Council Decision (EU) 2019/1719 of 8 July 2019 on the position to be taken on behalf of the European Union at the 18th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES CoP 18) (Geneva, Switzerland, 17-28 August 2019)

COUNCIL DECISION (EU) 2019/1719

of 8 July 2019

on the position to be taken on behalf of the European Union at the 18th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES CoP 18)

(Geneva, Switzerland, 17-28 August 2019)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Union acceded to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) by Council Decision (EU) 2015/451[(1)]. CITES has been implemented in the Union by Council Regulation (EC) No 338/97[(2)].

(2) Pursuant to Article XI(3) of CITES, the Conference of the Parties (CoP) may, inter alia, adopt amendments to the CITES Appendices.

(3) The CoP, during its 18th meeting from 17 to 28 August 2019 in Geneva, Switzerland (CITES CoP 18), is to adopt decisions on 57 proposals to amend the CITES Appendices, as well as on numerous other matters related to the implementation and interpretation of CITES.

(4) It is appropriate to establish the position to be taken on the Union's behalf at CITES CoP 18, as the amendments to the CITES Appendices will be binding on the Union and its Member States and several other decisions will be capable of decisively influencing the content of Union law, in particular Commission Regulation (EC) No 865/2006[(3)] and Commission Implementing Regulation (EU) No 792/2012[(4)].

(5) The proposed position to be taken on the different proposals at CITES CoP 18 is based on expert analysis of their merits, in the light of the best available scientific and technical evidence,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the Union, as regards matters falling within the competences of the Union, at the 18th meeting of the Conference of the Parties to

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the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES CoP 18) is set out in the Annexes 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 CoP 18, 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 (CoP) 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 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 8 July 2019.

For the Council

The President

A.K. PEKONEN

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ANNEX I

Union Position on key issues to be discussed at the 18th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES CoP 18)(Geneva, Switzerland, 17-28 August 2019)

A. **General considerations**

1. The Union considers the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) a key international convention for species protection and biodiversity conservation and against wildlife trafficking.

2. The Union should adopt an ambitious position for the 18th meeting of the Conference of the Parties to CITES (CITES CoP 18), in line with relevant Union policies and international commitments in these fields, in particular the targets relating to wildlife under Sustainable Development Goal 15, the Strategic Plan for Biodiversity 2011#2020 and the Aichi Targets agreed under the Convention on Biological Diversity (CBD), the CITES Strategic Vision[(5)] and UN General Assembly Resolution 71/326 on wildlife trafficking. The Union's position should also serve to attain the relevant objectives set out at Union level through the Council Conclusions of 21 June 2011 on the EU Biodiversity Strategy to 2020 and the Council Conclusions of 20 June 2016 on the EU Action Plan against Wildlife Trafficking, and through the EU Action Plan on the Conservation and Management of Sharks.

3. The priorities for the Union at CITES CoP 18 should be to:

— fully use the CITES instruments to regulate international trade in endangered animals and plants species which are subject to unsustainable levels of trade, pursuing a science#based approach; and

— reinforce the response by the international community against wildlife trafficking.

4. The Union's position on proposals for amendments of the CITES Appendices should be based on the conservation status of the species concerned and on the impact that trade has or may have on the status of that species. To this end, the most relevant and robust scientific advice should be taken into consideration for the assessment of listing proposals in accordance with the provisions in Resolution Conf. 9.24 on the criteria for amendment of CITES Appendices I and II.

5. The Union's position should take account of the contribution that CITES controls can make towards improvement of species' conservation status, while acknowledging the efforts of those countries that have implemented effective conservation measures. The Union should ensure that the decisions taken at CITES CoP 18 maximise the efficiency of CITES, by minimising unnecessary administrative burdens and by achieving practical, cost-effective and workable solutions to implementation and monitoring issues.

6. The Conference of the Parties (CoP) is the governing body of CITES and a number of decisions adopted at CITES CoP 18 will be implemented by the Standing Committee, which is the main CoP subsidiary body. The Union's position adopted for CITES CoP 18 should therefore also guide the Union's approach at the 71st and 72nd meetings of the Standing Committee, taking place directly before and after CITES CoP 18.

B. **Specific issues**

7. 57 proposals for amending the CITES Appendices have been tabled for consideration at CITES CoP 18. 12 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. The views of the range States of the species concerned by the proposals should receive particular

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attention. The Union also considers that, as a general rule, support should be given to proposals to amend CITES Appendices which are the result of work by the CITES Animals and Plants Committees and the Standing Committee. The assessment of the proposals by the CITES Secretariat and by IUCN/Traffic[6] and, in the case of commercially exploited marine species, the assessment by the FAO dedicated expert panel will be reviewed.

8. In line with its well-established position, the Union reaffirms that CITES is an appropriate instrument to regulate international trade in marine species when the conservation status of such species is affected by trade and when the species are or may become threatened with extinction. The Union specifically advocates, inter alia, the inclusion in CITES Appendix II of three species of teatfish of the genus *Holothuria* (*Microthele*), given the excessive exploitation and significant volumes of international trade in those species.

9. 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, other organisations and multilateral environmental agreements (MEAs), acting within their respective mandates, with the aim of improving governance and increasing complementarity. Specifically, the Union co-sponsored the proposals for inclusion of certain species of sharks (shortfin mako and longfin mako – *Isurus oxyrinchus* and *I. paucus*) and rays (giant guitarfishes – *Glaucostegus* spp. – and wedgefishes – *Rhinidae* spp.) in CITES Appendix II.

10. At CITES CoP 17, additional rosewood species (*Pterocarpus erinaceus*, three *Guibourtia* species and *Dalbergia* spp.) were inserted into CITES Appendix II, to better control international trade in these tropical timber species. It is important for the Union to ensure that the current annotation #15 be amended to focus on those specimens which first appear in international trade and to avoid unnecessary administrative and enforcement burdens. The Union therefore supports the consensus amendment to annotation #15 reached at the 70th meeting of the Standing Committee, as reflected in its listing proposal No 52 to CITES CoP 18. The Union will remain open to potential final improvements which may emerge from consultations with other parties to CITES. In line with its commitment to better control imports of timber from Central Africa, the Union co-proposed broadening the scope of the current CITES listing of afrormosia (*Pericopsis elata*) in CITES Appendix II.

11. The Union should also support cross-cutting efforts for more effective regulation of international trade in endangered wildlife, including the proposed Resolution on the verification of legal acquisition, which builds on the outcomes of a dedicated workshop hosted by the Union in June 2018. The adoption by CITES CoP 18 of a new Strategic Vision for CITES for the years 2021 to 2030 provides an opportunity to consolidate, and where necessary clarify, the role of CITES in the broader context of international environmental governance, including the post# 2020 biodiversity framework under the Convention on Biological Diversity.

12. The Union's position on proposals related to wildlife trafficking should be consistent with the three priorities identified in the Council Conclusions of 20 June 2016 on the EU Action Plan against Wildlife Trafficking, namely:

— preventing wildlife trafficking and addressing its root causes;

— implementing and enforcing existing rules and combating organised wildlife crime more effectively; and

— strengthening the global partnership of source, consumer and transit countries against wildlife trafficking.

The position should also take into account the Commission's Progress report on the implementation of the EU Action Plan against Wildlife Trafficking.

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Consistent with the first priority, the Union is supportive of a better protection through CITES of species currently imported into the Union at unsustainable levels or illegally (notably for the exotic pet trade). Therefore, the Union co-sponsored certain proposals to amend the CITES Appendices in relation to various species of reptiles and amphibians, in particular several species of geckos and newts, and is supportive of other proposals as appropriate.

13. In line with the second and third priorities, the Union supports strong measures for the implementation of CITES by its Parties. It advocates a clear timeline with monitoring mechanisms (including possible trade sanctions) in respect of those Parties which repeatedly fail to implement their obligations under CITES. This is particularly important in order to address poaching and trafficking affecting elephants, rhinoceros, Asian big cats, rosewood and pangolins.

14. Several proposals presented to CITES CoP 18 focus on issues related to sustainable use, livelihoods and rural communities. The Union should support such proposals to the extent that they help ensure that relevant information is reflected in existing processes, in line with CITES. The creation of additional processes or structures with significant costs and uncertain benefits should be avoided.

15. Elephant poaching and ivory trafficking continue at alarmingly high levels. Also, the level of rhinoceros poaching and rhino horn trafficking continues to be high, undermining conservation efforts and posing a serious threat to rhinoceros populations. Both the Union and its Member States have provided considerable support to African countries in order to improve wildlife conservation and tackle wildlife trafficking. The Union is committed to continuing to stand by its African partners and to increasing its efforts in that regard, in line with the Council Conclusions concerning the Commission Communication on the EU Action Plan against Wildlife Trafficking. The Union recognises the conservation efforts made by certain African range States, but the high levels of poaching and trafficking remain of considerable concern for the Union. The Union's priority for all CITES CoP 18 agenda items relating to these species should be to support action directly addressing those problems.

16. The Union notes that several, partly conflicting, proposals have been tabled by Parties in relation to legal trade in elephant ivory. International trade in ivory is currently banned under the CITES framework. The Union considers that the conditions for re-authorising such trade are not met and will oppose any change to the current CITES regime which could result in relaxing the current ban on international trade in elephant ivory or resumption of international trade in elephant ivory. With regard to domestic ivory markets, the Union should continue to support proportionate, effective measures based on the best available evidence, within the scope of CITES.

17. The Union considers that the Rules of Procedure for the CoP must not deviate from the text of CITES, including paragraphs 2 to 6 of Article XXI thereof. Any attempts to add provisions which would subject the exercise of the Union's rights as a Party to conditions not foreseen in CITES should be firmly rejected.

18. 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 under the CITES umbrella in recent years and that the workload of the CITES Secretariat has considerably increased. The Union should take these developments into account when deciding on its priorities at CITES CoP 18 and on its contribution to the CITES Trust Fund.