be further enhanced, in order to reinforce its legitimacy and the integrity of its decision-making process and will support proposals to this end. In that regard, the Union is in particular supporting the resolution aiming to consolidate the support provided by donors through a transparent scheme operated by the CITES Secretariat for the participation of delegates from developing countries to CITES CoP meetings ("the sponsored delegates project"), while requesting transparency from those donors financing directly the participation of delegates from third countries outside this scheme.
3. Sixty-two **proposals for amending the CITES Appendices** have been tabled at CITES CoP17. The Union's position on such proposals should be based on the conservation status of the species concerned and on the impact that trade has or may have on those species. To this end, the Union should take account of the current provisions in Resolution Conf. 9.24 on the criteria for amendment of Appendices I and II. Particularly the views of the range States of the species concerned by the proposals should be taken into account by the Union. The Union also considers that generally proposals to amend CITES Appendices which are the result of the work by the CITES Animals and Plants Committees should be supported. The assessment of the proposals by the CITES Secretariat and IUCN/Traffic² will also be considered, as well as, in the

² The International Union for Conservation of Nature (IUCN) and Traffic are large organisations specialised in wildlife trade and provide before each CoP a thorough assessment of proposals to amend CITES Appendices

case of marine species, the assessment by the FAO dedicated expert panel, noting that stock assessments and relevant data from RFMOs shall also be taken into account.

4. The inclusion of new **marine and timber species** into the CITES Appendices will be key issues for the Union at the CoP meeting.
5. In line with its well established position, the EU reaffirms that CITES is an appropriate instrument to regulate international trade in **marine species** when such species are affected by trade and are or may become threatened with extinction, while keeping in mind that the conservation of marine biological resources falls under the Union's exclusive competence.
6. The Union notes that considerable work has been done in the last years to build capacity for the implementation of CITES with regard to **marine species**, including through Union's financial support. These efforts should be sustained in the future in the CITES context, as appropriate. The Union looks forward to the reports that will be made available by Parties and the CITES Secretariat after CoP17 in relation to implementation of and compliance with CITES requirements regarding marine species, and in particular elasmobranchs. The Union shall also support better coordination between CITES and RFMOs in the frame of their respective mandates, with the aim to improving governance and complementarity while avoiding overlapping and inconsistencies. The Union shall promote and support the inclusion of listed elasmobranchs and other marine species in the relevant assessment CITES mechanisms, notably the CITES Animals Committee, with the aim to deliver their assessment before CoP18. In addition, pending the latest scientific advice the Union supports the inclusion of a number of elasmobranchs species (silky shark - *Carcharhinus falciformis* and thresher sharks - *Alopias* spp.) and of the devil ray (*Mobula* spp.) in CITES Appendix II. The Union will review the latest scientific advice from the FAO expert panel, IUCN/Traffic or other sources of scientific advice. In view of concerns relating to the conservation of eel species worldwide and the impact of international trade on their survival, the Union also supports that more relevant information on the trade of these species is gathered and considered by the CITES Animals Committee in view of developing recommendations for CITES CoP18. However, the Union shall not support any proposal that could result in the listing of the European eel under CITES Appendix I at CITES CoP17.
7. International trade in **tropical timber** species to feed the market for rosewood products has increased considerably in the last years. Available information shows that a large part of this trade occurs at unsustainable levels and stems from illegal harvesting, to a point where rosewood trafficking is nowadays considered as one of the most prevalent forms of illegal wildlife trade. A few rosewood species are currently protected under CITES and the EU should support the proposals to include additional rosewood species (*Pterocarpus erinaceus*, three *Guibourtia* species and *Dalbergia* spp.) into CITES Appendix II. The Union considers that the scope of these inclusions should be defined (through the relevant annotations) so as to cover the largest share of the products exported from the range States concerned, based on available information and applying the precautionary principle.
8. The Union's position on proposals related to **wildlife trafficking** should be consistent with the 3 priorities identified in the EU Action Plan against wildlife trafficking, namely:

- preventing wildlife trafficking and addressing its root causes,
 - implementing and enforcing existing rules and combating organised wildlife crime more effectively, and
 - strengthening the global partnership of source, consumer and transit countries against wildlife trafficking;
9. Consistent with the first priority, the Union is supportive of a better protection through CITES of species currently imported into the EU at unsustainable levels or illegally (notably for the **exotic pet trade**). The Union is therefore supporting the proposals to amend the Appendices in relation to the Barbary macaque (*Macaca sylvanus*), the African grey parrot (*Psittacus erithacus*) and various reptile species. The Union also supports the inclusion in Appendix II of the Banggai Cardinal Fish (*Pterapogon kauderni*), in recognition of the fact that available information seem to indicate that the listing criteria are met, whilst noting that further discussions should take place with Indonesia, which is the only range State for the species, so as to see if a common approach can be agreed for the sustainable trade in this species.
 10. Under the first priority, the Union is also supportive of the adoption of a Resolution on **corruption** facilitating activities conducted in violation to the CITES Convention, and of additional recommendations and guidance to reduce the demand for illegal wildlife products. It will pay attention that decisions agreed at CITES CoP17 take account of the needs and interests of rural communities which might affect them.
 11. In line with the second and third priorities, the Union supports strong measures for the implementation of the Convention by its Parties and advocates for clear timeline with monitoring mechanisms (including possible trade sanctions) towards those Parties which are repeatedly failing to implement their obligations under CITES. This is in particular important to address poaching and trafficking affecting elephants (see below), rhinoceroses, Asian big cats, rosewood and pangolins. In this regard, the Union should also support the proposal for a resolution aiming to better scrutinise that wild animals are not fraudulently traded as captive bred animals.
 12. **Elephant and rhinoceros poaching and ivory and rhino horn trafficking** continue at alarmingly high level. This remains of considerable concern for the EU and the EU priority on all agenda items relating to elephants should be to support action directly addressing this problem, taking account notably of the priorities identified in the EU-funded study "Larger than Elephants. Input for an EU strategic Approach to a wildlife conservation in Africa". As far as elephants are concerned, good progress has been achieved in some range, transit and destination countries, and the National Ivory Action Plans (NIAPs) developed in 19 countries pursuant to decisions at the last CITES CoP have been instrumental in driving those changes. Much more remains to be done, especially in countries which remain "hotspots" for elephant poaching and ivory trafficking. To this end, the Union should support a reinforcement of the NIAPs and a strengthened scrutiny on their implementation by the Parties concerned, including the imposition of trade sanctions in cases of persistent failure to take adequate measures against elephant poaching and ivory trafficking.
 13. The Union notes that numerous, often conflicting proposals have been tabled by Parties in relation to **trade in ivory**. International trade in ivory is currently banned

under the CITES framework. The Union considers that the conditions for re-authorising such trade are not met and does not support proposals to re-open such trade at CITES CoP17. The Union notes that there has been no progress on the development of the Decision-Making Mechanism for a process of trade in ivory (DMM) and considers that there is no urgent need to agree on such mechanism at CoP17. The Union is not opposed to a continuation of this discussion in the future, but that discussion should only take place after elephant poaching and ivory trafficking have substantially decreased. The Union should also encourage all African elephant range States to engage in a dialogue with a view to agreeing on a common position on this point.

14. The Union notes that there have been cases where legal **domestic trade in ivory** in some CITES Parties has facilitated international illegal trade in ivory. In such cases, the Union should be ready to support calls for the establishment of bans in such domestic trade by the Parties concerned. The Union should therefore be open to the proposals tabled on this issue, provided that their scope is clarified. When the link between legal domestic ivory trade and illegal ivory trade is not established (either directly when illegal ivory items are laundered on the domestic market or indirectly when legal trade encourages further demand for illegal ivory), it would not be appropriate for CITES to call for a prohibition of domestic ivory trade, especially for ivory items acquired before the inclusion of African elephants in CITES Appendix I in 1990.
15. The Union considers that international guidelines should be agreed in the CITES framework to provide guarantees that **hunting trophies** of species listed in CITES Appendix I and II come from sustainable and legal sources. The Union also supports that more scrutiny is exercised by the CITES Animals Committee on the setting of export quotas for hunting trophies of Appendix I species, notably for leopards and lions.
16. The Union should also seek to **minimise the administrative burden** on economic operators and individuals for the cross-border movements of CITES-listed products, when there are limited concerns that such movements might have detrimental impact on the species concerned. This is in particular the case for musicians and in case of trade in finished products made of some CITES species.
17. The wildlife trafficking crisis, combined with the extension of the scope of CITES to new species and Parties, means that **more activities have been brought under the CITES umbrella** in the last years and that the workload of the CITES Secretariat has considerably increased. The Union should take these developments into account when deciding on its priorities at CoP17 and on the future budget for the CITES Secretariat.