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Module 3:
CITES and Stricter Measures
The European Union



Stricter Measures

- Under [Article XIV](#) of the Convention, Parties are allowed to take stricter measures than the provision of CITES, for instance more stringent import or export requirements.
- There may be several reasons to take stricter measures; a Party may feel the provisions of CITES do not adequately conserve their native species, or they could be a regional economic integration organisation (REIO), allowing free movement between states without border controls.
- For example, the European Union (EU), Japan and the US require import permits for some or all of Appendix II species, and Australia demands proof of management plans from exporting countries before allowing imports.
- In addition, [Australia](#), the [EU](#) and the [US](#) have all passed legislation in the last few years designed to exclude illegal timber from their supply chains.

The European Union



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- The Member States of the EU are one of the largest global markets for trade in wild animals and plants and their products and derivatives.
- The EU applies CITES provisions through the [EU Wildlife Trade Regulations](#) that are directly applicable in all Member States.
- This module will detail the stricter measures adopted by the EU.



The European Union

- The first Regulation to implement CITES uniformly throughout the European Community (EC), as it was known at that time, came into force in 1984 (Council Regulation (EC) 3626/82).
- A common regulation was necessary due to the lack of border controls and the free movement of trade. However, the ability of the EC to enforce CITES depends on the enforcement capabilities of its weakest Member States.
- CITES implementation was patchy throughout the Member States and this regulation was criticised as unenforceable.

The European Union

- In 1997 the European Union (EU), as it became known in 1993, replaced the 1982 Regulation with the [EU Wildlife Trade Regulation](#) (Council Regulation (EC) 338/97).
- This Regulation was further strengthened in 2007, when the Commission adopted a [series of recommendations](#) for improving enforcement throughout Member States.
- In response to the current high level of wildlife trafficking the European Commission has launched a stakeholder consultation on the [future EU approach](#) to wildlife trafficking. This has led to a [roadmap relating to the development of an EU Action Plan against wildlife trafficking](#).

The EU and the Gabarone Amendment

- The initial text of CITES foresaw that only States could be Parties to it and not REOIs. Subsequent multilateral environmental agreements (MEAs), such as the CBD, allowed such membership and the 4th Conference of the Parties held in 1983 adopted the [Gabarone Amendment](#) which would allow REOIs to accede to CITES.
- This amendment was [finally ratified in 2013](#) when two thirds of Parties accepted it. On 6 March 2015 the [EU acceded to CITES](#).
- The EU is now a Party to CITES in its own right and is able to vote at the CoP, as is each individual Member State.



Convention on International Trade in Endangered
Species of Wild Fauna and Flora

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CITES opens to accession by regional economic integration organizations

Gaborone amendment to enter into force 30 years after its adoption.
European Union may now accede to CITES.

Geneva, 3 October 2013 – On 29 November 2013, an amendment to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) will enter into force to allow regional economic integration organizations to accede to the Convention. This amendment, known as the 'Gaborone amendment', was adopted in Gaborone, Botswana, 30 years ago, on 30 April 1983.

For an amendment to CITES to enter into force, two-thirds of the States party to the Convention at the time of its adoption must have formally accepted it. This proportion was reached with the acceptance of the amendment by Costa Rica on 30 September 2013. The amendment enters into force 60 days later for all Parties that have accepted it.

Welcoming the news of the entry into force of the Gaborone amendment, the CITES Secretary-General, Mr John E. Scanlon, said "Since 1989 the Conference of the Parties to CITES has urged all Parties to accept the Gaborone amendment. Its entry into force has been



The EU Wildlife Trade Regulations

The [EU Wildlife Trade Regulations](#) (EU WTR) consist of the following:

- [Council Regulation No 338/97](#) - the Basic Regulation
- [Commission Regulation \(EC\) No 865/2006](#) - the Implementing Regulation

An excellent [reference guide](#) to the EU WTR has been produced by the European Commission and TRAFFIC.

The EU WTR



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The EU WTR goes beyond CITES in many circumstances. The main differences are:

- Species are listed in **Annexes** (A,B,C and D) and not **Appendices**
- Annexes contain non-CITES species
- There are stricter import conditions for species in Annexes A & B
- Import permits are also required for Annex B, import notifications for Annexes C & D
- Restrictions on internal trade in Annex A species
- Annex D contains non-CITES species which may be eligible for listing and for which import levels are monitored.

If operating in or out of the EU the **Annexes** should be consulted.

- An explanation of the differences between CITES and the EU WTR can be found [here](#).

Annex A, B, C

The Annexes are available at the [European Commission webpage](#) and on [Species +](#). Like the Appendices, the Annexes list fauna first followed by flora, and species are listed alphabetically by family. The annotations may be slightly different from the Appendices.

	Annex A	Annex B	Annex C	Common name
AMARYLLIDACEAE		<i>Agave victoriae-reginae</i> (II) #4 <i>Nolina interrata</i> (II) <i>Yucca querețaroensis</i> (II)		Queen Victoria agave Dehesa bear-grass Queretaro yucca Amaryllids
ANACARDIACEAE		<i>Galanthus</i> spp. (II) #4 <i>Sternbergia</i> spp. (II) #4		Snowdrops Sternbergias
APOCYNACEAE		<i>Operculicarya decaryi</i> (II) <i>Operculicarya hyphaenoides</i> (II) <i>Operculicarya pachypus</i> (II)		Jabilyh Jabilyh Tabily
ARALIACEAE	<i>Pachypodium ambongense</i> (I) <i>Pachypodium baronii</i> (I) <i>Pachypodium decaryi</i> (I)	<i>Hoodia</i> spp. (II) #9 <i>Pachypodium</i> spp. (II) (Except for the species included in Annex A) #4 <i>Rauwolfia serpentina</i> (II) #2		Hoodia Elephant trunks Snake-root devil-pepper Aralias
ARAUCARIACEAE		<i>Panax ginseng</i> (II) (Only the population of the Russian Federation; no other population is included in the Annexes to this Regulation) #3 <i>Panax quinquefolius</i> (II) #3		Asian ginseng American ginseng Araucarias
	<i>Araucaria araucana</i> (I)			Monkev-puzzle tree

Annex D



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[Annex D](#) species are listed separately at the bottom of European Commission webpage.

	Annex D	Common name
ERICACEAE	<i>Arctostaphylos uva-ursi</i> §3	Heathers, rhododendrons Bearberry
GENTIANACEAE	<i>Gentiana lutea</i> §3	Gentians Great yellow gentian
LILIACEAE	<i>Trillium pusillum</i> <i>Trillium rugelii</i> <i>Trillium sessile</i>	Wakerobins Dwarf wakerobin Ill-scented wakerobin Sessile-flowered wakerobin wood-lily
LYCOPODIACEAE	<i>Lycopodium clavatum</i> §3	Clubmosses Stagshorn clubmoss
MELIACEAE	<i>Cedrela montana</i> §4 <i>Cedrela oaxacensis</i> §4 <i>Cedrela salvadorensis</i> §4 <i>Cedrela tonduzii</i> §4	Mahoganies, cedars
MENYANTHACEAE	<i>Menyanthes trifoliata</i> §3	Bogbeans Bogbean
PARMELIACEAE	<i>Cetraria islandica</i> §3	Parmelioid lichens Icelandic moss
PASSIFLORACEAE	<i>Adenia glauca</i> <i>Adenia pechuelli</i>	Desert roses Desert rose Desert rose
PEDALIACEAE	<i>Harpagophytum</i> spp. §3	Sesame, devil's claw Devil's claw
PORTULACACEAE	<i>Cenaria carrissoana</i> <i>Cenaria fruticulosa</i>	Portulas, purslanes

Annex A



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Annex A is equivalent to Appendix I. It contains the following:

- All CITES Appendix I species, except where EU Member States have entered a reservation;*
- Some CITES Appendix II and III species, for which the EU has adopted stricter domestic measures;
- Some non-CITES species.

*A reservation is a unilateral statement by a Party not to be bound by the CITES provisions or a species listing, for instance if a species is not yet covered by a Party's national legislation.



Fitzroya cupressoides

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Annex B

Annex B is equivalent to Appendix II. It contains the following:

- All other CITES Appendix II species, except where EU Member States have entered a reservation;
- Some CITES Appendix III species;
- Some non-CITES species.



Bark of *Prunus africana*

Annex C



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Annex C is equivalent to Appendix III. It contains the following:

- All other CITES Appendix III species, except where EU Member States have entered a reservation.



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Kernel of *Lodoicea maldivica*

Annex D



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Annex D has no CITES equivalent. It contains the following:

- Some CITES Appendix III species for which the EU holds a reservation;
- Some non-CITES species in order to be consistent with other EU regulations on the protection of native species, such as the [Habitats Directive](#) and the [Birds Directive](#).



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Gentiana lutea

Permit Requirements

- Annex A: Country of origin Export Permit and EU Import Permit
- Annex B: Country of origin Export Permit and EU Import Permit
- Annex C: Country of origin Export Permit or Certificate of Origin and EU Import Notification
- Annex D: EU Import Notification

There is free movement of CITES material within all Member States once the material has entered the EU. For example an orchid shipped from Bolivia to France with the correct permits can then move without permits to the UK. Some overseas territories are treated as the EU (e.g. Canary Islands) while others (e.g. UK Overseas Territories) are not and full CITES permits are required.

Internal Trade in Annex A Species

- Internal commercial trade or display of wild Annex A material is generally prohibited but there are specific exemptions through the issuance of a certificate under the following conditions:
 - Material acquired before the species was listed ([pre-Convention/Regulation](#)), or, for ornaments and musical instruments etc that were worked and acquired before 3rd March 1947;
 - Material that is artificially propagated;
 - Material that has been introduced into the EU for research, conservation, breeding or educational purposes or taken legally from another Member State.

Internal Trade in Annex A Species

- Certificates, known as Article 10s, can be for a specific transaction (“transaction specific”) or remain with the specimen (“specimen specific”).
- Instead of issuing Article 10 certificates on a case-by case basis, zoos, botanical gardens or similar establishments can be issued a single certificate, known as an Article 60, as an exemption. The institution, approved by the MA in consultation with the SA, must be involved in artificial propagation/ research/ education programmes to conserve species.
- A certificate is not needed to possess an Annex A specimen.

The EU Process



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- The stricter measures outlined in the EU WTR allow the European Commission to establish import restrictions with regard to certain species/countries.
- Once a CITES specimen has entered a Member State it can move freely within the 28 countries. If one Member State has inadequate border controls or partial enforcement this can undermine implementation within the whole EU.
- When a Member State's SA has doubts about the sustainability of an import and advises its MA to refuse a permit on conservation grounds it will inform the Commission and the other States' Authorities and imports of this species/ country combination will be suspended.
- The application will then be discussed at the Scientific Review Group (SRG).

The Scientific Review Group

- The [Scientific Review Group](#) (SRG) consists of Member States' Scientific Authorities, who meet four times a year in Brussels to discuss scientific and trade issues and permit applications.
- After looking at the scientific aspect of the case the SRG may form one of [three opinions](#):
 - **Positive** - trade allowed
 - **Negative** - Commission contacts exporting country asking for more information, on the basis of which opinion may be changed to positive or an import suspension established, adopted by all Member States
 - **No opinion** - three possible options, the most restrictive refers every application of this country/ species combination to the SRG.
- Where there is no SRG opinion the decision is taken by the SA of the importing Member State.

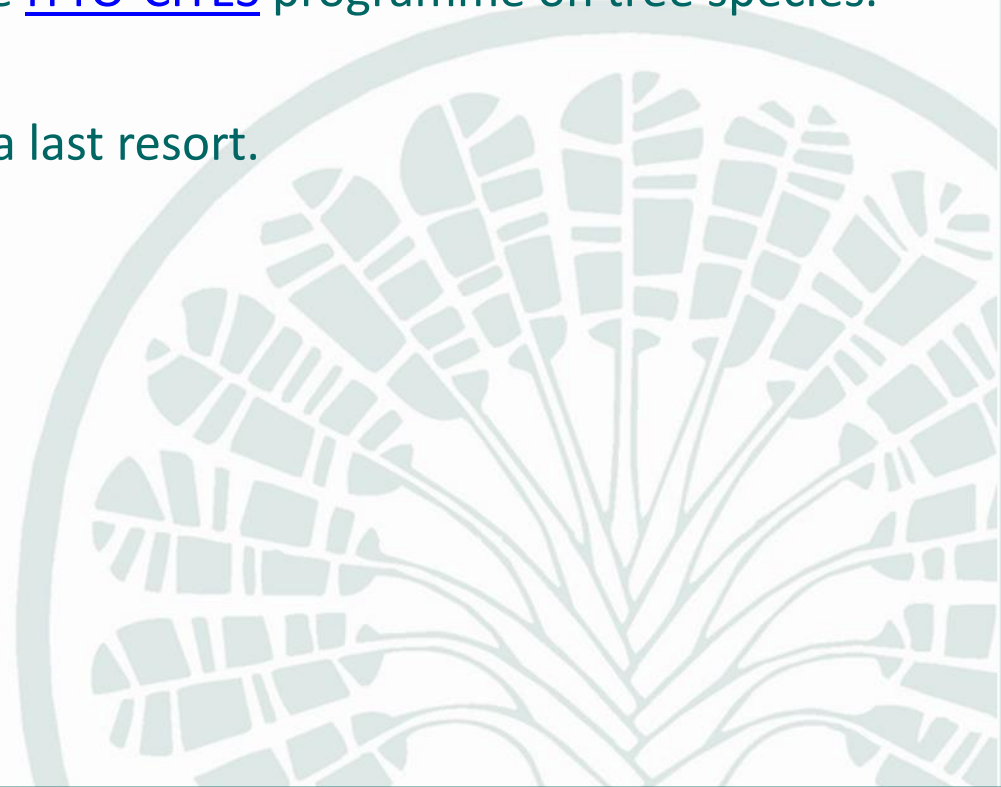
SRG Process



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- The process creates a dialogue between the EU and range States.
- EU is able to target aid to support sustainable trade. For example, the EU is one of the largest funders of the [ITTO-CITES](#) programme on tree species.
- Long-term trade suspensions are a last resort.



SRG Process



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All SRG opinions arising from a meeting are posted online within five days on [Species +](#). This image shows some of the numerous decisions the SRG has made on *Prunus africana*.

EU DECISIONS				
DATE	COUNTRY	EU DECISIONS	NOTES	DOCUMENT
15/09/2008	Angola	iii)		SRG 45 Soc
15/09/2008	Burundi	iii)		SRG 45 Soc
15/12/2015	Cameroon	ii)	bark W - Wild dry bark from Mt Oshie region	SRG 74 Soc
02/07/2015	Cameroon	Positive	bark W - Wild Applicable to a total annual export quota of 974 853 kg of dry bark, divided between the following sub-quotas: North-west region: quota of 150 000 kg of dry bark; Mount Cameroon: quota of 130 000 kg of dry bark; Adamaoua: quota of 508 990 kg of dry bark; Kilum Ijim plantlife sanctuary: quota of 2 494 kg of dry bark; North-West region (out of community forests): quota of 25 589 kg of dry bark; and Centre region (Mount Banda and Mount We): quota of 157 780 kg of dry bark; subject to clear indication in the export permit of the origin.	SRG 72 Soc



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Then, please go to [Module 4](#)



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Connecting People • Sharing Knowledge • Saving Plants

Our Mission is to mobilise botanic gardens and engage partners in securing plant diversity for the well-being of people and the planet

Descanso House, 199 Kew Road, Richmond, Surrey, TW9 3BW, UK

www.bgci.org

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