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Proposal for a

**COUNCIL DECISION**

**on the Accession of the European Union to the Convention on International Trade in  
Endangered Species of Wild Fauna and Flora (CITES)**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) entered into force in 1975 and has now 178 Parties (including all EU Member States). Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. It covers about 35 000 species, which are listed in three Appendices, according to the degree of protection they need. All import, export, re-export and introduction from the sea of species covered by the Convention has to be authorized through a licensing system.

The initial text of the Convention foresaw that CITES membership would be limited to States only. At the second extraordinary meeting of the Conference of the CITES Parties in Gaborone, Botswana, on 30 April 1983, an amendment to the Convention was agreed. It consists of the addition of five paragraphs (numbered from 2 to 6 below) to Article XXI as follows:

- 1. The present Convention shall be open indefinitely for accession. Instruments of accession shall be deposited with the Depositary Government*
- 2. This Convention shall be open for accession by regional economic integration organizations constituted by sovereign States which have competence in respect of the negotiation, conclusion and implementation of international agreements in matters transferred to them by their Member States and covered by this Convention.*
- 3. In their instruments of accession, such organization shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary Government of any substantial modification in the extent of their competence. Notifications by regional economic integration organizations concerning their competence with respect to matters governed by this Convention and modifications thereto shall be distributed to the Parties by the Depositary Government.*
- 4. In matters within their competence, such regional economic integration organizations shall exercise the rights and fulfil the obligations which this Convention attributes to their Member States, which are Parties to the Convention. In such cases the Member States of the organizations shall not be entitled to exercise such rights individually.*
- 5. In the fields of their competence, regional economic integration organizations shall exercise their right to vote with a number of votes equal to the number of their Member States which are Parties to the Convention. Such organizations shall not exercise their right to vote if their Member States exercise theirs, and vice versa.*
- 6. Any reference to "Party" in the sense used in Article 1(h) of this Convention, to "State"/"States" or to "State Party"/"State Parties" to the Convention shall be construed as including a reference to any regional economic integration organization having competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.*

This amendment ("the Gaborone amendment") entered into force on 29 November 2013, after its ratification by two-thirds of the 80 countries that were Parties at the time of adoption of the amendment. The European Union has been to date an observer to CITES and the entry into force of the Gaborone amendment now allows the European Union to become a Party to CITES.

The matters covered by CITES relate to areas (protection of the environment, trade, internal market, customs) which are subject to Union law. CITES provisions have been implemented

in a harmonized manner at EU level since 1984 and are now regulated through Council Regulation (EC) No 338/97 and various Commission Regulations (Commission Regulation (EC) No 865/2006, Commission Implementing Regulation (EU) No 792/2012 and Commission Implementing Regulation (EU) No 578/2013).

The accession of the European Union to CITES is a logical and necessary step to ensure that the European Union is fully able to pursue its objectives under its environmental policy.

The proposal for the Council Decision aims at approving the accession of the European Union to CITES and at calling upon the President of the Council to designate the person empowered to proceed, on behalf of the European Union, to the deposit of the instrument of accession as provided for in Article XXI (1) of the Convention and of the declaration of competence provided for in Article XXI (3).

## **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

Not relevant.

## **3. BUDGETARY IMPLICATION**

CITES, like other Multilateral Environmental Agreements (MEAs) administered by UNEP, is financed through assessed contributions paid by all Parties and that are based on the UN Scale of Assessment adopted every three years by the General Assembly.

It is expected that for CITES as for other global MEAs, the CoP will decide that, following the accession of the European Union to CITES, the EU should pay 2.5% of the total amount of the CITES Trust fund annually.

The next CoP will only meet in 2016 but the EU will be expected to make a contribution in 2014 and 2015 (approximately EUR 112 000, 2.5% of the total amount of the CITES Trust fund for 2015), in line with the practice that Parties should contribute as soon as they accede.

Proposal for a

## **COUNCIL DECISION**

### **on the Accession of the European Union to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192 and Article 207, in conjunction with Article 218(6)(a), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) to which 178 countries, including all Member States, are a party, is a major international instrument aiming at protecting endangered species of fauna and flora through controls on international trade in specimens of those species.
- (2) The Gaborone Amendment to CITES, adopted by a special Conference of the Parties in Gaborone, Botswana, in 1983, modified Article XXI of the Convention so that access to the Convention, previously limited to States, was opened to regional economic integration organizations constituted by sovereign States which have competence in respect of the negotiation, conclusion and implementation of international agreements in matters transferred to them by their Member States and covered by this Convention. The Gaborone amendment to CITES entered into force on 29 November 2013.
- (3) The matters covered by CITES relate to the protection of the environment and trade. These are areas in which the Union is competent for the negotiation, conclusion and implementation of international agreements. The provisions of CITES have been implemented uniformly in all Member States since 1 January 1984. They are now regulated through Council Regulation (EC) No 338/97<sup>1</sup> and Commission Regulation (EC) No 865/2006<sup>2</sup>.
- (4) Accession to CITES by the European Union will enable it to play a full role in the work of the Convention and will legally bind the European Union and all its Member States to implement and enforce the Convention. It will create formal responsibilities for the European Union so as to make the European Union as a Party accountable to other Parties for its implementation of the Convention.
- (5) The European Union should therefore accede to the CITES Convention,

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<sup>1</sup> Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 61, 3.3.1997, p. 1).

<sup>2</sup> Commission Regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 166, 19.6.2006, p. 1).

HAS ADOPTED THIS DECISION:

*Article 1*

The accession of the European Union to the Convention on International Trade in Endangered Species of Wild Fauna and Flora is hereby approved on behalf of the Union.

The text of the Convention is attached to this Decision.

*Article 2*

The President of the Council shall designate the person empowered to proceed, on behalf of the European Union, to the deposit of the instrument of accession provided for in Article XXI (1) of the Convention, in order to express the consent of the European Union to be bound by the Convention. At the same time, the designated person shall deposit the declaration set out in the Annex to this Decision, in accordance with Article XXI (3) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

*Article 3*

This Decision shall enter into force on .<sup>3</sup>

Done at Brussels,

*For the Council  
The President*

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<sup>3</sup>

The date of entry into force of the Agreement for the European Union will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

## **LEGISLATIVE FINANCIAL STATEMENT**

### **1. FRAMEWORK OF THE PROPOSAL/INITIATIVE**

- 1.1. Title of the proposal/initiative
- 1.2. Policy area(s) concerned in the ABM/ABB structure
- 1.3. Nature of the proposal/initiative
- 1.4. Objective(s)
- 1.5. Grounds for the proposal/initiative
- 1.6. Duration and financial impact
- 1.7. Management mode(s) envisaged

### **2. MANAGEMENT MEASURES**

- 2.1. Monitoring and reporting rules
- 2.2. Management and control system
- 2.3. Measures to prevent fraud and irregularities

### **3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE**

- 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected
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- 3.3. Estimated impact on revenue

## LEGISLATIVE FINANCIAL STATEMENT

### 1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

#### 1.1. Title of the proposal/initiative

**Council Decision on the Accession of the European Union to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

#### 1.2. Policy area(s) concerned in the ABM/ABB structure<sup>4</sup>

07 Environment

#### 1.3. Nature of the proposal/initiative

☒ The proposal/initiative relates to **a new action**

☐ The proposal/initiative relates to **a new action following a pilot project/preparatory action**<sup>5</sup>

☐ The proposal/initiative relates to **the extension of an existing action**

☐ The proposal/initiative relates to **an action redirected towards a new action**

#### 1.4. Objective(s)

##### 1.4.1. *The Commission's multiannual strategic objective(s) targeted by the proposal/initiative*

EU 2020 Strategy - Resource-efficient, smart and inclusive growth

##### 1.4.2. *Specific objective(s) and ABM/ABB activity(ies) concerned*

Specific objective No

2.1 Global environmental affairs

ABM/ABB activity(ies) concerned

(ABB code: 0702)

<sup>4</sup> ABM: activity-based management – ABB: activity-based budgeting.

<sup>5</sup> As referred to in Article 54(2)(a) or (b) of the Financial Regulation.

#### *1.4.3. Expected result(s) and impact*

*Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.*

CITES membership would also provide the European Union with a stronger institutional basis for contributing towards CITES projects and for assisting individual Parties in their capacity building programmes. Furthermore, the European Union would contribute to the running costs of the Convention through the budget by paying a percentage rate of the core budget. The European Union, as a Party, would ensure a coherent EU position. Accession would enable the Commission on behalf of the European Union to lead negotiations and to be a catalyst in achieving a balanced compromise between the 28 Member States positions.

#### *1.4.4. Indicators of results and impact*

*Specify the indicators for monitoring implementation of the proposal/initiative.*

Level of EU influence on decisions taken by multilateral environmental agreements and processes, participation in the regular CITES meetings (Conference of the Parties, Standing Committee, Animals and Plants Committees) and subsequent implementation of CITES decisions in EU law

### **1.5. Grounds for the proposal/initiative**

#### *1.5.1. Requirement(s) to be met in the short or long term*

Once the Decision is adopted by the Council, the person empowered by the President of the Council will deposit the instrument of accession to the depositary government of the CITES Convention.

#### *1.5.2. Added value of EU involvement*

EU accession to CITES will allow the EU to increase its status in a Multilateral environment agreement with direct relevance to the *acquis* in the area of environment.

#### *1.5.3. Lessons learned from similar experiences in the past*

Enhanced status of the EU in international conventions reinforces the EU position and its influence in the areas covered

#### *1.5.4. Compatibility and possible synergy with other appropriate instruments*

CITES provisions are already implemented in EU law (cf. Council Regulation 338/97 and associated Commission Implementing Regulations). The accession of the EU to CITES will reinforce the synergies with the EU legislation.



## 1.6. Duration and financial impact

☐ Proposal/initiative of **limited duration**

- ☐ Proposal/initiative in effect from [DD/MM]YYYY to [DD/MM]YYYY
- ☐ Financial impact from YYYY to YYYY

X Proposal/initiative of **unlimited duration**

- Implementation with a start-up period from YYYY to YYYY,
- followed by full-scale operation.

## 1.7. Management mode(s) planned<sup>6</sup>

### For the 2013 budget – Not applicable

☐ **Centralised direct management** by the Commission

☐ **Centralised indirect management** with the delegation of implementation tasks to:

- ☐ executive agencies
- ☐ bodies set up by the Communities<sup>7</sup>
- ☐ national public-sector bodies/bodies with public-service mission
- ☐ persons entrusted with the implementation of specific actions pursuant to Title V of the Treaty on European Union and identified in the relevant basic act within the meaning of Article 49 of the Financial Regulation

☐ **Shared management** with the Member States

☐ **Decentralised management** with third countries

☐ **Joint management** with international organisations (to be specified)

– *If more than one management mode is indicated, please provide details in the "Comments" section.*

### From the 2014 budget

x **Direct management** by the Commission

- x by its departments, including by its staff in the Union delegations;
- ☐ by the executive agencies;

☐ **Shared management** with the Member States

☐ **Indirect management** by delegating implementation tasks to:

- ☐ third countries or the bodies they have designated;
- ☐ international organisations and their agencies (to be specified);
- ☐ the EIB and the European Investment Fund;
- ☐ bodies referred to in Articles 208 and 209 of the Financial Regulation;
- ☐ public law bodies;

<sup>6</sup> Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: [http://www.cc.cec/budg/man/budgmanag/budgmanag\\_en.html](http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html)

<sup>7</sup> As referred to in Article 185 of the Financial Regulation.

- ☐ bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;
- ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;
- ☐ persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.
- *If more than one management mode is indicated, please provide details in the "Comments" section.*

## **2. MANAGEMENT MEASURES**

### **2.1. Monitoring and reporting rules**

*Specify frequency and conditions.*

Budget of international conventions are monitored by their conference of the parties, in addition to following UN rules for their management (UNEP being a trustee for the CITES trust fund).

### **2.2. Management and control system**

#### **2.2.1. Risk(s) identified**

CITES Budget is audited at regular intervals as part of the UN scheme.

#### **2.2.2. Information concerning the internal control system set up**

See 2.2.1. above

#### **2.2.3. Estimate of the costs and benefits of the controls and assessment of the expected level of risk of error**

N/A

### **2.3. Measures to prevent fraud and irregularities**

*Specify existing or envisaged prevention and protection measures.*

See 2.2.1 above

### 3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

#### 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number 07 02 Heading "Environment Policy at Union and International Level"	Diff./non-diff. (8)	from EFTA countries <sup>9</sup>	from candidate countries <sup>10</sup>	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
4	<b>07 02 04 – Contribution to multilateral environmental agreements</b>	Diff	NO	NO	NO	NO

- New budget lines requested (N/A) – Not applicable

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [...][Heading..... .....]	Diff./non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	[...][XX.YY.YY.YY]		YES/N O	YES/N O	YES/N O	YES/NO

<sup>8</sup> Diff. = Differentiated appropriations / Non-Diff. = Non-differentiated appropriations.

<sup>9</sup> EFTA: European Free Trade Association.

<sup>10</sup> Candidate countries and, where applicable, potential candidate countries from the Western Balkans.

### 3.2. Estimated impact on expenditure

[This section should be filled in using **spreadsheet on budget data of an administrative nature** (second document in annex to this financial statement) and uploaded to CISNET for interservice consultation purposes.]

#### 3.2.1. Summary of estimated impact on expenditure

EUR

Heading of multiannual financial framework		4	Global Europe				
DG: ENV			Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)	TOTAL
• Operational appropriations			2014	2015	2016	2017	Unlimited duration
07 02 04	Commitments	(1)	112,000	112,000	112,000	115,000	800,000
	Payments	(2)	112,000	112,000	112,000	115,000	800,000
Number of budget line	Commitments	(1a)					
	Payments	(2a)					
Appropriations of an administrative nature financed from the envelope of specific programmes <sup>12</sup> - not applicable							
Number of budget line		(3)					
TOTAL appropriations for DG ENV	Commitments	=1+1a+3	112,000	112,000	112,000	115,000	800,000
	Payments	=2+2a	112,000	112,000	112,000	115,000	800,000

<sup>11</sup>

Year N is the year in which implementation of the proposal/initiative starts.

<sup>12</sup>

Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former "BA" lines), indirect research, direct research.



Heading of multiannual financial framework	5	" Administrative expenditure " – not applicable
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EUR million (to three decimal places)

DG: ENV		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)	TOTAL
• Human resources							
• Other administrative expenditure							
TOTAL DG <.....>		Appropriations					

TOTAL appropriations for HEADING 5 of the multiannual financial framework	(Total commitments = Total payments)						
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EUR million (to three decimal places)

		Year N <sup>13</sup>	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)	TOTAL
TOTAL appropriations under HEADINGS 1 to 5 of the multiannual financial framework	Commitments						
	Payments						

<sup>13</sup> Year N is the year in which implementation of the proposal/initiative starts.

3.2.2. Estimated impact on operational appropriations

- ☐ The proposal/initiative does not require the use of operational appropriations
- ☒ The proposal/initiative requires the use of operational appropriations, as explained below:

Commitment appropriations in EUR

Indicate objectives and outputs  ↓		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)						TOTAL			
		OUTPUTS													
		Type <sup>14</sup>	Average cost	0N	Cost	0N	Cost	0N	Cost	0N	Cost	0N	No total	Total cost	
SPECIFIC OBJECTIVE No 1 Global environmental affairs <sup>15</sup> ...															
- Output	Conference report	112,000 0	1	112,000 0	1	112,000 0	1	112,000 0	1	115,000 0	1	117,000 0	1	117,000 0	800,000
- Output															
- Output															
Subtotal for specific objective No 1															
TOTAL COST				112,000 0		112,000 0		112,000 0		115,000 0		117,000 0		117,000 0	800,000

<sup>14</sup> Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).  
<sup>15</sup> As described in point 1.4.2. ‘Specific objective(s)...’



### 3.2.3. Estimated impact on appropriations of an administrative nature

#### 3.2.3.1. Summary

- ☒ The proposal/initiative does not require the use of appropriations of an administrative nature
- ☐ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	Year N <sup>16</sup>	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)	TOTAL
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<b>HEADING 5 of the multiannual financial framework</b>								
Human resources								
Other administrative expenditure								
<b>Subtotal HEADING 5 of the multiannual financial framework</b>								

<b>Outside HEADING 5<sup>17</sup> of the multiannual financial framework</b>								
Human resources								
Other expenditure of an administrative nature								
<b>Subtotal outside HEADING 5 of the multiannual financial framework</b>								

<b>TOTAL</b>								
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The human resources appropriations required will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

<sup>16</sup>

Year N is the year in which implementation of the proposal/initiative starts.

<sup>17</sup>

Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former "BA" lines), indirect research, direct research.

### 3.2.3.2. Estimated requirements of human resources

- ☒ The proposal/initiative does not require the use of human resources.
- ☐ The proposal/initiative requires the use of human resources, as explained below:

*Estimate to be expressed in full time equivalent units*

	Year N	Year N+1	Year N+2	Ye ar N+ 3	Enter as many years as necessa ry to show the duratio n of the impact (see point 1.6)		
<b>• Establishment plan posts (officials and temporary staff)</b>							
XX 01 01 01 (Headquarters and Commission's Representation Offices)							
XX 01 01 02 (Delegations)							
XX 01 05 01 (Indirect research)							
10 01 05 01 (Direct research)							
<b>• External staff (in Full Time Equivalent unit: FTE)<sup>18</sup></b>							
XX 01 02 01 (CA, SNE, INT from the "global envelope")							
XX 01 02 02 (CA, LA, SNE, INT and JED in the delegations)							
XX 01 04 yy <sup>19</sup>	- at Headquarters						
	- Delegations						
XX 01 05 02 (CA, SNE, INT - Indirect research)							
10 01 05 02 (CA, INT, SNE - Direct research)							
Other budget lines (specify)							
<b>TOTAL</b>							

XX is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	
External staff	

<sup>18</sup> CA= Contract Staff; LA = Local Staff; SNE= Seconded National Expert; INT = agency staff; JED= Junior Experts in Delegations).

<sup>19</sup> Sub-ceiling for external staff covered by operational appropriations (former "BA" lines).

### 3.2.4. *Compatibility with the current multiannual financial framework*

- ☒ Proposal/initiative is compatible the current multiannual financial framework.
- ☐ Proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts.

[...]

- ☐ Proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework<sup>20</sup>.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

[...]

### 3.2.5. *Third-party contributions*

- The proposal/initiative does not provide for co-financing by third parties.

Appropriations in EUR million (to 3 decimal places)

	Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body	NA							
TOTAL appropriations cofinanced								

<sup>20</sup>

See points 19 and 24 of the Interinstitutional Agreement (for the period 2007-2013).

### 3.3. Estimated impact on revenue

- x Proposal/initiative has no financial impact on revenue.
- ☐ Proposal/initiative has the following financial impact:
  - ☐ on own resources
  - ☐ on miscellaneous revenue

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative <sup>21</sup>						
		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
Article .....								

For miscellaneous ‘assigned’ revenue, specify the budget expenditure line(s) affected.

[...]

Specify the method for calculating the impact on revenue.

[...]

<sup>21</sup> As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25% for collection costs.