

Brussels, 24 February 2017

Minutes

**6th MEETING OF THE GROUP OF EXPERTS OF THE
COMPETENT CITES MANAGEMENT AUTHORITIES**

Brussels, 7 February 2017

Approval of the agenda and of the minutes of previous meeting

1. Adoption of the agenda

The agenda was adopted.

2. Summary of conclusions of the 5th Expert Group meeting (SoC ExGr 5)

The summary of conclusions of the 5th Expert Group meeting was tabled for information.

Nature of the meeting

The meeting gathered representatives of the CITES Management Authorities of 26 EU Member States.

List of points discussed

3. Update on on-going activities

The Chair informed Member States about the Commission proposal for a Directive against money laundering which was currently under discussion in Council and Parliament.

Member States were invited to submit their 2016 Annual Reports to the Commission by 16 June 2017.

4. EU Action Plan against wildlife trafficking – next steps

4.1 Conference on 8 February 2017

The Chair recalled the programme for the Conference "Implementing the EU Action Plan against Wildlife Trafficking: Stronger Engagement with Business" taking place on 8 February 2017. He also thanked Member States for their input regarding the progress made to date with regard to the Action Plan. He informed the Group that the Commission was in the process of publishing an overview table reflecting the actions taken by the Commission and Member States to implement the Action Plan.

4.2 Next steps

The Commission and the Member States would continue their work on the implementation of the Action Plan and monitor further action taken.

5. Guidance documents

5.1 Overview document (ExGr 6/5/1)

The document was tabled for information.

5.2 Draft guidelines on the EU regime governing intra-EU trade and export of ivory (ExGr 6/5/2)

The Chair urged Member States to submit the missing data on ivory trade, in particular the trade figures for 2016, to the Commission by 15 February 2017 in order to get the best possible data to serve as a basis for future policy initiatives.

The Chair outlined the various options and their implications regarding the adoption of a guidance document on the EU regime governing intra-EU trade and export of ivory.

The Commission proposed to pursue a two-step approach, consistent with the Commission Communication and the Council conclusions on the EU Action Plan against wildlife trafficking, which would consist in:

- First step: the adoption of draft Commission guidelines recommending that EU Member States (i) suspend the (re)export of raw ivory items and (ii) ensure a strict interpretation of the provisions in EU law authorising intra-EU trade in ivory and the (re)export of worked ivory, as reflected in doc ExGr 6/5/2, and
- Second step: the exploration (including data gathering on volume, value and different types of specimens covered by intra-EU ivory trade and re-export of worked ivory items, as well as consultation of relevant stakeholders) of the possibility to restrict further/ban intra-EU ivory trade and the re-export of worked ivory items through changes to the guidelines and/or changes to Commission Regulation 865/2006.

Member States were invited to submit their feedback on the suggested two-step approach as well as on the draft guidance document ExGr 6/5/2 to the Commission by 15 February 2017.

5.3 Draft guidance on Worked Specimens ([ExGr 6/5/3])

The Commission had circulated a revised version to the Member States and Commission services end of January 2017 which integrated the comments received during the inter-service consultation. The Group expressed support for the document as it now stood. Member States were invited to submit final comments to the Commission by 22 February 2017. The Commission would then endeavour to distribute a new version for final approval as soon as possible thereafter.

5.4 Review of guidance on rhino horns (ExGr 6/5/4)

In accordance with the review clause contained in Commission Notice 2016/C 15/02 containing the "Guidance document: export, re-export, import and intra-Union trade of rhinoceros horns", the Chair invited Member States to submit their feedback to the Commission by 28 February 2017 as to whether the Notice can be prolonged or whether there is the need for a more thorough review.

5.5 State of play regarding guidance documents on legality of timber and legal acquisition

The Chair expressed regrets that the documents regarding the legality of timber as well as regarding the proof of legal acquisition/introduction into the EU for live animals of Annex B species had not yet been finalised but indicated that the Commission would endeavour to process these documents at a later stage.

6. Implementation of recent CITES decisions and practical implications of new CITES listings (*Dalbergia* spp., reptiles, etc.) (ExGr 6/6)

The Chair recalled that the Commission had recently published on the Europa website a "Questions & Answers" document regarding the implementation of recent CITES decisions and the practical implications of new CITES listings, notably addressing the question of the transitional phase and how to deal with pre-Convention specimens.

Listing of *Dalbergia* spp.

In addition, the Commission has prepared a "Questions & Answers" document regarding the recent listings of rosewood species. The Commission had substantive discussions with Member States and stakeholders about the new listings and the corresponding annotation, and would endeavour to publish the document as soon as possible. It was also the intention to find a common understanding with other Parties and to table documents on the implementation challenges at the upcoming meetings of the Plants Committee and of the Standing Committee.

The listings of rosewood species were also addressed at the SRG meeting the previous day. Member States had been invited to take a pragmatic approach towards applications for rosewood species. Furthermore, UNEP-WCMC would carry out a review for *Dalbergia* spp. from some priority countries which would be discussed at the next SRG meeting in June 2017.

The Group also addressed the question how to handle the reservations that had been entered by Indonesia and India with respect to the listing of *Dalbergia* spp. and how to handle import applications from these two countries. The Commission was already in contact with both countries, in particular pointing out that more information was needed from these two countries in order to accept the documents, and would inform Member States about the outcomes of the respective discussions.

Member States stressed the need to have a common understanding on this matter. To that extent, the Commission should be kept informed of all import applications for *Dalbergia* spp. products received by Member States from Indonesia and India. For the time being, the documents issued by India and Indonesia for export to the EU do not contain sufficient information to be considered as comparable to CITES export permits and Member States should therefore not issue import permits. However, in the cases of

specimens originating from Indonesia and exported before 2 January 2017 to a third country, the import into the EU from this third country should be authorised (if a re-export certificate by this third country accompanies the shipment).

Based on the discussions at the meeting, the Commission would further fine-tune the Q&A document. The Commission noted the request from Member States that stakeholders should be informed as quickly as possible about the EU approach towards these listings. A CITES Notification could be considered to this extent.

The Commission recalled the conclusions drawn at COM 20¹ and at COM 30² regarding the handling of CITES goods introduced in bonded warehouses.

Reptiles, *Psittacus erithacus* (African grey parrot)

Member States exchanged views in particular regarding the possibilities of and problems with the marking of the newly listed reptile species as well regarding the proof of legal origin for the African grey parrot. In view of the complexity of these matters, discussions would have to be continued in the coming weeks.

7. Reservations against listings agreed at CITES CoP 17 (cf [Notification 2017/010](#))

The reservations entered by Indonesia and India against the listing of *Dalbergia* spp. were discussed under point 6.

Member States then discussed the fact that the Depository Government had provisionally accepted reservations which had been submitted after the given deadline of 90 days and wondered about the reasoning for such approach. The Commission would seek to get clarifications from the Depository Government on this practice and would then follow up with Member States whether the EU should formally object to those reservations that had been entered belatedly.

The Commission would address letters to those countries that had entered reservations with a view to express the EU's disappointment and to see with the countries in question whether the reservations could be lifted. As a priority, letters would be sent to countries which entered a reservation against the listing of a species that was (co)proposed by the EU.

¹ **COM 20 (31/05/01):**

- **Handling of retrospective import applications for items held in bond:**

Member States agreed that introduction into a bonded warehouse equals import into the Community and therefore requires a permit.

² **COM 30 (20/04/04):**

- **CITES specimens admitted to customs bond**

The introduction into a bonded warehouse would equal an import into the Community and therefore would require a permit.

Furthermore, the 2nd paragraph of Article 8 of Commission Regulation 865/2006 lays down that “specimens shall not be authorised to be assigned to a customs procedure until after the presentation of the requisite documents”. Since the placing of goods in a customs warehouse means that the goods have been assigned to a customs procedure (see definitions in Article 4.16 of the Community Customs Code, Council Regulation 1913/92), a permit is required. Customs authorities should act accordingly and any other procedure would not be in accordance with the Commission Regulation 865/2006.

8. Imports into the EU of salamanders infected by the pathogen Bsal

The Chair informed the Group about ongoing work in the Commission on the proposal to list all Asian salamander species in Annex B to Council Regulation (EC) No 338/97, which would then allow for the prohibition of the introduction into the Union of specimens of those species.

9. Any other business

9.1 Sei whale hunting and trade in the North Pacific

This matter was likely to be addressed at the next meeting of the Standing Committee. The Commission would contact the CITES Secretariat to get more information about the next steps.

9.2 Transits of whale meat through EU ports (ExGr 6/9/2)

The Chair referred to the provisions on transit under CITES and the corresponding provisions in EU law which do not allow stopping the transit of whale meat between countries which have issued reservations in respect of the species concerned, provided that all required CITES permits were issued. In addition, the legal analysis presented in document COM 68/16 indicates that individual Member States are not entitled to stop the transit of whale meat in the same circumstances.

Conclusions/recommendations/opinions and next steps

Conclusions and next steps are specified above for each agenda point.

Next meeting

The next meeting of the Expert Group was scheduled for 22 June 2017.

List of participants

MEMBER STATE	ORGANISATION	PARTICIPANTS
BELGIUM	Federal Public Service Health, Food Chain and Environment	2
BULGARIA	Ministry of Environment and Water	1
CROATIA	Ministry of Environment and Nature Protection	1
CZECH REPUBLIC	Ministry of the Environment	1
CYPRUS	Ministry of Agriculture, Natural Resources and Environment	0
DENMARK	Ministry of Environment	1
GERMANY	Bundesamt für Naturschutz	1
	Federal Ministry for the Environment	1
ESTONIA	Ministry of Environment	2
IRELAND	Department of Arts, Heritage and the Gaeltacht	1
GREECE	Ministry of the Environment and Energy	0
SPAIN	Ministerio de Economía y Competitividad	1
FRANCE	Ministère de l'écologie, de l'Énergie et de la Mer	2
ITALY	Ministero dell'Ambiente e della Tutela del Territorio e del Mare	3
LATVIA	Nature Conservation Agency	1
LITHUANIA	Ministry of Environment	1
LUXEMBOURG	Ministry for sustainable Development and Infrastructures - Environment department	2
HUNGARY	Ministry for Rural Development	2
MALTA	Environment & Resources Authority	1
NETHERLANDS	Ministry of Economic Affairs	2
AUSTRIA	Ministry of Agriculture and Forestry, Environment and Water Management	1

POLAND	Ministry of Environment	2
PORTUGAL	Instituto da Conservação da Natureza	1
ROMANIA	Ministry of Environment and Forestry	1
SLOVENIA	Ministry of Environment	1
SLOVAKIA	Ministry of Environment	1
FINLAND	Finnish Environment Institute	2
	Ministry of Environment	1
SWEDEN	Swedish Board of Agriculture	1
UNITED KINGDOM	Department for Environment, Food & Rural Affairs (DEFRA)	1