

Minutes of the Meeting between UK CITES Management Authority (WLRS), Scientific Authorities, and SUN Representatives

14.00 – 16.00 Monday 23 February 2009
Temple Quay House, Bristol

Present

Chris Auger	Animal Health (chair)
Sophie Bird	Animal Health (secretary)
Julie Berry	Animal Health
Rachael Hamer-Norman	Animal Health (minute taker)
Dominic Whitmee	Defra
Alison Littlewood	JNCC
Tasha Chick	JNCC
Sheena Hynd	JNCC
Noel McGough	RBG Kew
Jim Collins	SUN co-ordinator
Mike Gates	International Owl Society
Elaine Hiskett	Caviar House and Prunier
Suhail Rebeiz	Caviar House and Prunier
Bob Clarke	Foreign Bird Federation Chair; NCA Executive C'tee Mbr
Kim McDonald	Taxidermy Law Co
Nick Kester	Hawk Board
Aeron Williams	Parrot Society UK
Keith Davenport	OATA
Martyn Denney	Cyclamen Society
John David	Head of Botany RHS
Dave Royans	International Herpetological Society
Roger Butler	International Herpetological Society
Chris Newman	Federation of British Herpetologists

1. Apologies for Absence

John Hounslow	Animal Health
Alison Elliot	Defra WSC1
Jemima Parry-Jones	National Birds of Prey Centre
Robert Morgan	British Fur Trade Association
Mr W F Maddams	British Cactus and Succulent Society
Dennis Webster	National Council for Aviculture
Tom Blades	British Assoc for Shooting and Conservation
John Spires	British Orchid Council

2. Previous Minutes and Action Points

The previous minutes were agreed.

Habitats Directive

Alison Elliot provided the following comment:

It is for the courts to interpret evidence of what is satisfactory proof of legal origin based on the evidence presented and Defra cannot prescribe what constitutes satisfactory evidence. I have asked Natural England to come back to me on the difficulties encountered by traders and I will provide a comprehensive answer to your next meeting.

The group felt that at this stage this is not an acceptable response.

Action: CA will circulate Alison Elliot's e-mail address (Alison.Elliott@defra.gsi.gov.uk)

Worked Items

Kim McDonald had raised a point about worked items, in particular noting that the UK is often stricter in their interpretation than the rest of the EU. Although he had noticed that this appeared to be changing. Amongst the papers provided to attendees was a table setting out examples of what is considered "worked". This has been agreed at EU level so should encourage consistency in the future. DW mentioned that the document could be expanded on as new examples were received and agreed at EU level.

This subject will be discussed further at the Management Committee on 13 March, and SUN members will be informed at the next meeting.

Action: KM to send through additional examples and photographs to DW and to send comments on the EU paper.

Charges Consultation

DW confirmed that no response had been received from Kim McDonald. It is not Government policy to formally respond in full to responses to consultation exercises, as a summary of responses is published. However they do acknowledge receipt of responses received.

Lacey Act Amendment

The US Department of Agriculture has confirmed that the Lacey Act applies to a broad range of plant material, although some things are excluded from the Lacey Act declaration requirements – for example imports that are considered common cultivars (CC), common food crops (CFC), and plants for planting.

CITES plant material is subject to the declaration requirements of the Lacey Act. In order to clarify the exclusions, the interagency working group will provide a definition for CFC and CC in spring 2009. Questions about the Lacey Act can be submitted directly to the following email address:

lacey.act.declaration@aphis.usda.gov.

Information about Lacey Act can be found on the following website.

http://www.aphis.usda.gov/plant_health/lacey_act/index.shtml

Tortoise marking

AL reported that Phase 2 of the tortoise marking project is due to begin. They are testing nanochips and alphasdots on 4 species. Photo I.D was considered, but rejected at the end of phase 1. The report on the study is due at the end of April and will be made available through the JNCC website.

International Expert Workshop on non-detriment findings

It was asked if there were any reports. NM recommended looking on the CITES website for details (<http://www.cites.org/eng/com/AC/24/E24-09.pdf>).

3. Charging

The new regulation setting out what the charges will be is now in front of the Minister (Huw Irranca Davies) for signing, so it is not possible to change it now. All being well it will be laid before Parliament by 10 March and will come into effect on 6 April. Details have been published on the WLRS website – guidance on charges, and how to apply for a waiver on conservation grounds.

CA explained that any applications received before or on 5 April will be treated according to the old fee structure. Any received on or after 6 April will need to be accompanied by a cheque for the new amount. CA encouraged attendees to get applications in early. If they arrive without the correct fee applicants will be contacted and asked for a top-up.

John Hounslow has been working with lawyers to get clarity on a number of points in the regulations. Unfortunately legal clearance on his paper which describes in plain English how to get the best out of the fee system has yet to be received. It had been hoped to table this at this meeting but it had not proved possible. The guidance will be on the website as soon as it has been cleared.

Guidance is intended to cover the documentation taxidermists will need in keeping specimens in the freezer, how the system of semi-complete certificates will work for bird and reptile breeders, how we will deal with problems of specimens bred from artificial insemination etc but at this stage we cannot distribute any documents.

Issues raised -

- Currently BoP breeders can hold up to 15 pre-issued certificates. If this changes there may be a legal challenge on the grounds that this has already been advised as okay.
- Taxidermists need a system which allows them to apply for multiple-permits (for live and dead specimens) otherwise trade will be driven underground.
- As applications will be transaction specific, costs are likely to mount significantly as specimens change hands, e.g. for taxidermists, tortoises, some birds of prey. Could lead to non-compliance as mounting costs could exceed value of the specimen.

- Parentage criteria for single applications should not be applied to plants as impossible to determine. Similar problem for colony bred tortoises.

Compliance will be monitored and disruption to trade patterns looked at. To do this there will be two sets of telephone interviews conducted, which all are encouraged to participate in.

Action:

- **Any problems that are raised with guidance should be passed to SB to try to make it as comprehensive as possible.**
- **Legal to consider definition of a hybrid and whether it can be considered as 1 species for charging purposes.**
- **JH to organise a separate meeting to discuss the particular issues facing taxidermists.**

4. Report back from EU Effectiveness study meeting

The EC and member states are considering ways to improve the effectiveness of the current EU Wildlife trade Regulations, including in terms of streamlining and deregulation. SUN members and conservation NGOs attended an EU consultation meeting.

As a follow-up in December UK officials attended an EU 'experts' meeting to consider how the Regulations could be improved. The UK's position at this meeting was to push for deregulatory moves where it was felt the regulations were overly bureaucratic.

It is too early to claim any great successes but the work is ongoing and the Commission appears sympathetic to sensible deregulation.

A number of conservation NGOs raised concerns about the Commission's late consultation. However, it is still in the early stages of consultation and this is likely to be a long process especially as the EC and TRAFFIC have been slow in preparing reports.

The current report is just an initial view. Member states will consider it over the coming 6 months. Further EC proposals are due in the autumn but these are likely to be overshadowed by lead up to COP15 (postponed). UK officials don't expect member states will be ready to accept the first tranche of proposals so they are likely to need more work. Consequently the review is likely to run into 2010.

5. Study to improve importer/exporter experience within AH

Thanks to some sensible criticisms of the current systems of import/export controls from Nick Kester, Animal Health have asked WLRs to lead on piloting improvements to all of the international trade controls for which they are

responsible, in other words streamlining the process for obtaining CITES and health documentation.

The AH Executive Board have been briefed and are committed to providing more of a one-stop shop approach. Customers were encouraged to feed into the review process and join a mini working group.

Action: JC to co-ordinate volunteers and provide names to Sophie Bird.

6. Upcoming plants and animals committees and COP XV

Plants

Agenda and other documents are on the website for the meeting 17 - 21 March in Argentina. It is the last meeting before the COP in January 2010. It will look at proposals for what to review for trade etc and also look at the review of significant trade.

Animals

Next meeting is on 20 - 24 of April in Geneva. An agenda and documents for the meeting can be found on the CITES website

<http://www.cites.org/eng/com/AC/index.shtml>

COP XV

Has been postponed due to the venue being double booked, however it is still expected it will be held in 2010, and there has been no suggestion of changing the host.

Proposals received may still be considered due to the meeting being pushed back, including review of listings e.g. unpicking huge block listings. Will also look at units of measurements used e.g. 'cartons' or 'sheets' used as descriptions. It is due for consideration at the Management Committee Meeting on 13 March.

Issues that are not being pursued are:

- Up-listing Narwhals to Appendix 1
- Amending Purpose Code P to distinguish between household effects and tourist souvenirs
- Up-listing of Beluga sturgeon (although another country may do this)
- Re-submitting spiny dogfish and porbeagle
- Banning internet trade of all Appendix 1 species

7. Progress reports

Bird Registration under Section 7 of Wildlife and Countryside Act 1981

- 5th January 2009 Wales agreed to amend Schedule 4 so that a consistent legislative position applies across Great Britain.
- As in England Schedule 4 will include the following species only:- Honey Buzzard, Golden Eagle, White-tailed Eagle, Goshawk, Marsh Harrier, Montagu's Harrier, and Osprey. Peregrines and Merlins will remain on Schedule 4 and be subject to registration if they are not already subject to CITES controls.

- Any birds removed from Schedule 4 will still require close rings if kept and bred in captivity.
- 21 April is the likely date for the legislation to come into force
- WLRS will inform affected keepers as soon as the Welsh Assembly notifies them of changes

Scotland

- Hoping to bring in new legislation on 1 April to bring their requirements for Schedule 4 birds in line with England and Wales. This will depend on how quickly SSI's are drafted and whether it is passed by the Scottish Parliament
- WLRS will notify affected keepers as soon as the Scottish Executive notifies them of changes.

Ports of entry legislation

- Work is progressing on the review of the Ports of Entry regulations.
- Defra have let a contract to establish the impacts of designating ports of entry on enforcement agencies, ports and businesses. This work will be completed by the end of March 2009. Encourage anyone contacted by the contractor (eftec) to contribute so can make best decisions
- Defra are also in discussions with regulators to ensure that facilities at the ports proposed for designation meet the required standards and that the requisite levels of staff are available at ports of entry and exit for CITES specimens.
- The aim is to have the new regulation in place by the end of 2009.

COTES

- Lays down the offences, penalties and enforcement powers related to trade in endangered species)
- Been in place since 1997
- A detailed review will be conducted which may well result in a significant rewrite of the legislation
- Welcome to feed in your experience of the controls at any time – Lynn Beaufort is the policy official responsible for revising COTES
- It is envisaged that two public consultations will be necessary:
 - First to consider the proposed content of the new COTES Regs (the offences, penalties and powers which need to be included) in second half of 2009
 - Second once the new Statutory Instrument (SI) has been drafted by Defra's legal team to implement the changes in 2010.

SUN members commented that the new legislation should consider plants not just animals in their wording. The reverse burden of proof is also a problem.

E-Licensing

As SUN members have previously been informed, the UK is a joint participant with Switzerland in a pilot project looking at establishing electronic standards for CITES licensing which can be adopted world-wide. It is not likely the pilot will deliver real benefits to the customer any time soon, but it is the very start of a process which we hope will finally end with a totally automated process which will deliver real benefits both in speed and cost to the customer.

Action: SUN members were invited to inform JH if they were aware of similar moves or pressures from other Management Authorities (e.g UAE, USA).

8. AOB

WLRS has received the Customer Service Excellence award. The key aims of the Scheme are to:

- Promote continuous improvement
 - Be used as a development tool,
 - Act as an independent validation of achievement.
- WLRS has demonstrated it has met all of the criteria set out to ensure that these aims are achieved, through initiatives such as the customer telephone survey and an improved website.
 - The customer telephone survey proved to be a key part of the evidence and WLRS are using this to make improvements eg. making application forms easier to access via the website. WLRS thanked anyone who helped out with this.
 - WLRS will regularly be monitored by the Customer Service Excellence board so that they continue to improve their service and will be conducting a further telephone survey later this year.

9. Date and Place of Next Meeting

All meetings will be attended by representatives of plant and animal groups from now on. A provisional date for the next meeting was set for **Tuesday 1 September 2009** in the afternoon in Bristol.