

**Comments on draft Memorandum of Understanding between CITES and FAO
in response to Notification 2003/030**

**Submitted by Germany, as European Regional Representative to the Standing
Committee, on behalf of the Member States of the European Community**

Germany, on behalf of the Member States of the European Community, wishes to express its broad support for the approach adopted in the draft text annexed to Notification 2003/030.

By way of elaboration, we would not support the inclusion of any statements in the text of the MoU that:

- influence or prejudge the consideration of matters of common interest,
- that make CITES subordinate to FAO or vice versa.

In particular, the MoU should not contain any guiding statement in its recital on the appropriateness or otherwise of CITES listing for commercially exploited aquatic species. Furthermore, while providing for FAO involvement in the scientific evaluation of listing proposals for such species in Article (1), it should not limit the right of the Secretariat to express an independent opinion on such proposals, as that body would do for any other listing proposal. Nor should it confer any power of co-decision on FAO.

In addition, the Community would like to add the following comments of detail and clarification.

- The recitals should include a reference to Articles XIV and XV(2)(b) of the Convention.
- The Community would support an acknowledgement of and a role for RFOs in the MoU provided this is drafted in such a way as not to impinge on the autonomy and competence of CITES or FAO.
- It should be made clear that cetaceans, marine turtles and species of primarily ornamental or other specialist interest, such as corals, are not covered by the MoU – for example by excluding them from the definition of the term “commercially exploited marine species”.
- In Article 2(a) the word “sustainable” should be inserted before the word “management” on the fourth line of the printed text.
- A sentence along the following lines should be added to Article 4: “Before each meeting of the CITES Standing Committee and the FAO Sub-committee on Fish Trade, the chairs of the CITES Animals Committee and the Scientific bodies of the RFMOs shall be consulted for review and input.”