



Brussels, 24 September 2025
(OR. en)

13199/25

Interinstitutional File:
2025/0295 (NLE)

ENV 885
WTO 81

PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	24 September 2025
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2025) 533 final
Subject:	Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union at the 20th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES CoP20) (Samarkand, Uzbekistan, 24 November - 5 December 2025)

Delegations will find attached document COM(2025) 533 final.

Encl.: COM(2025) 533 final



EUROPEAN
COMMISSION

Brussels, 24.9.2025
COM(2025) 533 final

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Proposal for a

COUNCIL DECISION

**on the position to be taken on behalf of the European Union at the 20th meeting of the
Conference of the Parties to the Convention on International Trade in Endangered
Species of Wild Fauna and Flora (CITES CoP20)**

(Samarkand, Uzbekistan, 24 November - 5 December 2025)

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the decision establishing the position to be taken on the Union's behalf at the 20th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES CoP20) related to the envisaged adoption of decisions to, among other things, amend the Appendices of the Convention.

2. CONTEXT OF THE PROPOSAL

2.1. The Convention on International Trade in Endangered Species of Wild Fauna and Flora

The Convention on International Trade in Endangered Species of Wild Fauna and Flora ('the Convention' or 'CITES') aims to protect wild animals and plants from over-exploitation through international trade. The Convention entered into force on 1 July 1975.

The European Union and all its Member States are Parties to the Convention¹.

2.2. The Conference of the Parties to the Convention

The Conference of the Parties (CoP) is the governing body of the Convention, established under Article XI. The CoP meets every two to three years to review the implementation of the Convention. In particular, it considers and adopts proposals to amend the lists of species in Appendices I and II to the Convention. The CoP also considers documents and reports from the Parties, the permanent committees, the Secretariat and the working groups, and recommends measures to implement the Convention more effectively.

As far as possible, the CoP decides on proposals to amend Appendices I and II by consensus. If it does not reach consensus, decisions are put to a vote and can be adopted by a two-thirds majority of representatives present and voting under Article XV(1)(b) of the Convention. Each Party has one vote except regional economic integration organisations, which under Article XXI(5) have the 'right to vote with a number of votes equal to the number of their Member States which are Parties to the Convention' in the areas of their competence. On decisions to amend the Appendices, voting rights are exercised by the Union, given that the CITES Appendices are transposed into relevant Union legislation ⁽²⁾.

2.3. The envisaged act of the Conference of the Parties

At its 20th meeting from 24 November to 5 December 2025, the CoP is to decide on 51 proposals to amend the CITES Appendices ('listing proposals'). The purpose of including species or groups of species in the Appendices is to generally prohibit (Appendix I) or to monitor and regulate (Appendix II) commercial trade in those species.

As integral parts of the Convention, the Appendices are legally binding. Under Article XV(1)(c), amendments adopted by the CoP become applicable 90 days after the end of the CoP.

⁽¹⁾ Council Decision (EU) 2015/451 of 6 March 2015 concerning the accession of the European Union to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), OJ L 75, 19.3.2015, p. 1.

⁽²⁾ Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, OJ L 61, 3.3.1997, p. 1, and relevant implementing acts.

3. POSITION TO BE TAKEN ON THE UNION'S BEHALF

As a Party to the Convention, the Union is to take a position on each of the listing proposals and on the numerous other draft decisions on the agenda of the CoP. Experts from the Commission and the Member States have reviewed the listing proposals and the other proposed CoP decisions, including their potential impact on relevant Union rules and policies. The position proposed by the Commission is based on these expert discussions, held in the context of relevant Commission expert groups and the relevant Council working party.

The listing proposals and several of the other draft CoP decisions are liable to affect EU rules or alter their scope, mostly because they would entail amendments to Union legislation and implementing rules. Changes to the Appendices of the Convention need to be reflected in the EU *acquis* through corresponding changes to Council Regulation (EC) No 338/97 and, where relevant, implementing regulations. This will result in the establishment or removal of restrictions on trade from, into and within the EU for the species affected by the changes.

The Commission is in regular contact with stakeholders with an interest in matters covered by the Convention such as environmental non-governmental organisations, representatives of business sectors engaged in the trade or use of wildlife products, and hunting or fishing organisations. On 22 July 2025, the Commission held a consultation meeting with stakeholders to obtain their views on the issues under discussion for CITES CoP20. The Commission has duly taken their input into consideration in developing the proposed Council Decision.

Further analyses of CoP proposals are carried out by the CITES Secretariat and by experts from specialised organisations such as the International Union for Conservation of Nature, the wildlife trade monitoring network TRAFFIC, and the Food and Agriculture Organization's Expert Advisory Panel for the assessment of CITES species listing proposals. Most of these analyses were not available in time for the Commission's proposal; they should all be fully considered when the proposal is discussed with Member States in the Council.

In addition, several working documents for CITES CoP20 were not available in time for the Commission to propose a Union position. The Commission therefore proposes that the positions on those issues be taken during the discussions in the Council working group pursuant to the adoption of this Decision, or otherwise during the preparations for the CoP meeting or during the CoP meeting itself for documents that become available only then.

4. LEGAL BASIS

4.1. Procedural legal basis

4.1.1. Principles

Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) provides for decisions establishing 'the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.'

The concept of 'acts having legal effects' includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding effect under international law but are 'capable of decisively influencing the content of the legislation adopted by the EU legislature' ⁽³⁾.

⁽³⁾ Judgment of the Court of Justice of 7 October 2014, Germany v Council, C-399/12, ECLI:EU:C:2014:2258, paragraphs 61 to 64.

4.1.2. *Application to the present case*

The CoP is a body set up by an agreement, namely CITES.

Several of the acts that the CoP is called upon to adopt constitute acts with legal effects. The amended Appendices, being an integral part of the Convention, will be binding under international law. Some of the other CoP decisions, such as modifications to resolutions integrated in the EU legislation, will be capable of decisively influencing the content of EU legislation, namely Commission Regulation (EC) No 865/2006⁽⁴⁾ and Commission Implementing Regulation (EU) No 792/2012⁽⁵⁾. This is because both acts are closely aligned with relevant rules for implementing the Convention as decided by the CoP.

The envisaged acts do not supplement or amend the institutional framework of the Agreement.

Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

4.2. **Substantive legal basis**

4.2.1. *Principles*

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is taken on the Union's behalf. If the envisaged act pursues two aims or has two components, and if one of those aims or components is identifiable as the main one while the other is merely incidental, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

With regard to an envisaged act that simultaneously pursues a number of objectives or that has several components that are inseparably linked without one being incidental to the other, the substantive legal basis of a decision under Article 218(9) TFEU will have to include, exceptionally, the various corresponding legal bases.

4.2.2. *Application to the present case*

The envisaged CoP decisions pursue the main and predominant objective of the protection of the environment.

The environmental purpose of the Convention is clear from the preamble thereto, which states 'that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come'. The proposed decision follows this aim. Restriction of trade through regulation of import, export, and re-export is the procedural mechanism used to achieve the above-mentioned objective. Thus, the objective and components of the envisaged act relating to the protection of the environment must be regarded as being the predominant one, whilst the components of the trade policy remain incidental.

The substantive legal basis of the proposed decision is therefore Article 192(1) TFEU.

⁽⁴⁾ 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.

⁽⁵⁾ Commission Implementing Regulation (EU) No 792/2012 of 23 August 2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and amending Commission Regulation (EC) No 865/2006.

4.3. Conclusion

The legal basis of the proposed decision should be Article 192(1), in conjunction with Article 218(9) TFEU.

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union at the 20th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES CoP20)

(Samarkand, Uzbekistan, 24 November - 5 December 2025)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof, in conjunction with Article 218(9),

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Convention on International Trade in Endangered Species of Wild Fauna and Flora ('the Convention') to which the Union acceded by Council Decision (EU) 2015/451 of 6 March 2015 ⁽⁶⁾ entered into force on 1 July 1975.
- (2) Pursuant to Article XI(3) of the Convention, the Conference of the Parties may, among other things, adopt decisions to amend the Appendices to the Convention.
- (3) The Conference of the Parties, during its 20th meeting from 24 November to 5 December 2025 in Samarkand, Uzbekistan, is to decide on 51 proposals to amend Appendices to the Convention, as well as numerous other matters related to the implementation and interpretation of the Convention.
- (4) It is necessary to establish the position to be taken on the Union's behalf in the Conference of the Parties, as the amendments to the Appendices will be binding on the Union. Several other decisions, such as modifications to resolutions integrated in the EU legislation, will be capable of decisively influencing the content of Union law, in particular Commission Regulation (EC) No 865/2006 ⁽⁷⁾ and Commission Implementing Regulation (EU) No 792/2012 ⁽⁸⁾.
- (5) The Union's proposed position to be taken on the different proposals before the Conference of the Parties is based on the expert analysis of their merits, taking into account the provisions of the Convention, in the light of the best available scientific evidence, as well as their consistency with relevant Union rules and policies,

⁽⁶⁾ OJ L 75, 19.3.2015, p. 1.

⁽⁷⁾ Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 (OJ L 166, 19.6.2006, p. 1).

⁽⁸⁾ Commission Implementing Regulation (EU) No 792/2012 on the protection of species of wild fauna and flora by regulating trade therein, laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and amending Commission Regulation (EC) No 865/2006 (OJ L 242, 7.9.2012, p. 13).

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf at the 20th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora is set out in the Annexes.

Article 2

Minor technical changes to the positions set out in Article 1 may be agreed upon without further decision of the Council, in particular where new scientific or technical information is presented after the adoption of this Decision and before or during the meeting of the Conference of Parties. In such cases, the Union position shall be consistent with the principles laid down in the Annexes to this Decision.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

For the Council
The President