

Proposal for a

Draft

COUNCIL DECISION (EU) 2022/ ...

on the position to be taken on behalf of the European Union at the 19th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES CoP 19) (Panama City, Panama, 14 - 25 November 2022) and on the submission of a species to include in Appendix III to CITES

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 192(1) ~~and 207(3) and (4) first subparagraph~~, in conjunction with Article 218(9) thereof,

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 2015¹, entered into force on 1 July 1975.
- (2) Pursuant to Article XI(3) of the Convention, the Conference of the Parties may, inter alia, adopt decisions to amend the Appendices to the Convention.

¹ OJ L 75, 19.3.2015, p. 1-3.

(2a) Pursuant to Article XVI of CITES, any Party to CITES may submit to the CITES Secretariat a list of species for inclusion in Appendix III to CITES which that Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade.

(3) The Conference of the Parties, during its 19th meeting from 14 to 25 November 2022, is to adopt decisions on 52 proposals to amend the Appendices to the Convention, as well as on numerous other matters related to implementation and interpretation of the Convention.

(4) It is appropriate 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 and several other decisions will be capable of decisively influencing the content of Union law. These include, in particular, Commission Regulation (EC) No 865/2006 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, and Commission Implementing Regulation (EU) No 792/2012 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.

(5) The proposed position to be taken on the different proposals before the Conference of the Parties is based on 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.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf, **as regards matters falling within the competence of the Union**, at the 19th meeting of the Conference of the Parties (CoP) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora is set out in ~~the Annexes~~ **I and II 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 CITES CoP19, or where revised or new proposals are made at that meeting on which there is not yet a Union position, the Union position shall be developed by means of on-the-spot coordination before the Conference of the Parties is called to decide on those proposals. In such cases, the Union position shall be consistent with the principles laid down in the Annexes to this Decision.

Article 2a

The Union shall submit the species listed in Annex IIa to this Decision for inclusion in Appendix III to CITES.

Article 3

This Decision **shall enter into force on the date of its adoption** ~~is addressed to the Commission.~~

Done at Brussels,

For the Council

The President

ANNEX I

Union Position on key issues to be discussed at the 19th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (Panama City, Panama, 14 - 25 November 2022)

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 CoP19, in line with relevant Union policies and international commitments, in particular the targets relating to wildlife under Sustainable Development Goal 15, the **Union's position² for the CoP15 of the Convention on Biological Diversity concerning the** upcoming post-2020 Global Biodiversity Framework ~~under the Convention on Biological Diversity~~, the CITES Strategic Vision and the UN General Assembly Resolution 75/311 on illicit trafficking in wildlife. The Union's position should also serve to attain the objectives set out at EU level through the Biodiversity strategy for 2030, ~~the upcoming revision of the~~ EU Action Plan against Wildlife Trafficking, the EU approach to promote trade and sustainable development, as reflected in the EU's open, sustainable and assertive trade policy, and the European Green Deal.
3. The priorities for the Union at CITES CoP19 should be to
 - fully use the CITES instruments to regulate international trade in endangered animals and plant species which are subject to unsustainable levels of trade, pursuing a science-based approach, **and**;
 - strengthen the response by the international community to wildlife trafficking;

² **[Insert reference to Council Conclusions on the Convention on Biological Diversity (CBD): Preparation of CBD COP 15, Cartagena Protocol on Biosafety COP-MOP 10 and Nagoya Protocol on Access and Benefit Sharing COP-MOP 4.]**

- 1a** The Union at CITES CoP19 should ensure that the EU's status and rights as a Party to the Convention remain fully respected. ~~The EU's status and rights are solely set out in the text of CITES, including paragraphs 2 to 6 of Article XXI;~~
- ~~• ensure that proposals adopted are consistent with relevant Union rules and policies;~~
4. The Union's position should take account of the contribution that CITES mechanisms can make towards improving species' conservation status and acknowledge the work done by those countries that have implemented effective conservation measures. The Union should ensure that the decisions taken at CoP19 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 CoP19 will be implemented by the Standing Committee, which is the main CoP subsidiary body. The Union's position for CITES CoP19 should therefore also guide the EU's approach at the 75th and 76th meetings of the Standing Committee, which take place directly before and after CoP19.

B. SPECIFIC ISSUES

6. Fifty-two **proposals for amending the CITES Appendices** have been tabled for consideration at CITES CoP19. Thirteen of these proposals have been submitted by the Union as the main proponent or as co-proponent, and their adoption should naturally also be supported by the Union.
- 6a.** The Union's position on all proposals **for amendments of the CITES Appendices** should be based on the conservation status of the relevant species **concerned** and on the impact that trade has or would **may** have on **the status of that** these species. **To this end, the most relevant and robust scientific advice should be taken into consideration for the assessment of listing proposals** in line with Resolution Conf. 9.24 on the criteria for amending of Appendices I and II.

- 6b.** 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 where these 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 IUCN/Traffic³ and, for commercially exploited marine species, the assessment by the Food and Agriculture Organization's (FAO) dedicated expert panel should also be taken into account ~~when available~~.
7. As agreed upon in the Council Decision 2022/982 of 16 June 2022⁴, the Union advocates the inclusion of
- *Physignathus cocincinus* (Chinese water dragon) in Appendix II
 - *Cuora galbinifrons* (Indochinese box turtle) in Appendix I
 - *Laotriton laoensis* (Laos warty newt) in Appendix II **with a zero export quota for wild-taken specimens traded for commercial purposes**
 - *Agalychnis lemur* (Lemur leaf frog) in Appendix II **with a zero annual export quota for wild-taken specimens traded for commercial purposes**
 - all species of *Sphyrnidae* spp. (Hammerhead sharks) not yet included in Appendix II in Appendix II
 - *Thelephora ananas*, *T. anax*, *T. rubralineata* (Sea cucumbers) in Appendix II
 - *Khaya* spp. (African mahogany) (Populations of Africa) in Appendix II with Annotation #17
 - *Azelaia* spp. (Pod mahogany) (Populations of Africa) in Appendix II with Annotation #17
 - *Dipteryx* spp. in Appendix II with Annotation #17 + seeds
 - *Handroanthus* spp. (Trumpet tree), *Tabebuia* spp. and *Roseodendron* spp. in Appendix II with Annotation #17
 - *Pterocarpus* spp. (Padauk) (Populations of Africa) in Appendix II with Annotation #17
 - *Rhodiola* spp. in CITES Appendix II with Annotation #2.

³ 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.

⁴ https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=uriserv:OJ.L_.2022.167.01.0095.01.ENG

The Union has also decided to co-sponsor **and will advocate for** the proposal by Panama to list *Carcharhinidae* spp. (Requiem sharks) in Appendix II.

8. The Union notes that considerable work has been done in recent 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 **and other Multilateral Environmental Agreements and organisations, such as** regional fisheries management organisations and other relevant bodies, acting within their respective mandates, with the aim of improving governance and increasing complementarity.
9. The Union notes an increased focus within CITES on **timber species**, as also reflected by the Union's proposals to list additional tree species in CITES Appendix II at CoP19. CITES **has** plays a very **an** important role **to play** in the conservation of forests and the Union supports stronger and more consistent action between CITES and other forest-related organisations and processes.
10. The Union's position on proposals related to **wildlife trafficking** should reflect the EU's comprehensive approach to preventing wildlife trafficking, by addressing its root causes, strengthening legal and policy frameworks to address wildlife trafficking, enforcing existing rules effectively, and fostering global partnerships to address wildlife trafficking, **while at the same time acknowledging that considerable work has been done in recent years in preventing wildlife trafficking by the international community.**
11. Consistent with these priorities, the Union is supportive of better protection through CITES of species currently **either illegally imported or imported at unsustainable levels into the EU.** ~~imported into the EU at unsustainable levels or illegally.~~ The Union therefore supports the proposals to amend the Appendices in relation to various species of reptiles and amphibians, in particular several species of turtles that are imported to the EU as pets.

12. The Union should also encourage initiatives that contribute to increasing the **capacities** of relevant authorities, sharing information and best practices, aiming to better implement CITES and improve cooperation between source, transit and destination countries.
13. In this context, the Union notes proposals that call for the creation of specific **funds** to benefit selected parties. The Union considers that new funds should only be created in duly justified cases, based on a thorough analysis of their feasibility and added value. Access to funding should not be limited to selected parties or groups of parties.

13a. Several proposals presented to CITES CoP 19 focus on issues related to sustainable use, livelihoods, indigenous peoples and local communities. The Union should support such proposals to the extent that they help ensure that relevant issues are adequately addressed in CITES. However, the creation of additional processes or structures with significant costs and uncertain benefits should be avoided.

14. It is important for the Union to ensure that all resolutions, ~~and~~ annotations and reservations are uniformly understood and interpreted. ~~As there are still high levels of elephant poaching and ivory trafficking,~~ **Despite the positive effect of current rules, addressing elephant poaching and ivory trafficking remain a priority, as well as the need to secure sustainable solutions for people living close to elephants and wildlife in general.** ~~Therefore the~~ Union should specifically promote the clarification of the rules on trade in live elephants, specifically Resolution Conf. 11.20 (Rev. CoP18) and Resolution Conf. 10.10 (Rev. CoP18). At the 74th meeting of the Standing Committee the Union and its Member States expressed their wish to create a common framework for trade in live African elephants, based on the CITES framework and on transparent and robust scientific scrutiny. Harmonising the conditions for trade in live African elephants and promoting actions that directly address the problem of illegal trade in elephants and ivory should be a priority for the Union for all CoP19 agenda items relating to elephants.

15. The Union notes that several proposals have been tabled by Parties in relation to **legal trade in elephant ivory and rhino horn**. **The Union is aware of the financial burden connected to protecting endangered species in particular from wildlife trafficking and of potential human-wildlife conflict and it provides support to range states in this regard.**
- International **commercial** trade in ivory **and rhino horn** is currently banned under the CITES framework. The Union considers that the conditions for reauthorising this trade are not met and does not support proposals for CoP19 to re-open it. For domestic ivory **and rhino horn** markets **contributing to the illegal trade**, the Union should continue to support proportionate, ~~and~~-effective **and transparent** measures based on the best available evidence, within the scope of the Convention.
16. The Union acknowledges that international trade in wildlife **and global decline in biodiversity** may pose a risk ~~for~~ **regarding** the emergence **and spread** of zoonotic diseases. **The Union also recognises that there is a link between illegal trade on the one hand and poor animal welfare on the other, which is at the basis of the spread of diseases.** CITES should **continue to** play a role, in accordance with its mandate, in reducing potential risks to the health of animals and people. No organisation can address on its own the multiple challenges that could lead to the emergence and spread of wildlife-related diseases. **The Union considers that through the incentives of the Convention's legal trade regime, and in particular in its function of discouraging illegal trade, it can contribute to reducing the risk of spread of zoonoses.** The Union should therefore encourage CITES to ~~continue~~ strengthening their active collaboration with other intergovernmental organisations, including those involved in animal or public health, trade, food and transport, in line with the '**One Health approach**'. The Union strongly supports the renewed commitment between the World Organisation for Animal Health and CITES to work together on animal health and welfare issues worldwide to safeguard biodiversity and protect animals.
17. 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 within the scope of the CITES umbrella** in recent years and that the workload of the CITES Secretariat has increased considerably. The Union should take these developments into account when deciding on its priorities at CoP19 and on the future budget for the CITES Secretariat.

ANNEX II

Union Position on certain proposals submitted to the 19th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (Panama City, Panama, 14 - 25 November 2022)

(revised draft Presidency compromise text under written consultation)

ANNEX IIa

Amendment to Appendix III to CITES

***Papilio phorbanta* Appendix III**
