

COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMUNICATION FROM THE COMMISSION

on the principal results of the sixth meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora held in Ottawa, Canada, from 12 to 24 July 1987

1. Introduction

The sixth meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora was held in Ottawa from 12 to 24 July 1987. Eighty-four of the ninety-five Parties to the Convention and over one hundred and twenty non-governmental organizations (most of them nature protection associations or trade associations) attended. A Conference of the Parties is convened to make any provisions necessary for the Secretariat to carry out its duties, to review the progress made towards the restoration and conservation of the species listed in the Appendices to the Convention, to make recommendations for applying the Convention more effectively and to adopt amendments to Appendices I and II.

The Sixth Conference considered over twenty resolutions and at least one hundred proposed amendments to the Appendices. The amendments decided and many of the resolutions adopted will directly affect application of the Convention in the Community and will, therefore, necessitate amendments to Council Regulation (EEC) N°3626/82 and, where appropriate, Council Regulation (EEC) N° 3418/83.

2. Coordination at Community Level

Eight of the ten Community Member States which are Parties to the Convention were represented at the Conference ⁽¹⁾. The Community's representatives sat in as observers (see Annex 1 for the attendance list for the Community and the Member States).

(1) Greece and Ireland are not yet Contracting Parties to the Convention

Throughout the Conference regular coordination meetings were held, under the efficient Presidency of Mr. Veit Köster, Head of the Danish delegation, along with consultations with the African ACP countries.

This coordination enabled the Community Member States to adopt common positions on every item discussed at the Conference. The Presidency, the Commission or the delegations from Member States particularly concerned or familiar with the issue spoke on behalf of the Community.

In most cases, the common position had been proposed by the Commission (see Document 7539/87 ENV. 110). In others, it was adopted on the spot in the light of the progress made at the Conference.

The solutions jointly agreed on the three items on which COREPER had been unable to bridge major differences of opinion between the Member States' delegations were as follows :

- (i) French proposal on the ranching of sea turtles (*Chelonia mydas*) :
for procedural reasons, the Member States did not vote on Committee I.
In any case, the proposal failed to obtain the requisite majority ;

- (ii) Netherlands proposal to include the walrus (*Odobenus rosmarus*) in Appendix II to the Convention : The Netherlands delegation withdrew its proposal in the light of the work done by the Scientific Working Group and of the undertakings given by the States in this species' range to give the walrus greater protection ;

- (iii) Spanish proposal to include red coral (*Corallium rubrum*) in Appendix II to the Convention : the Member States abstained.
The proposal failed to obtain the requisite majority.

This Community solidarity also worked perfectly on a number of items of direct concern to the Community, particularly on the relationship between CITES and the Community and on the reports on implementation of the Convention by the individual parties.

It must be stressed that, leaving aside the detailed groundwork by the Committee set up by Regulation 3626/82, this coordination between the Community Member States produced such highly satisfactory results thanks to a combination of outstanding commitment on the part of the Presidency and the delegations and circumstances which favoured the efforts to find a compromise.

Nonetheless, the procedure for deciding common positions on the Convention will remain inadequate until the majority of the Member States accept a legal basis allowing majority voting.

In reality, although the abstentions could be considered completely acceptable in the light of discussions at the Conference, this might not have been so, in which case the Community would once again have been exposed to criticism that it is incapable of acting as a fully fledged Party.

Consequently, the Commission must continue to stress the need for the Community to decide its position by majority vote if necessary. In this connection, the Commission repeats its firm intention to apply the procedures offered by the EEC Treaty. If necessary, it will submit further proposals to the Council at the appropriate time.

3. Principal results of the meeting of the Conference of the Parties

3.1. Relationships between the Convention and the Community

The USA has asked for this item to be put on the agenda largely in the light of the amendment made to Article XXI of the Convention in Gaborone in 1983 to open the possibility for the Community as such to accede to the Convention. In reality, under pressure from certain non-governmental organizations, influential circles in Washington, particularly within the Senate, feel that the Community Member States which are Parties to the Convention should continue to include data on their trade with other Member States in their annual reports or that at least the Community's annual report should contain these figures. These circles wish to make this issue a precondition for ratification of the amendment by the USA, even though the Community has long been patiently explaining that it cannot satisfy this demand because it would entail reinstating checks at frontiers between Community countries. The US argument centres on the idea that the checks at the Community's external borders might not be water-tight enough to avoid the free movement of goods opening up the entire Community market to any illegal imports which slip through the least vigilantly patrolled parts of the Community's external border.

The non-governmental organizations argue that the resources allocated to management of the Regulations implementing the Convention in the Community are inadequate and must be stepped up before the Community can be accepted as a Contracting Party in its own right. During this discussion, the Commission representative read the statement set out in Annex II and, on behalf of the Presidency of the Council and of the Head of the Danish delegation, reaffirmed the undertaking made by the Council in Gaborone to give the Commission the resources it needed to perform its task of ensuring that the Convention is applied without fail throughout the Community.

At the end of the discussion, the Conference finally adopted the Resolution set out in Annex III which calls on the Parties which have yet to do so to take steps to ratify the Gaborone amendment. Consequently, the final outcome of this American initiative can be considered fully positive from the Community's point of view.

On the same subject, the extremely thoughtful constructive role played by certain European non-governmental organizations in the efforts to find a compromise must also be mentioned.

3.2. Report by the Secretariat on alleged infringements and certain problems in implementing the Convention

As requested at the fifth Conference, the Secretariat had written the first report on infringements brought to its notice in 1985-1987. The report names 54 cases in around one third of the Contracting Parties. It reveals serious failures to observe the Convention all around the world. However, the choice of cases was criticized, as were a number of imprecise comments about the persons responsible which had created false impressions that could easily have been avoided.

In another report the Secretariat pinpointed serious failures to apply the Convention by four of the Contracting Parties to the Convention :

(i) the United Arab Emirates ;

(ii) France (French Guiana) ;

(iii) Bolivia and Paraguay.

3.2.1. In the meantime, the United Arab Emirates had withdrawn from the Convention. As the country was a major centre for illegal trading in ivory from elephant tusks and rhinoceros horns, all the Contracting Parties were asked to bring their influence to bear on the United Arab Emirates with a view to ending the practice.

3.2.2. French Guiana was considered a weak link in the Community's external frontier checks.

The French delegation outlined the new laws and administrative provisions introduced to tighten up frontier checks in this overseas department. The Community delegation declared that the Community legislation on the subject provided additional safeguards against illegal trade exploiting the special geographical location of French Guiana.

3.2.3. Bolivia : The Secretariat had obtained a Presidential Decree banning exports for three years, with the exception of the annual quota of 50.000 cayman skins. It had also obtained assurances concerning the preparation of an inventory of stocks of the species covered by the Convention and, with US aid, of the establishment of an administration capable of managing the Convention. The Conference approved both these agreements.

3.2.4. Paraguay : Once again the Contracting Parties were urged to help Paraguay to impose the ban on hunting and export of all wildlife in the region which has been in force since 1975 but is still poorly observed.

3.3. One major problem which the Conference had to consider was funding. The falling dollar and non-payment of contributions by a number of Parties jeopardized work on the Convention. Some of the biggest contributors had voted against the 3 million dollar budget for 1988 and 1989 after an attempt to reach a consensus on a lower total had failed.

3.4. Organizational structure

The plan to reform the committees and working groups into permanent committees meeting between Conferences of the parties was rejected, primarily because of financial considerations.

Consequently, the Permanent Committee will remain responsible for running affairs between Conferences. It will be supported by four committees (on animals, plants, the identification manual and nomenclature).

3.5. Resolutions concerning interpretation and application of the provisions of the Convention

3.5.1. Ivory from African elephants

Based on resolution CONF 5.12, the sixth conference continued the work on tightening up checks on trade in ivory from African elephants. Six additional resolutions were produced. One called on all parties which had the legal powers to do so to establish a registration or licensing system for commercial crude ivory importers and exporters. All pieces of ivory 20 cm or more in length and weighing 1 kilogramme or more will have to be marked. Trade in worked ivory will continue to be monitored, though it has been suggested that personal or household effects should be exempted.

The Contracting Parties were called on to exert every form of pressure in their power (i.e. economic, political and diplomatic) on countries persisting in illegal trade in ivory (and also in rhinoceros horns), particularly on the United Arab Emirates and Burundi. Delegations would be appointed to meet the relevant Heads of State. Several delegations said that the Community was ideally placed to play a part, particularly in the approaches to Burundi.

3.5.2. Quotas for leopard skins

The Conference renewed the authorization to impose the following quotas on leopard skins :

Quotas (Appendix I)

Botswana	80
Central African Republic	40
Ethiopia	500
Kenya	80
Malawi	20
Mozambique	60
Tanzania	250
Gambia	300
Zimbabwe	500

Exportation of leopard skins was permitted only for private or household use (e.g. as hunting trophies). All skins must be marked by the exporting countries, which must also submit regular reports to the Secretariat.

A study sponsored by the Secretariat had concluded that the leopard was no longer in danger of extinction and that limited, closely controlled commercial exploitation could be resumed. The Contracting Parties, and in particular the African States, reserved the right to analyse the study in preparation for the seventh Conference.

3.5.3. Retrospective issue of documents

Retrospective issue of licences and certificates will be precluded as a general rule and should be considered only in exceptional cases involving species listed in Appendices II and III.

3.5.4. Personal and household effects

The draft resolution submitted by Belgium on behalf of the Community was referred to the Permanent Committee. The Parties were asked to inform the Secretariat by 31 December whether they required export licences for souvenirs derived from species listed in Appendix II. The Secretariat would compile a list from their replies.

3.5.5. Controls on trade in ranched, captive-bred species listed in Appendix I

Monitoring of captive breeding will be tightened up. It will not be possible to add species not already recognized for breeding in Resolution CONF. 2.12 to the register kept by the Secretariat, without the agreement of a two-thirds majority of the Conference of Parties.

The breeders must adopt a marking system at least satisfying the requirements laid down for the uniform method described in Resolution CONF 5.16 on trade in ranched, captive-bred specimens. In all but exceptional cases, birds listed in Appendix I will be marked by a sealed individually marked ring.

The resolution on ranched captive breeding tightens up the conditions laid down in Resolution CONF 3.15 and, in particular, introduces a procedure for re-transferring populations in Appendix I should the ranching operations no longer satisfy the criteria laid down.

3.5.6. Air transport

All export papers or export licences must include a checklist to ensure that the IATA regulations are observed and that adequate cages are available at the airports. A report system should help to produce a fuller picture of the causes of any deaths linked with air transport.

3.5.7. Stricter domestic measures (article XIV (1) of the Convention)

Parties planning to introduce more restrictive measures on non-indigenous species were asked to consult the country of origin in advance.

3.5.8. As usual, the Secretariat will communicate all the resolutions adopted direct to each Member State which is a Party to the Convention. The Commission will forward them to the Greek and Irish authorities as soon as it receives them.

3.6. Amendments to the Appendices

3.6.1. Annex IV sums up the amendments adopted. They will enter into force for every Contracting Party 90 days after the end of the Conference, i.e. on 22 October 1987, unless one of the Parties enters reservations.

As provided for in Council Regulation (EEC) N° 3626/82 any amendments consequently needed to the Regulation will be made by a separate Commission Regulation. After all, the Community agreed to their adoption by the Conference of the Parties.

ANNEXE IANNEX ILISTE DES PARTICIPANTSLIST OF PARTICIPANTS

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STATEMENT

BY THE REPRESENTATIVE OF THE EUROPEAN ECONOMIC COMMUNITY
TO THE 6TH MEETING OF THE CONFERENCE OF THE PARTIES
TO CITES WITH REGARD TO AGENDA ITEM XIV.20

Relationship between CITES and the European Economic Community

The European Economic Community would like to take advantage of the inscription of this item in the agenda of our Conference in order to emphasise once again certain essential elements concerning the relationship between CITES and the EEC, notably the implementation of the Convention in the Community.

An effective implementation of CITES heavily depends on the strictness of a Party's border controls.

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A common market has - per definition - no border controls between its members but maintains a common customs control at its external borders.

In a common market where only some of the participants are a Party to CITES, enforcement of the Convention is therefore hardly possible and even where all of its members are CITES Parties, enforcement cannot be effective unless it is based on common implementation legislation.

The European Community, aware of the importance of its market for goods covered by CITES and convinced of the importance of CITES for the conservation of wild fauna and flora, has been implementing such common legislation since 1 January 1984. At the time, only five of its ten Member States were Party to CITES. The adoption of the Community regulation - directly applicable law in all Member States - generated ratification by three more Member States and, since the accession of Portugal and Spain to the Community in January 1986, these regulations are now being implemented by twelve Member States, ten of which are a Party to CITES.

1. It should be noted that Article XIV.3 of the Convention would have released its Member States from some important obligations deriving from the Convention. The Community wished to avoid this and, although not a CITES Party, it has voluntarily adopted legislation to implement the Convention throughout its territory in the interests of conservation of wild fauna and flora.

Details of the Community's legislation on CITES were provided at previous meetings of the Conference of the Parties, but the Community is grateful to the U.S. delegation for having provided it with this renewed opportunity to clarify a number of apparent misunderstandings. Delegations of Member States and the representatives of the European Community will gladly provide any additional information whenever requested to do so.

Important elements of the Community's implementation legislation are that it fully covers the provisions of the Convention, without any reservations, and that it is backed up by a number of additional measures. The internal prohibition of commercial activities involving Appendix I and illegally acquired Appendix II and III specimens provides for example an additional powerful enforcement tool.

The requirement of the prior issue of import documents for all specimens provides an effective mechanism for the verification of permits and certificates issued by third countries before an import actually takes place. Stricter measures afford additional protection to species and populations whose conservation status is believed to be unfavourable.

2. The Community publishes annual reports on its trade in CITES specimens with third countries which - as recommended by the Conference of the Parties - are established by IUCN's Wildlife Trade Monitoring Unit under a contract with the European Commission. The report consists of overall, summed, data on Community

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imports, exports and re-exports and annexes for each individual Member State, including non-CITES Parties, provide details of individual shipments.

As indicated at the fourth and fifth meeting of the Conference of the Parties, the Community's annual reports do not contain data on trade between its Member States.

This is not a matter of unwillingness. The accomplishment of the Community's internal market makes the establishment of annual reports on intra-Community trade impossible and to reinstate systematic internal border controls - which are necessary to gather data for such reports - would clearly be irreconcilable with the aims of the Treaty establishing the European Economic Community. This factual and legal position was confirmed by the IUCN's Environmental law centre in a paper on the subject presented to the fifth meeting of the Conference of the Parties.

3. In 1983, the Conference of the Parties adopted an amendment to Article XXI which - after ratification by 54 Parties - opens the possibility for the Community as such to accede to the Convention.

We feel accession is a logical step in the Community's involvement in CITES and a confirmation of its firm commitment to the aims of the Convention. This commitment has been amply demonstrated, not only by the autonomous implementation of the Convention by the Community and by providing reports on its trade in CITES species, but also by the Community's voluntary support to the special programmes of the Secretariat with substantial funding.

It appears from doc. 6.44 that ratification of the amendment might be held up as a result of misgivings such as that with regard to the annual reporting issue mentioned earlier. But the impossibility of producing such reports is in no way affected by the Community's status with regard to the Convention. What then can be the purpose of further delay?

As indicated above, the Community autonomously implements the Convention and reports on its trade in CITES specimens. In the absence of this Community legislation and annual reporting, individual Member States - many of whom have long been strong supporters of, and participants in, CITES - could from a practical point of view face increasing difficulties as a result of the accomplishment of the common market.

It is a fact that as long as the Community is not a Party to the Convention, it is not legally bound to maintain its current legislation to implement CITES or to make annual reports. It has freely chosen to do so because it supports the aims, objectives and ideals of the Convention. Formal accession would ensure the unconditional implementation of the Convention and there can be no doubt that such accession is in the interest of the Convention.

To summarise, the Community is committed to the purposes of the Convention and the Community itself took the initiative to clear the way for its accession by proposing amendment to Article XXI. The Parties themselves took the next step by approving that amendment in 1983. Their ratification of the amendment is the final step which they are urged to take in the interests of the Convention.

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Sixth Meeting of the Conference of the Parties

Ottawa (Canada), 12 to 24 July 1987

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Implementation of CITES in the European Community

RECALLING the assurances given to Parties in Botswana by representatives of the European Community that adequate staff and funding would be made available to ensure full implementation of CITES in the European Community;

CONCERNED that information and reports presented by the CITES Secretariat, both to this meeting and previous meetings have identified serious enforcement problems in a number of Parties, including Member States of the European Community;

REALIZING that the loss of national border controls in terms of trade and reporting obligations by individual Party States under Article XIV (3) is accompanied by a commitment to implement full Community supervision to ensure the implementation of CITES is not compromised;

AWARE that current Community legislation implementing CITES is the voluntary expression of the Community's commitment to the objectives of CITES and that it would be in the interest of CITES to legally bind the Community to maintain, improve and enforce this legislation;

AWARE that the Commission of the European Communities has commissioned an independent study of the implementation of CITES in the European Community;

AWARE that the Commission of the European Communities has announced to the European Parliament that it will take any action which the independent study shows to be necessary;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

CONGRATULATES the Commission of the European Communities and the Party States concerned on their decision to have an independent study undertaken of the implementation of CITES in the European Community;

SUGGESTS other Parties consider the benefits of commissioning similar independent studies with a view to improving their implementation of CITES;

RECOMMENDS that the study being undertaken by the Commission of the European Communities, as well as other independent studies of a similar nature which may be carried out, be made available to the CITES Secretariat, other Parties and concerned NGOs;

REQUESTS that the European Community, in view of its abolition of internal border controls, urgently establishes full means of Community supervision of its Community legislation by means of an adequately staffed Community inspectorate;

RECOMMENDS that the European Community monitor the movement of CITES specimens within and between Member States in accordance with the mechanisms foreseen in EEC Council Regulation 3626/82 and by use of existing forms available under Community legislation; and

URGES Parties which have not yet done so, to consider ratifying the Gaborone amendment to Article XXI of the Convention.

ANNEXE IV

Amendments to the Appendices to the Convention on International Trade in
Endangered Species of Wild Fauna and Flora, as adopted by the
Conference of the Parties at their sixth meeting,
held in Ottawa, Canada from 12 to 24 July 1987

Inclusion in Appendix ICatagonus wagneriMycteria cinereaRheinartia ocellataGallotia aff. simonyiVipera ursinii (European populations excluding USSR)Dyscophus antongiliPapilio chikaePapilio homerusPapilio hospitonAchatinella spp.Nepenthes khasianaFelis yagouaroundi (North and Central American populations)Inclusion in Appendix IIPteropus insularis)Pteropus macrotis)Pteropus mariannus)Pteropus molossinus)Pteropus phaeocephalus) (dead specimens only)Pteropus pilosus)Pteropus samoensis)Pteropus tokudae)Pteropus tonganus)Dusicyon gymnocercus

Tayassu spp. (excluding US populations).

Balaeniceps rex

Eudocimus ruber

Otidæ spp.

Trochilidæ spp.

Gubernatrix cristata

Paroaria capitata

Paroaria coronata

Podarcis lilfordi

Podarcis pityusensis

Dendrobates spp.

Phyllobates spp.

Bhutanitis spp.

Teinopalpus spp.

Hirudo medicinalis

Nepenthes spp.

Sarracenia spp.

Transfer from Appendix II to Appendix I

Probosciger aterrimus

Anodorhynchus hyacinthinus

Ara militaris

Boa constrictor occidentalis

Ornithoptera alexandrae

Astrophytum asterias

Fitz-Roya cupressoides

Cycas beddomei

Paphiopedilum druryi

Panthera tigris altaica

Transfer from Appendix I to Appendix II

Vicugna vicugna (cloth only)

Deletion from Appendix I

Pseudomys fumeus

Felis yagouaroundi cacomitli

Felis yagouaroundi fossata

Felis yagouaroundi panamensis

Felis yagouaroundi tolteca

Deletion from Appendix II

Chrysalidocarpus lutescens

Erinaceus frontalis

Nesolagus netscheri

Lariscus hosei

Dipodomys phillipsii phillipsii

Notomys spp.

Pseudomys shortridgei

Megapodius freycinet abbotti

Megapodius freycinet nicobariensis

Tetrao mlokosiewiczi

Numenius minutus

Larus brunnicephalus

Picus squamatus flavirostris

Psophodes nigrogularis

Emblema oculata

Paradelma orientalis

Thamnopsis couchi hammondi

Ambystoma lermaense

Salmo chrysogaster

Stenodus leucichthys leucichthys

Plagopterus argentissimus

Ptychocheilus lucieus

Xiphophorus couchianus

Choromytilus chorus

Coahuilix hubbsii

Cochliopina milleri

Durangonella coahuilae

Mexipyrgus carranzae

Mexipyrgus churinceanus

Mexipyrgus escobedae

Mexipyrgus lugoi

Mexipyrgus mojarralis

Mexipyrgus multilineatus

Mexithauma quadripaludium

Nymphophilus minckleyi

Paludiscala caramba

Transfer from Appendix I to Appendix II, subject to quotas

	1987	1988	1989
<u>Crocodylus cataphractus</u> Congo	600	600	600
<u>Osteolaemus tetraspis</u> Congo	500	500	500

Retention in Appendix II, subject to quotas

<u>Crocodylus niloticus</u> Botswana	2.000	2.000	2.000
<u>Crocodylus niloticus</u> Cameroon	100	100	100
<u>Crocodylus niloticus</u> Congo	150	150	150
<u>Crocodylus niloticus</u> Kenya (4.000 ranching)	5.000	5.000	5.000
<u>Crocodylus niloticus</u> Madagascar	1.000	1.000	1.000
<u>Crocodylus niloticus</u> Malawi (700 wild)	900	1.000	1.300
<u>Crocodylus niloticus</u> Mozambique (1.000 wild)	1.000	1.000	4.000
<u>Crocodylus niloticus</u> Sudan	5.000	5.000	5.000
<u>Crocodylus niloticus</u> Tanzania	2.000	2.000	2.000
<u>Crocodylus niloticus</u> Zambia	3.350	5.600	8.200
<u>Crocodylus porosus</u> Indonesia (ranching)	2.000	4.000	4.000