



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 4.4.2007
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Proposal for a

COUNCIL DECISION

establishing the position to be adopted on behalf of the European Community with regard to certain proposals submitted to the 14th meeting of the Conference of the Parties (COP14) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), The Hague, Netherlands, 3 – 15 June 2007

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The 14th meeting of the Conference of the Parties (COP14) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) will be held in The Hague, Netherlands, 3 – 15 June 2007.
2. The text of the Convention was amended in 1983 to allow Regional Economic Integration Organisations such as the EC to become a Party (the so-called Gaborone amendment). However, an insufficient number of Parties have ratified this amendment yet in order for it to come into effect.
3. In view of Community competence on trade and environment matters and of the effects of decisions taken by the Conference of the Parties on the implementation of the Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein¹, it is necessary to adopt a Community position on proposals submitted to the Conference.
4. Draft Resolutions and discussion papers on interpretation and implementation of the Convention and proposals to amend the appendices prepared by Member States or by the Commission were discussed by the Committee of Member States constituted under Council Regulation 338/97 at a meeting on 19 December 2006. All proposals and working documents that were approved were subsequently submitted to the CITES Secretariat by the Presidency on behalf of the European Community Member States acting in the interest of the European Community. Among the proposals submitted were ones concerning amendments to the appendices and a number of draft resolutions and decisions on matters such as implementation of the Convention, compliance and enforcement.
5. On 15 February, the Commission services held an informal meeting with experts from the Member States to discuss the issues to be debated at the Conference of the Parties. On 16 February, the Commission services held a consultation meeting with interested NGOs at which those NGOs were given an opportunity to set out their views on these issues.
6. Some documents for the Conference were not available in sufficient time for the Commission to propose a Community position at the present time. The Commission therefore proposes that the position on these issues be established during COP14 in accordance with Article 2 of the draft Council Decision.
7. The business of the Conference falls into three parts: strategic and administrative matters, interpretation and implementation of the Convention and proposals to amend the appendices. As the Community is not a Party to the Convention the first does not generally impact on Council Regulation 338/97. The second part deals with questions of interpretation and implementation of the provisions of the Convention

¹ OJ L61 of 03.03.1997, p.1

and is of considerable importance in that decisions affect the way the Convention is applied and thus impact the relevant Community legislation. However, it is the amendments to the appendices (levels of protection afforded to different species) that will inevitably attract most public attention. Key issues are likely to be: elephants, whales, fish (including sharks and eels) and timber (especially *Cedrela* wood) as well as the adoption of a new CITES Strategic plan and greater emphasis on enforcement.

8. There are two annexes to the proposed Council Decision. Annex I outlines the Community position on the key issues listed above. Annex II contains proposed Community positions on Conference agenda items for which documents were available by 15 February 2007.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133, Article 175, paragraph 1, in conjunction with the second subparagraph of Article 300, paragraph 2.

Having regard to the proposal from the Commission²,

Whereas:

- (1) CITES is implemented in the Community by Council Regulation (EC) No 338/97 of 9 December 1996³;
- (2) Resolutions of the Conference of the Parties and amendments to the Appendices of the Convention will affect the Community legislation concerned and will require amendments thereto;
- (3) The Member States cannot, outside the framework of the Community institutions, assume obligations which might affect Community rules or alter their scope;
- (4) Due to the fact that the "Gaborone" amendment to CITES has not entered into force, the Community is not yet a contracting party to the Convention;
- (5) In such circumstances the Community position should be expressed by the Member States acting jointly in the interest of the Community and within the framework of a common position decided by the Council,

² OJ C , , p. .

³ OJ L61 of 03.03.1997, p.1

HAS DECIDED AS FOLLOWS:

Article 1

The position of the Community, to be expressed by the Member States, acting jointly in the interest of the Community, at CITES COP14, shall be in accordance with the Annexes to this Decision.

Article 2

Where the position referred to in Article 1 is likely to be affected by new scientific or technical information presented after the adoption of this decision and before or during COP 14 or where new proposals are made at that meeting on which there is not yet a Community position, the Community position shall be established by means of on the spot co-ordination before the COP is called to vote on those proposals.

Done at Brussels,

*For the Council
The President*

ANNEX I

Community Position on key issues to be discussed at the 14^h meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), The Hague, Netherlands, 3 – 15 June 2007

A. GENERAL CONSIDERATIONS

1. The Community's position on proposals for amendments of the appendices should be based on the conservation status of the species concerned. It should take account of the contribution that CITES controls can make towards improvement of the conservation status, while acknowledging the efforts of those countries that have implemented effective conservation measures.
2. The Community should also ensure that the decisions taken at COP14 maximise the efficiency of CITES by minimising unnecessary administrative burdens by achieving practical and workable solutions to implementation problems and by ensuring that Parties' resources are directed towards issues of real conservation concern.
3. The Community should seek to ensure greater synergies between CITES and other Biodiversity related multilateral instruments and processes in particular in the adoption by COP14 of the CITES Strategic Plan 2008-2013. The decisions taken at COP14 should contribute to the achievement of the target endorsed by the World Summit on Sustainable Development and the Convention on Biological Diversity of significantly reducing the current rate of biodiversity loss by 2010.
4. In line with the Conclusions adopted by the Council at its 2773rd meeting on 18 December 2006⁴, the Community supports greater focus on the effective enforcement of CITES controls in order to reduce poaching and illegal trade and ensure that trade in species is sustainable. Furthermore, the Community supports the need for effective implementation of the Convention through international cooperation to facilitate the implementation of policies for the conservation and sustainable use of wildlife in range states.

B. SPECIFIC ISSUES

1. Concerning elephants, the Community continues to be unwilling to agree to resumption in commercial ivory trade until it is satisfied that there are adequate mechanisms in place to ensure that there will be no resulting increase in illegal killing of elephants. It encourages all elephant range states to engage in a

⁴ Halting the loss of biodiversity – Council Conclusions

constructive dialogue and cooperate in the conservation and management of the species.

2. Concerning whales, the International Whaling Commission has primacy over whaling issues. Therefore, no decision should be taken within CITES which would alter the present protection status of the species under the Convention. Consequently, no reviews of whale stocks for possible lowering the protection status under CITES should be considered until the IWC deems that the appropriate management controls on whaling are in place.
3. On marine species, the Community supports measures for stricter regulation of international trade in European eels. For porbeagle and spiny dogfish, its final position will be decided on the basis of additional studies on trade data and recommendations of the FAO and the CITES Secretariat. Proposals for control and regulation of international trade in sawfish, Banggai cardinalfish and red corals are supported by the Community, while listing of Brazilian population of the Caribbean spiny lobster is not supported.
4. Concerning timber, the Community supports the Appendix II listing of *Cedrela* and three rosewood species and has a positive approach to better international trade controls of Brazil wood, in order to help combat the illegal logging of these species in range States. The Community is in favour of additional measures and capacity building activities that support effective implementation of CITES listings for mahogany, ramin and other endangered timber species.

ANNEX II

**Community position on certain proposals submitted to the 14th Conference of the Parties to
the Convention on International Trade in Endangered Species of Wild Fauna and Flora
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