Council of the European Union

Brussels, 22 March 2019
(OR. en)

Interinstitutional File:
2019/0083 (NLE)

7809/19
ADD 1

ENV 338
WTO 85

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	21 March 2019
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2019) 146 final - ANNEX 1
Subject:	ANNEX to the Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union at the 18th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES CoP 18)

Delegations will find attached document COM(2019) 146 final - ANNEX 1.

Encl.: COM(2019) 146 final - ANNEX 1

EUROPEAN
COMMISSION

Brussels, 21.3.2019
COM(2019) 146 final

ANNEX 1

ANNEX

to the

Proposal for a COUNCIL DECISION

on the position to be taken on behalf of the European Union at the 18th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES CoP18)

ANNEX I

Union Position on key issues to be discussed at the 18th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Colombo, Sri Lanka, 23 May – 3 June 2019

A. GENERAL CONSIDERATIONS

1. The Union considers CITES a key international convention for biodiversity conservation and against wildlife trafficking.

2. The Union should adopt an ambitious position for CITES CoP 18, in line with relevant Union policies and international commitments in these fields, in particular the targets relating to wildlife under Sustainable Development Goal 15, the Strategic Plan for Biodiversity 2011-2020 and the Aichi Targets agreed under the Convention on Biological Diversity (CBD), the CITES Strategic Vision[1] and the UN General Assembly Resolution 71/326 on wildlife trafficking. The Union's 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, the Common Fisheries Policy and the EU Action Plan on the Conservation and Management of Sharks.

3. The priorities for the Union at CITES CoP 18 should be to:

   - fully use the CITES instruments to regulate international trade in endangered animals and plants species which are subject to unsustainable levels of trade, pursuing a science-based approach;
   - reinforce the response by the international community against wildlife trafficking;
   - ensure that the EU's status and rights as a Party to the Convention remain fully reflected in relevant procedural rules and arrangements.

4. The Union's position should take account of the contribution that CITES controls can make towards improvement of species' conservation status, while acknowledging the efforts of those countries that have implemented effective conservation measures. The Union should ensure that the decisions taken at CoP 18 maximise the efficiency of CITES, by minimising unnecessary administrative burdens and by achieving practical, cost-effective and workable solutions to implementation and monitoring issues.

5. The CoP is the governing body of CITES and a number of decisions adopted at CITES CoP 18 will be implemented by the Standing Committee, which is the main CoP subsidiary body. The Union's position defined for CITES CoP 18 should therefore also guide the EU's approach at the 71st and 72nd meetings of the Standing Committee taking place directly before and after CoP 18.

B. SPECIFIC ISSUES

6. Fifty-seven **proposals for amending the CITES Appendices** have been tabled for consideration at CITES CoP 18. Twelve of these proposals have been submitted by the Union as the main proponent or as co-proponent, and their adoption should

[1] CITES Resolution Conf. 14.2, due to be updated at CoP 18 (see paragraph 5, below).

naturally also be supported by the Union. The Union's position on all proposals should be based on the conservation status of the species concerned and on the impact that trade has or would have on those species, in line with Resolution Conf. 9.24 on the criteria for amendment of Appendices I and II. The views of the range States of the species concerned by the proposals should receive particular attention. The Union also considers that, as a general rule, support should be given to proposals to amend CITES Appendices which are the result of the work by the CITES Animals and Plants Committees and the Standing Committee. The assessment of the proposals by the CITES Secretariat and by IUCN/Traffic[2] as well as, in the case of commercially exploited marine species, the assessment by the FAO dedicated expert panel should also be taken into account when available.

7. In line with its well established position, the EU reaffirms that CITES is an appropriate instrument to regulate international trade in **marine species** when the conservation status of such species is affected by trade and when the species are or may become threatened with extinction. The Union specifically advocates the inclusion in CITES Appendix II of three species of teatfish of the genus *Holothuria (Microthele)*, given the excessive exploitation and significant volumes of international trade in those species.

8. The Union notes that considerable work has been done in the last years to **build capacity for the implementation** of CITES, not least with regard to marine species, including through the Union's financial support. The Union supports better coordination between CITES, regional fisheries management organisations and other relevant bodies, acting within their respective mandates, with the aim of improving governance and increasing complementarity. Specifically, the Union co-sponsored the proposals for inclusion of certain species of sharks (shortfin mako and longfin mako – *Isurus oxyrinchus* and *I. paucus*) and rays (giant guitarfishes – *Glaucostegus* spp. – and wedgefishes – Rhinidae spp.) in CITES Appendix II. In the case of shortfin mako (*Isurus oxyrinchus*), the Union should finalise its position taking into account the results of the assessments by the FAO Expert Advisory Panel, the CITES Secretariat and IUCN.

9. At CoP17, additional rosewood species (*Pterocarpus erinaceus*, three *Guibourtia* species and *Dalbergia spp*.) were inserted into CITES Appendix II, to better control international trade in these **tropical timber** species. It is important for the Union to ensure that the current annotation #15 be amended to focus on those specimens which first appear in international trade and to avoid unnecessary administrative and enforcement burdens. The EU should therefore support the consensus amendment to annotation #15 found at the 70th meeting of the Standing Committee, while remaining open to potential final improvements which may emerge from consultations with other Parties. In line with its commitment to better control imports of timber from Central Africa, the Union should also be supportive of broadening the scope of the current CITES listing of afrormosia (*Pericopsis elata*) in Appendix II of the Convention.

10. The Union should also support cross-cutting efforts for more effective regulation of international trade in endangered wildlife, including the proposed Resolution on the **verification of legal acquisition**, which builds on the outcomes of a dedicated workshop hosted by the EU in June 2018. The adoption by CoP 18 of a new

[2] The International Union for Conservation of Nature (IUCN) and TRAFFIC are specialised in wildlife trade issues and provide a thorough assessment of proposals to amend CITES Appendices before each CoP.

Strategic Vision for CITES for the years 2021 to 2030 provides an opportunity to consolidate and where necessary clarify the role of the Convention in the broader context of international environmental governance, including the post-2020 biodiversity framework under the Convention on Biological Diversity.

11. The Union's position on proposals related to **wildlife trafficking** should be consistent with the three priorities identified in the EU Action Plan against Wildlife Trafficking and the Council Conclusions related to it. The position should also take into account the Commission's recent report on the implementation of the Action Plan.

12. Consistent with the first priority of the Action Plan, 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 various species of reptiles and amphibians, in particular several species of geckos and newts.

13. In line with the second and third priorities, the Union supports strong measures for the **implementation** of the Convention by its Parties. It advocates a clear timeline with monitoring mechanisms (including possible trade sanctions) in respect of 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.

14. Several proposals presented to CoP 18 focus on issues related to **sustainable use**, livelihoods and rural communities. The Union should support such proposals to the extent that they help ensure that relevant information is reflected in existing processes, in line with the provisions of the Convention. The creation of additional processes or structures with significant costs and uncertain benefits should be avoided.

15. **Elephant poaching and ivory trafficking** continue at alarmingly high levels. Both the Union and its Member States have provided considerable support to African countries in order to improve wildlife conservation and tackle wildlife trafficking. The Union is committed to continue to stand by its African partners and to increase its efforts in that regard, in line with the EU Action Plan against Wildlife Trafficking. The high levels of poaching and trafficking remain of considerable concern for the EU, and the EU priority for all CoP 18 agenda items relating to elephants should be to support action directly addressing this problem.

16. The Union notes that several, partly conflicting proposals have been tabled by Parties in relation to **legal trade in elephant 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 for CoP 18 to re-open it. With regard to domestic ivory markets, the Union should continue to support proportionate, effective measures based on the best available evidence, within the scope of the Convention.

17. The Union considers that the **Rules of Procedure** for the Conference of the Parties must not deviate from the text of the Convention including its Article XXI paragraphs 2 to 6. Any attempts to add provisions which would subject the exercise of the Union's rights as a Party to conditions not foreseen in the Convention should be firmly rejected.

18. 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 CoP 18 and on the future budget for the CITES Secretariat.