

Thursday 27 March 2014
CITES Sustainable Use Group – CSUG
Minutes

Attendees

Jim Collins (JC)	SUN
Tim Baker (TB)	Baker Bows
Keith Davenport (KD)	Ornamental Aquatic Trade Association Ltd (OATA)
Martyn Denney (MD)	Cyclamen Society
Jane Elliot-Malpass (JEM)	Defra
Mike Gates (MG)	Owl Society
Vin Fleming (VF)	JNCC
Keith Fletcher (KF)	VERTU
Simon Hewitt (SH)	AHVLA
Graham Irving (GI)	British Falconers Club
Martin Jones (MJ)	Falconry online
Elaine Kendall (EK)	Defra
Alison Littlewood (AL)	JNCC
Noel McGough (NM)	RBG Kew
Barbara Minnikin (BM)	AHVLA
Jemima Parry-Jones (JPJ)	International Centre, Birds of Prey
Chris Smith	National Council for Aviculture
Russ Sear (RS)	AHVLA
Michael Sigsworth (MS)	Defra
Dominic Whitmee (DW)	Defra
Barry Williams (BW)	Guild of Taxidermists

Apologies received: Nevin Hunter (NWCU); Grant Miller (UKBF) John Spires (British Orchid Council);

Agenda item 1- welcome and introductions

1. MS welcomed the group who then introduced themselves. DW explained the group's new format i.e. that SUN members and other would have a separate meeting from the Conservation NGOs (CITES Conservation NGO Liaison Group (CLG)) to allow each group to concentrate on specific topics of interest to them. DW agreed that minutes from both meetings would be shared with both groups in the interests of transparency but that it would be possible to treat specific issues in confidence if there were sufficient reason to do so.
2. Attendees did not feel that the suggested name: 'CITES Traders Group' properly reflected their activities as sustainable users of CITES specimens who also contribute to conservation. The group agreed it should be called the CITES Sustainable Use Group (CSUG).
3. MS informed the group of recent changes at Defra and that we have moved to a new Directorate. The Directorate is the 'Better Regulation, Europe and International' (BREI) directorate. KD pointed out it was important that the department does not work in silos and that we continue to engage with other policy areas where relevant. MJ said that there is sometimes no peer review with stakeholders on policy changes. DW/MS said that we should consult and that pre-consultation with stakeholders was important.

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Agenda item 2 – updates

4. MS explained to CLG about our move to a new directorate in Defra. The CITES team are now part of 'Better Regulation EU and International (BREI)', which includes CITES, CMS and other multilateral environmental agreements (MEAs). BREI's director is Amy Holmes, Jeremy remains as deputy director.

Agenda item 3 – Policy legislative updates

5. **Illegal Wildlife Trade (IWT)** – The London High Level Conference and reception on Illegal Wildlife Trade took place on 12 - 13 February 2014. The Conference was attended by over 40 countries and included Heads of State and senior Government officials. The result of the Conference was a declaration comprising of 25 commitments by Parties to tackle IWT. A £10m IWT fund has been established by the UK and a follow up conference will be held in Botswana in the spring of 2015, UK will assist Botswana with organisation and we will continue to work with other Government departments (Home Office, FCO and DfID) in the fight against IWT.
6. We will involve stakeholders in relevant negotiations; the London Declaration mentions birds of prey along with a number of iconic species. KD re-iterated that he preferred the term illegal trafficking to illegal trade.

Action point 1 – JEM to provide links to information on the London Conference (*attached at [Annex 1](#)*)

7. **SC65/Animals and Plants Committees** – MS said that the UK were considering proposals to SC65 on the trade in live Asian elephants and also a draft Decision asking Japan for information on their scientific take of Sei whale.
8. VF said that the review of significant trade would be discussed at Animals Committee and for CSUG to raise any issues with him directly. VF said that sharks were a UK priority for AC. Noel (NM) said that the Plants Committee meeting would discuss issues related to implementation of CoP 16 plants listings and action plans related to those. KD asked if we would expediate more down/off listing proposals to release resources. VF explained that the process for downlisting species wasn't really a question of resources. JC said that he had lost faith in the Periodic Review (PR) process, i.e. that some species remain in the process 'just in case' and ought to be removed.
9. **Recast of Commission Regulation 338/97** – DW explained that Regulation 338/97 was being recast to take account of the changes introduced by the Lisbon Treaty. One of the features of Lisbon is that it allows the Commission to adopt delegated acts giving them the authority to make decisions on behalf of EU Member States, in contrast with implementing acts which give Member States the decision-making authority. The UK is strongly resisting the use of delegated acts along with a number of other MS. We are expecting the recast to be subject to further negotiation during the next European Parliamentary session in the autumn.

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10. **Gaborone** - DW gave an update on the EU's intention to join CITES as a Party following ratification of the Gaborone amendment¹. MS explained that there had been discussions in the EU on the dual legal basis cited in the Commission's draft proposal to accede CITES. The dual legal basis (environment and trade) would have affected the balance of competencies between the EU and MS, transferring additional competence to the EU, away from Member States. The latest draft Council Decision includes a single legal basis (i.e. the environment base) which retains the current balance of competency. It is expected that the Decision will be adopted early in the next European Parliamentary session in the autumn.
11. **Revision of Commission Regulation 865/2006** - Changes are being made to Commission Regulation 865/2006 to take into account the changes made at CoP 16. These are nearly completed. MS said a workshop was being arranged to finalise the outstanding guidance notes. The UK hopes to attend the workshop.

Action point 2 – JEM to share the latest draft of 865/2006 with CSUG

12. **COTES review** – The plan to go to Consultation in spring 2014 with an aim of adopting the Statutory Instrument (SI) in April 2015. We are already working with a number of stakeholders through informal consultation.
13. JPJ asked if the Law Commission report has been published yet and what affect that may have on the COTES review. MS said that report was due this summer but we weren't expecting the outcomes to have a direct effect on the COTES review.
14. MJ asked when we could expect the next review of CITES charges. GI said that the review had been discussed with SH at a recent meeting. SH said the charges were under review and the impacts of the latest increase are unclear at the moment. SH confirmed that all processes associated with the issuing of licences and permits had now been mapped and true costs of production were being finalised. Once this work is complete a revised fee structure will go out to industry for consultation
15. JPJ asked what the latest position with COLIN was (the replacement for Unicorn). SH confirmed that work was ongoing with IBM to finalise a Business case to develop a new system that was fit for purpose and future proof. Once finalised, the Business Case will be used as the basis of a funding bid. Once funding has been secured, the new system is likely to be developed in two stages, the first phase will, enable an update Unicorn to allow online applications for CITES licences and publish advice and guidance material on-line. The second phase will develop a fully functional future proof system. KF asked if AHVLA had considered something similar to the export control system. SH said we were working with other Government departments (OGDs) who already have systems in place.

Agenda item 4 - CSUG Questions

i. When will the revised List of Species referred automatically to JNCC be issued?

16. RS explained that there is no list as such but AHVLA use criteria to assess applications on a case by case basis. JC pointed out that AHVLA had mentioned there were some typical species where AHVLA may refer automatically to JNCC. RS

¹ [Gaborone amendment](#)

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explained that there are some cases that always have to be referred, some that don't and some that sit in the middle.

17. The scientific authorities (SA's) follow the EU Scientific Review Group (SRG) guidelines when assessing applications. MJ asked if JNCC can decide what they review, RS noted that the EU wildlife trade regulations set out which applications must be referred. JC pointed out, that if there isn't a list then there should be one, or at least a sub set of species. RS re-iterated that applications are taken on a case by case basis.
18. CSUG asked why AHVLA/JNCC asks customers to repeat certain information on application forms where that information has been given before. RS explained that, previously customers only needed to give this information once to AHVLA as they were in a position to perform checks for retrospective information. Since AHVLA's resources have been reduced they don't have the capacity to undertake checks. He said that it's also possible that circumstances have changed since the last application.
19. BM reminded CSUG that applicants are signing a legal declaration when they complete forms and we cannot therefore rely on information previously supplied.

Action Point 3 – RS to clarify charges for certificates where cases are referred to the SAs

ii. Any likelihood of the long-overdue review on Closed Rings for European birds under WACA?

iii. Our wish for reinstatement of the Lesser Redpoll onto Schedule 3 following the taxonomic change of 2001.

20. EK said that we will be publishing the consultation on the review of closed rings shortly. EK asked CS to review the draft document. EK confirmed that the Lesser Redpoll issue (where the species was removed from Sched 3 of WCA 1981 following a taxonomic change) was also included in the consultation. The plan is to have a short consultation period to facilitate earliest possible adoption of legislation; EK invited the groups' views on the consultation.

Action point 4 – JEM to circulate the link to the ConDoc to CSUG when published

iv. Current consultation on review of the General and Class licences by Natural England (NE)

21. EK said that her team has reviewed the [NE Con Doc](#) and encouraged CSUG to respond, in particular with regard to practical application of the proposals contained in the doc.

v. Current/revised policy on issuing A10's for confiscated stock, wild disabled birds, etc. Specifically, a formal response to the Hawk Board's document submitted last year on Wild Disabled Birds.

22. JC asked when CSUG could expect a response to the Hawk Board paper on wild disabled birds (WDBs). DW confirmed that a number of points in the paper had been taken into account during the review on the issue of A10's for WDBs and are reflected in the revised policy.
23. JPJ said she was pleased to see that the vets form confirming where WDBs cannot be released back into the wild had been adopted. She asked how the exemption would be applied for birds that are hard to imprint, such as goshawks and how the exemption might apply to confiscated birds. RS said that A10's could be issued for confiscated or seized birds with conditions attached such as 'not for commercial use applied'. On the question of proof of legal origin for confiscated specimens, the police and UKBF can provide seizure paperwork but not always other organisations such as the RSPCA.

[AHVLA Guidance Notes](#)
[AHVLA news release](#)

vi. Changes to AHVLA licensing arrangements

24. SH said that AHVLA was in a continual process of reviewing working practices and has restructured the CITES licensing team. One result of the restructure is that applications are allocated on an 'as received' basis rather than using an A-Z split where applicants had a dedicated case officer. SH noted that productivity has increased as a result of the changes.

vii. When will the Revised Guidelines on Worked Items be issued - almost a year in waiting?

25. DW confirmed that at the moment we can't give a timeline when the revised guidance will be available; there are other inter-related issues that need to be considered for the drafting of the guidance. In the meantime, [GN7](#) on the AHVLA website should be treated as current until replaced or withdrawn

vii. US ivory ban

Key messages

26. The US has recently announced that no commercial imports of African elephant ivory will be allowed, including of antique ivory. TB asked if an exemption would be made for musical instruments. MS confirmed that the new restrictions allows for an exemption to be made for musical instruments covered by a MICs. However, the exemption is restricted as the ivory in the musical instrument must have been obtained before Feb 26 1976 and not transferred from one person to another for financial gain since that date. TB also noted that some musical instruments are made using mammoth ivory which is not controlled by CITES and asked how the US might handle imports using mammoth ivory.

Action point 5 – MS to seek clarification from the US on their policy on importing mammoth and elephant ivory ASAP

viii. Possibility of taxidermists being granted ID numbers (like many UK captive-breeders and continental taxidermists) and likewise a Holding Licence whilst stock

are un-mounted to cut the amount and cost of licensing - would allow better uptake of Specimen-Specific Certificates.

27. BW asked for clarification on A10 requirements for frozen birds which are to be taxidermied. E.g. if a frozen bird is issued with a SSC a new one will need to be applied for once the specimen is taxidermied. Similarly if a TSC is issued one will be required for the purchase of the specimen due to be frozen and a second one for subsequent sale. In either case two A10's (and fees) are required. BW also identified a problem that as A10's are attached to an address, this can cost traders a lot of money if they change address and have to apply for new ones. JPJ also noted that some birds held in freezers are not necessarily intended for commercial use (e.g. they are waiting to be disposed of).

Action Point 6 – SH/BW to discuss this issue offline

ix. Discussion on the anomalies of importation of captive-bred birds (especially raptors but relevant to all) from Third Countries, why are Commercial Breeders penalised versus pet owners bringing from the same source, lack of logic to the restrictions, etc.

28. The EU measures on avian flu have changed which means that the CITES AHVLA can now issue CITES import permits with purpose code 'T'² instead of purpose code 'B'³.

Action Point 7 – BM to provide CSUG with information on the background to the changes on the EU measure

29. AHVLA have updated their guidance which confirms that applicants should apply using the correct code for commercial use which is purpose code T and AHVLA in Carlisle will publish a Customer Information Note (CIN) to inform customers of the changes.

Action point 8 – JEM to send CSUG a link to the information on purpose codes. [Click for purpose codes info](#)

x. What are DEFRA doing within the EU in respect of the licensing of Veterinary Diclofenac?

30. This topic was raised by JPJ. The background is that Diclofenac has been added to cattle feed in India. Dead cattle have been scavenged by vultures which have then died of diclofenac poisoning. JPJ is concerned that the EU may agree to authorisation of the use of diclofenac in cattle feed within the EU which may subsequently kill birds of prey in the UK. JEM noted that we have been in contact with the Veterinary Medicines Directorate (VMD) who confirmed the UK does not allow the use of diclofenac in animal feeds.

Action point 9 – JEM to provide contact details to JPJ of relevant policy officials in the veterinary medicines directorate (*Action completed*)

² Purpose code 'T' – commercial

³ Purpose code 'B' - Breeding in captivity or artificial propagation

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xi. DEFRA funding of NGO's

31. Information point - KD noted that Defra had given substantial amounts of money, including to the RSPB, in the form of grants. The information was contained in a recent PQ reply.

xii. AOB

MD said some of his members (Cyclamen Society) have experienced problems importing specimens carried in hand luggage through UK ports/airports. Generally Customs Officers are not aware of CITES Regulations.

Action point 10 – RS to speak with UK BF (Grant Miller) on this issue.

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London Conference Links:

- London Conference Declaration - <https://www.gov.uk/government/publications/declaration-london-conference-on-the-illegal-wildlife-trade>
 - UK Government Commitment to Action on the IWT - <https://www.gov.uk/government/publications/uk-commitment-to-action-on-illegal-wildlife-trade-iwt>
 - Elephant Protection Initiative – <https://www.gov.uk/government/news/decisive-action-agreed-on-illegal-wildlife-trade> (Link at the bottom of this press release, note we cannot publish it as a UK publications).
 - London Conference on the IWT web info - <https://www.gov.uk/government/topical-events/illegal-wildlife-trade-2014> This also includes links to all related announcements.
- UK Government funding to tackle IWT:
 - Link to press release - <https://www.gov.uk/government/news/uk-boosts-fight-against-illegal-wildlife-trade>
 - Once further information about the fund is available, we will circulate an e-mail to the recipient individuals/organisations on this group.