



Presentation

Endangered species of Wild Fauna and Flora

General information about:

Legislation

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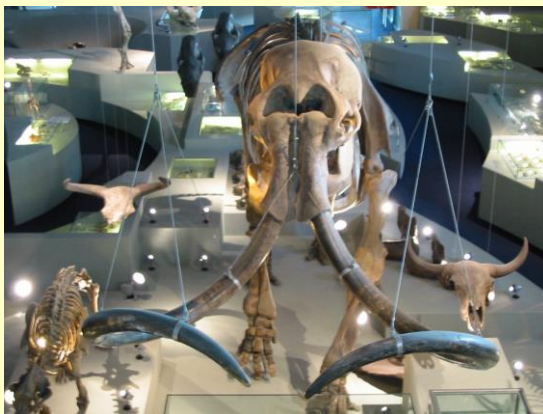
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Endangered species of animals and plants -the International legislation-



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History of CITES

- ▶ An important part of our work is to regulate the trade in endangered species of animals and plants
- ▶ To get a better view on the complexity of the regulations concerning endangered species, it is important to know more about the background and structure of these (international) regulations

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History of CITES



- ▶ In the first half of the last century, people became aware that more and more species of animals and plants were threatened with extinction due to international trade
- ▶ In the mid 1960's they got organized to fight this impoverishment of nature.



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History of CITES



It is very hard to get information about trade volumes of animals, plants and products made thereof.

Some trade statistics in US\$ based on information of TRAFFIC in the 1990's

➤ <u>Live animals</u>	826 million \$
➤ <u>Products for clothing or ornaments</u>	2.000 million \$
➤ <u>Animal products for medicine</u>	40 million \$
➤ <u>Animal products for Food (Excluding fish)</u>	705 million \$
➤ <u>Live ornamental plants</u>	250 million \$
➤ <u>Non-wood forest products</u>	11.109 million \$
➤ <u>Fishery</u>	40.000 million \$
➤ <u>Timber</u>	104.000 million \$

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History of CITES



- ▶ **CITES** - the Convention on International Trade in Endangered Species of Wild Fauna and Flora
 - was signed in 1973 in Washington D.C.
 - entered into force in 1975



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History of CITES



- ▶ CITES is an international treaty between governments
- ▶ 175 Parties signed CITES (Oct. 2010)



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Aims of CITES



- ▶ **Its aim is to ensure that international trade in specimens of animals and plants does not threaten their survival in the wild**
- ▶ **Because the trade in wild animals and plants crosses borders between countries, the effort to regulate it requires international cooperation to safeguard certain species from over-exploitation**



Aims of CITES



- ▶ **CITES provides legal framework for the prevention of over exploitation of international commercial trade in endangered species**
- ▶ **CITES is legally binding for Parties, but national legislation is required to apply its provisions**



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Definition of trade in CITES



- ▶ Trade means any
 - export
 - import
 - re-export or
 - introduction from the sea

These movements mean any transport across the border whether the movement takes place for commercial- and for non commercial purposes.

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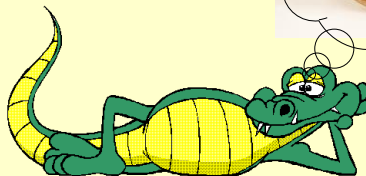
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General Rules



- ▶ CITES regulates international trade on the basis of a system of permits and certificates
- ▶ Any CITES specimen in trade requires a CITES document



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Explanation Appendices



- ▶ **CITES Parties agreed to categorize endangered species of animals and plants in three different categories according to the level of threat caused by trade: Appendix I, II and III**
- ▶ **Providing protection for more than 33,000 animal and plant species**

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Explanation Appendices



- ▶ **Appendix I**
 - **530 species of animals and some 300 species of plants threatened with extinction**
 - **commercial trade in specimens of these species is prohibited**



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Explanation Appendices



► Appendix II

- 4.400 species of animals and 28.000 plant species
 - rare in the wild, but stable populations still exist or
 - lookalike
- international trade is regulated



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Explanation Appendices



► Appendix III

- More than 160 animal species and some 10 plant species are listed in this Appendix on request of a party to prevent illegal trade
- international trade is regulated



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Explanation Appendices



- ▶ In some cases CITES protects:
 - Local population
 - e.g. Ostrich populations from certain countries
 - Subspecies
 - e.g. *Boa constrictor occidentalis*
 - Genus
 - e.g. all Crown pigeons (*Goura* spp)
 - Family
 - e.g. all hummingbirds (Trochilidae)
 - Order
 - e.g. all parrots (Psittaciformes)

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Explanation Specimen



- ▶ CITES does not only protect live animal and plant specimens, but also dead ones and recognisable parts and derivatives of those species



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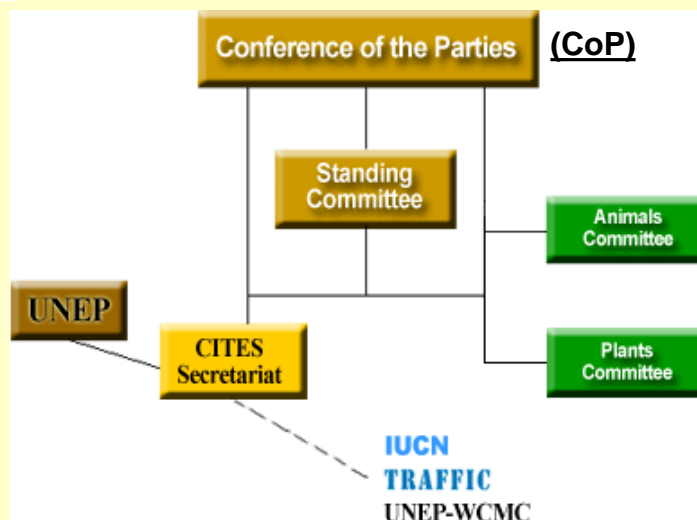
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CITES Bodies



Source: www.cites.org



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CITES in the European Union



- ▶ Each EU member state has ratified CITES at a different date and each EU member is a Party to CITES
- ▶ All EU Member states are obliged to enforce CITES
- ▶ But the EU itself is not a Party to CITES (Gaborone amendment)
- ▶ The European Union has for CITES its own legislation, publications and bodies



EU Wildlife Trade Regulation



- ▶ **EU implemented CITES in 1984 with regulations, directly applicable to all Member States**
- ▶ **At the moment the regulations in force are:**
 - **Council Regulation EC 338/97 on the protection of species of wild fauna and flora by regulating trade therein**
 - **Commission regulation EC 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97**



EU Wildlife Trade Regulation



Beside the before mentioned basic regulations two other rules need to be considered

- **Commission Regulation (EC) No. 709/2010 amending Council Regulation No. 338/97; replacing the Annexes A – D to this regulation**
- **Commission Regulation (EC) No. 997/2010 suspending the importation into the community of specimens of certain species of wild fauna and flora**



Council Regulation 338/97



- ▶ This regulation is a translation of CITES and is applicable for all EU member states and goes a bit further than CITES prescribes.
- ▶ By using this EU regulation the entire EU becomes one common market for CITES.
- ▶ Part of this regulation are the Annexes A, B, C and D, that are updated after every CoP
- ▶ Annex A, B and C are more or less translations of Appendices I, II and III of CITES
- ▶ Annex D has no equivalent in CITES and lists species that need monitoring to decide if listing in the EU-Annexes will be necessary.

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Annexes of the Reg. 338/97



- ▶ In Annex B of the Reg. 338/97 are also some animal species included which are not protected under CITES.

Those species are included because they pose an ecological threat:

- Bullfrog (*Rana catesbeiana*)
- Ruddy duck (*Oxyura jamaicensis*)
- Painted turtle (*Chrysemys picta*)
- Red-eared Terrapin (*Trachemys scripta elegans*)



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Specimen (Art. 2 t)



- ▶ Any animal or plant of Ann. A - D
 - Alive or dead
- ▶ Animals of Ann. A - C
 - Any part or derivative
- ▶ Plants of Ann. A
 - Any part or derivative
- ▶ Plants of Ann. B - C
 - Any part or derivative specified in Ann. B or C (# 1 - # 12)
- ▶ Animals or plants of Ann. D
 - only parts and derivatives as specified in Ann. D (§1 - §4)

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Specimen (Art. 2 t)



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Specimen (Art. 2 t)



Any other goods which appear from any circumstances (label, packaging, mark) to be or to contain parts or derivatives of a protected species.

Composition: Musk, Leopard bone, Radix aconiti, Radix aconiti kusnezoffii, Mentholum, Methyl salicylate, Chondroitini sulfas, Borneol, Rhizoma kaempferiae, Radix angelicae dahuricae, Diphenhydramine hydrochloride, Camphor, etc 17kinds.



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Commission Regulation EC 865/06



- ▶ This regulation prescribes the forms of the documents
- ▶ The issue, use and validity of documents
- ▶ Handling of documents by the Customs
- ▶ Criteria on captive breeding and artificially propagation
- ▶ How animals have to be marked
- ▶ What must be included in the reports to the EC, and when these reports have to be submitted
- ▶ Detailed information e.g. personal effects

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Regulation 865/06 (a)



- ▶ Chap. I: Definition
- ▶ Chap. II: Forms and technical requirements
- ▶ Chap. III: Issue, use and validity of documents
- ▶ Chap. IV: Import permits
- ▶ Chap. V: Import notifications
- ▶ Chap. VI: Export permits and reexport certificates
- ▶ Chap. VII: Travelling exhibition certificate
- ▶ Chap. VIII: Personal ownership certificate
- ▶ Chap. IX: Customs procedure

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Regulation 865/06 (b)



- ▶ Chap. X: Certificates provided for in Art. 5, 8 and 9 of Reg. 338/97
- ▶ Chap. XI: Labels
- ▶ Chap. XII: Derogations from customs procedures as ref. to in Art. 4 (7)
- ▶ Chap. XIII: Specimens born and bred in captivity and artificially propagated
- ▶ Chap. XIV: Personal and household effects
- ▶ Chap. XV: Exemptions and derogations
- ▶ Chap. XVI: Marking requirements
- ▶ Chap. XVII – XVIII: Reports and information and final provisions

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CITES vs. EU



- ▶ **Permits required for every transport across a borderline**
- ▶ **Import permits required only for species listed in App. I of CITES**
- ▶ **No regulations regarding the trade inside of the country**
- ▶ **In general no permit required for the transport inside EU**
- ▶ **Import permits required for species listed in Ann. A and B**
- ▶ **Strict regulations regarding the internal EU trade**

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EU-Territory



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EU-Territory



► Associated territories which are not part of the EU

- Greenland
- Aruba and the Netherlands Antilles
- French Polynesia, Mayotte, New Caledonia
- Saint Pierre and Miquelon
- Southern and Antarctic territories
- Wallis and Futuna Islands



EU-Territory

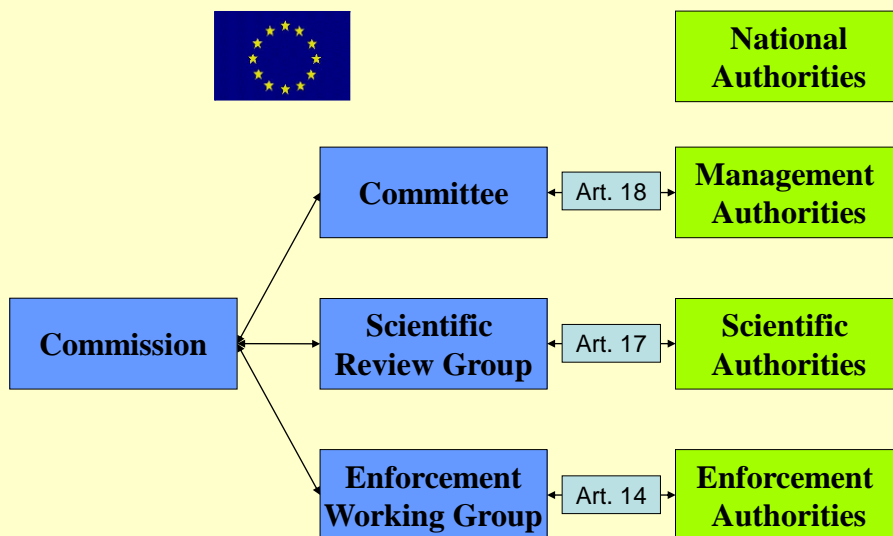


► Associated territories which are not part of the EU

- Jersey, Guernsey and the Isle of Man
- Bermuda
- British Indian Ocean
- British Virgin Islands
- Cayman Islands
- Falkland Islands
- Gibraltar
- Montserrat
- Pitcairn Islands
- Saint Helena and Dependencies
- South Georgia and the South Sandwich Islands



Acting Authorities



EU Bodies



Committee

- ▶ The European Commission is assisted in its work by a Committee, composed of representatives from Member State Management Authorities and chaired by the Commission
- ▶ The role/tasks of the committee are:
 - Support the Commission by setting up uniform conditions and criteria for different areas
 - Cooperate with the Commission to establish the required regulations to implement CITES



EU Bodies



Scientific Review Group (SRG)

- ▶ The role of the Scientific Review Group is to examine any scientific question relating to the application of the Regulations.
- ▶ SRG is composed of representatives from Member State Scientific Authorities and chaired by the Commission



EU Bodies



Enforcement Working Group (EG)

The task of the group is

- ▶ To monitor enforcement policy and practice in the EU Member States
- ▶ Make recommendations to improve the enforcement of wildlife trade legislation
- ▶ Promote the exchange of information, experience and expertise on wildlife trade control related topics between the Member States
- ▶ Share intelligence information



EU Bodies



- ▶ **EG is composed of representatives from Member State Management Authorities, Customs, Police and other enforcement agencies, and chaired by the Commission**



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National CITES bodies



Every Member State needs to have a:

- ▶ **Management Authority**
- ▶ **Scientific Authority**
- ▶ **Enforcement Agencies**

- ▶ **The above mentioned authorities need to be notified to the CITES-Secretariat and are published on the CITES website www.cites.org.**



The Management Authority



The Management Authority is responsible for:

- ▶ **Issuing CITES permits and certificates**
- ▶ **Reporting and communicating to the CITES Secretariat and EC Commission**
- ▶ **Participating in meetings of the CoP**
- ▶ **Preparing new legislation on the national law**



The Scientific Authority



The role of the Scientific Authority is:

- ▶ **Giving advice to the Management Authority before granting CITES permits**
- ▶ **Giving advice during the CoP to their Management Authority**



Enforcement agencies



National Enforcement agencies appointed for CITES enforcement such as:

- ▶ **Police**
- ▶ **Customs**
- ▶ **Border police**
- ▶ **Nature protection inspectorates**
- ▶ **Vets etc**



National Implementation



- ▶ **General Rule:**
The current EU-Regulations shall be binding in its entirety and directly applicable in all Member States
- ▶ **Some Articles need to be implemented into domestic legislation**
 - Art. 12 Designation of ports of im- and export
 - Art. 13 Designation of Management and Scientific Authorities
 - Art. 16 Sanctions

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LESSONS LEARNED ref. Croatia

BEFORE EU	AS EU MS
„third country“- borders	MS with the wide and long territorial border to „third countries“ but no borders to MS
Large number of import, export and re-export CITES permits	Reduction of the number of CITES permits
No documents for CITES I (Annex A)	Large number of EU Certificates for Annex A specimens (proof of legal aquisition, commercial activities or movement of live specimens)
No documents for strictly protected native species	Large number of certificates for strictly protected native species

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