

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Twelfth meeting of the Conference of the Parties
Santiago (Chile), 3-15 November 2002

Interpretation and implementation of the Convention

General compliance issues

IMPLEMENTATION OF CITES IN THE EUROPEAN COMMUNITY

1. This document has been submitted by Denmark (on behalf of the Member States of the European Community).
2. Resolutions Conf. 6.5 (Rev.) and Conf. 8.2 (Rev.) express concerns about the enforcement and implementation of CITES provisions in the European Economic Community and request from it and its Member States to take certain measures to counter these concerns.
3. Fifteen and 10 years respectively have passed since these Resolutions were adopted and the situation has changed considerably:
 - a) All 15 European Community Member States are now Parties to CITES;
 - b) The deficiencies in national legislation have been addressed; and
 - c) In 1997 two new comprehensive Regulations¹ were adopted, which fully implement the provisions of the Convention throughout the European Community.
4. The 1997 Regulations address all of the problems encountered in the implementation of the initial regulations, which had been in force since 1984. In particular the questions of inspection of shipments at Community borders, internal Community certificates and monitoring, investigations and sanctions were given great attention. These Regulations were distributed with the Secretariat's Notification to the Parties No. 986 of 14 August 1997. The Regulations are revised on a regular basis in order to incorporate decisions taken at meetings of the Conference of the Parties to CITES and to implement decisions and recommendations made by the Standing Committee. The annexes to Regulation 338/97 covering the species are updated in line with amendments to the CITES Appendices.
5. The Directorate General for Environment at the European Commission ensures supervision of this legislation. The European Commission and the 15 Community Member States meet on a regular basis in three different Committees dealing with administrative, scientific and enforcement questions. Commission representatives participate in international CITES meetings as observers.
6. In view of the above it is proposed to repeal Resolutions Conf. 6.5 (Rev.) and 8.2 (Rev.).

¹ Legislation currently in force:

- Council Regulation (EC) N° 338/97 on the protection of species of wild fauna and flora; OJ L 61 of 3.3.97, p.1
- Commission Regulation (EC) N° 1808/2001 laying down detailed rules concerning the implementation of Council Regulation (EC) N° 338/97 on the protection of species of wild fauna and flora by regulating trade therein; OJ L 250 of 19.9.2001, p. 1

7. It is furthermore proposed that the Conference of the Parties adopt the annexed draft decision regarding the acceptance of the 1983 Gaborone amendment. This amendment was made to enable regional economic integration organizations, such as the European Community, to accede to CITES, but it has still not entered into force because an insufficient number of Parties have accepted it. The European Community's accession to CITES, however, would be of particular advantage to CITES as well as serving to recognize both the status and the efforts of the Community in relation to the Convention. This fact has been recognized in Goal 6 of the CITES Strategic Vision through 2005.
8. At the moment the regulations that implement CITES in the European Community are autonomous. Accession would legally bind it to implement and enforce the Convention and therefore create formal responsibilities for the European Community in this respect. As a result, the Community as a Party would become accountable to other Parties for its implementation of the Convention. Parties and the Secretariat would then be able to formally address themselves to the European Commission in all matters related to implementation and enforcement. In addition, full CITES membership would provide a stronger basis for contributing towards CITES projects and for assisting individual Parties in their capacity-building programmes. As a Party, the Community would of course fully participate in CITES meetings. However, the European Community would only be able to vote with the number of votes of its Member States, i.e. it would not have an additional vote.

Recommendations

9. It is recommended that Resolutions Conf. 6.5 (Rev.) and Conf. 8.2 (Rev.) be repealed.
10. It is recommended that the draft decision presented in the Annex be adopted.

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat supports the proposal to repeal Resolutions Conf. 6.5 (Rev.) and 8.2 (Rev.) as changed circumstances mean they are no longer relevant or necessary.
- B. In furtherance of Goal 6 and Objective 6.2 of the *Strategic Vision through 2005*, the Secretariat also supports the proposed decision regarding the ratification of the Gaborone Amendment.

DRAFT DECISION OF THE CONFERENCE OF THE PARTIES

Directed to the Parties

Regarding acceptance of the Gaborone Amendment

- 12.xx All Parties that have not done so, and in particular those that were Parties on 30 April 1983, are urged to accept the Gaborone Amendment to Article XXI of the Convention as soon as possible and well before the 13th meeting of the Conference of the Parties.