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DOCUMENT 1-579/81

Report

drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection

on the proposal from the Commission of the European Communities to the Council (Doc. 1-360/80) for a regulation on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

Rapporteur: Mr H. MUNTINGH

By letter of 12 August 1980 the President of the Council requested the European Parliament to deliver an opinion on the proposal from the Commission for a regulation on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Doc. 1-360/80).

On 16 September 1980, the President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Agriculture and the Committee on External Economic Relations for their opinions.

On 1 October 1980 the Committee on the Environment, Public Health and Consumer Protection appointed Mr Muntingh rapporteur.

On 23 May 1980 a motion for a resolution on Community trade in products made from endangered animal species had been tabled by Mr Lynge, Mrs Gredal, Mr Groes, Mr Fich, Mr Glinne, Mr Adam, Mr Albers, Mr Gautier, Mr Griffiths, Mr Jaquet, Mrs Fullet, Mr Delors, Mr Hänsch, Mr Seeler, Mr van Minne, Mr von der Vring, Mr Sieglerschmidt, Mr Walter and Mrs Viehoff (Doc. 1-200/80).

At its plenary sitting of 23 May 1980, the European Parliament referred this motion for a resolution to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Agriculture for its opinion.

On 26 June 1981 the Committee on the Environment, Public Health and Consumer Protection decided to consider both matters jointly. It considered the draft report at its meetings of 26 June and 1 October 1981 and, at the latter meeting, unanimously adopted the motion for a resolution and explanatory statement.

Present : Mr Collins, chairman; Mr Muntingh, rapporteur; Mr Adam (deputizing for Mr Bombard), Mr Combe, Mr Del Duca (deputizing for Mr Ghergo), Miss Hooper, Mrs Lentz-Cornette, Mrs Maij-Weggen, Mrs Schleicher, Mrs Scrivener, Mrs Seibel-Emmerling, Mr Sherlock, Mrs Squarcialupi and Mr Verroken.

The opinions of the Committee on Agriculture and of the Committee on External Economic Relations are attached to this report.

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The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution together with explanatory statement :

AMENDMENT No. 1

tabled by the Committee on the Environment, Public Health and Consumer Protection

Report by Mr MUNTINGH (Doc. 1-579/81)
on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

Proposal for a regulation

Preamble, paragraph 6

Amend as follows :

'Whereas this Convention has been signed by all Member States with the exception of Greece etc.....'

AMENDMENT No. 2

tabled by the Committee on the Environment, Public Health and Consumer Protection

Report by Mr MUNTINGH (Doc. 1-579/81)

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

Proposal for a regulation

Preamble

after paragraph 11 insert the following two new paragraphs:

'Whereas many species of fauna and flora are gravely endangered, making it desirable for Member States to introduce more stringent measures than those contained in the regulation, explicit provision being made for this in the Convention'

Whereas the Member States which wish to protect, within the framework of the Convention, species of fauna and flora other than those listed in Annexes A and B or parts thereof, may do so in a separate Annex C;

AMENDMENT No. 3

tabled by the Committee on the Environment, Public Health and Consumer Protection

Report by Mr MUNTINGH (Doc. 1-579/81)

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

Proposal for a regulation

Preamble, paragraph 12

Amend as follows:

'Whereas the Convention concerns animals and plants, whether living or dead, and readily recognizable parts and derivatives thereof; whereas to make the application of the Convention effective, a common list of the most important parts and derivatives must be drawn up and the conditions under which other goods fall within the scope of this regulation must be laid down; without this being permitted to restrict the application of the Convention;

AMENDMENT No. 4

tabled by the Committee on the Environment, Public Health and Consumer Protection

Report by Mr MUNTINGH (Doc. 1-579/81)

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

Proposal for a regulation

Preamble

Insert the following paragraph after paragraph 25:

'Whereas it is necessary for qualified authorities or institutions to be involved in the work of the Committee and to be consulted by it;'

AMENDMENT No. 5

tabled by the Committee on the Environment, Public Health and Consumer Protection

Report by Mr MUNTINGH (Doc. 1-579/81)

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

Proposal for a regulation

Article 2

Add the following new subparagraph:

'(d) Annex B is not intended to restrict the scope of the Convention but as an aid and thus does not contain an exhaustive list of parts or derivatives.'

AMENDMENT no. 6

tabled by the Committee on the Environment, Public Health and Consumer Protection

Report by Mr MUNTINGH (Doc. 1-579/81)

On the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

Proposal for a regulation

Article 4(2)

Amend as follows:

- '2. The despatch to destinations outside the Community of specimens referred to in Articles 2 and 3 shall be subject to.....(rest unchanged)

AMENDMENT No. 7

tabled by the Committee on the Environment, Public Health and Consumer Protection

Report by Mr MUNTINGH (Doc. 1-579/81)
on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

Proposal for a regulation

Article 4(4)

Delete the words 'or placed in a free zone'.

AMENDMENT No. 8

tabled by the Committee on the Environment, Public Health and Consumer Protection

Report by Mr MUNTINGH (Doc. 1-579/81)

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

Proposal for a regulation

Article 7(d)

Amend as follows:

'communicate to the Commission by 1 July of each calendar year all the information required for drawing up the statistics and reports referred to in the Convention'

AMENDMENT No. 9

tabled by the Committee on the Environment, Public Health and Consumer Protection

Report by Mr MUNTINGH (Doc. 1-579/81)
on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

Proposal for a regulation

Article 8(3)

Amend as follows:

'Applications for import permits FF1 referred to in Article 9(1) shall be submitted to the management authority responsible for the ultimate and permanent place of destination of the specimen.'

AMENDMENT No. 10

tabled by the Committee on the Environment, Public Health and Consumer Protection

Report by Mr MUNTINGH (Doc. 1-579/81)

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

Proposal for a regulation

Article 11

Add the following:

'The names of the scientists and scientific institutions covered by this provision shall be published in the Official Journal of the European Communities.'

AMENDMENT No. 11

tabled by the Committee on the Environment, Public Health and Consumer Protection

Report by Mr MUNTINGH (Doc. 1-579/81)
on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

Proposal for a regulation

Article 13

Add the following:

'(c) in the case of live specimens of the species referred to in Article 2(a), b) and (c)!

AMENDMENT No. 12

tabled by the Committee on the Environment, Public Health and Consumer Protection

Report by Mr MUNTINGH (Doc. 1-579/81)
on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

Proposal for a regulation

Article 14

Amend as follows:

- '(a) The places of entry and exit designated, where appropriate, by the Member States in accordance with Article VIII (3) of the Convention shall be notified to the Commission, which shall publish the list in the Official Journal of the European Communities.
- (b) In the case of live specimens, the competent authorities may designate a place of entry and exit in each specific case.'

AMENDMENT No. 13

tabled by the Committee on the Environment, Public Health and Consumer Protection

Report by Mr MUNTINGH (Doc. 1-579/81)
on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

Proposal for a regulation

Article 17

Add the following subparagraph:

- '(a) The Member States shall take the necessary steps to ensure that citizens travelling abroad, those involved in trade in endangered species and the staff involved in the implementation of the present regulation are duly informed. Furthermore, the Member States shall encourage information activities relating to the Convention.'

AMENDMENT No. 14

tabled by the Committee on the Environment, Public Health and Consumer Protection

Report by Mr MUNTINGH (Doc. 1-579/81)

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

Proposal for a regulation

Article 18

Add the following new paragraph:

- '3. Authorities involved in the protection, conservation or management of wild fauna and flora, suitably qualified authorities or institutions which have informed the Commission of their wish to be represented by observers at the meetings of the committee will be admitted - unless at least one-third of the Member States present have registered their opposition - provided that they belong to one of the following categories: national or international authorities or institutions, irrespective of whether they are governmental or non-governmental, approved for this purpose by the Member States in which they are established. If such observers are admitted, they shall have the right to participate but not to vote.'

AMENDMENT No. 15

tabled by the Committee on the Environment, Public Health and Consumer Protection

Report by Mr MUNTINGH (Doc. 1-579/81)
on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

Proposal for a regulation

After Article 19

Insert the following new article:

'The committee shall set up an advisory scientific committee which may give advice to it on request or on its own initiative.'

AMENDMENT No. 16

tabled by the Committee on the Environment, Public Health and Consumer Protection

Report by Mr MUNTINGH (Doc. 1-579/81)
on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

Proposal for a regulation

Article 21

Amend as follows:

- '1. Each Member State shall notify the Commission of the provision which is adopted for the implementation of this regulation. The Commission shall communicate this information to the other Member States. The Commission shall publish this information in the Official Journal of the European Communities.'

AMENDMENT No. 17

tabled by the Committee on the Environment, Public Health and Consumer Protection

Report by Mr MUNTINGH (Doc. 1-579/81)
on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

Proposal for a regulation

After Article 21

insert the following new article:

'If goods imported into the Community cannot be shown to have complied with the required import formalities, they shall not be considered to be in free circulation within the Community of Article 10 of the Treaty and the regulation shall apply to such goods in all Member States.'

AMENDMENT No. 18

tabled by the Committee on the Environment, Public Health and Consumer Protection

Report by Mr MUNTINGH (Doc. 1-579/81)
on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

Proposal for a regulation

After Article 21

insert the following new article:

1. The Member States may introduce more stringent protective measures than those set out in this regulation.
2. If a Member State wishes to provide extra protection within the framework of the Convention for species of fauna and flora not listed in Annexes A and B or to protect parts thereof, the latter may be listed by country in a separate Annex C.
3. The measures to protect species of fauna and flora listed in Annex C or to protect parts thereof shall be taken by the Member States concerned in accordance - and by analogy - with the measures provided for in this regulation.

AMENDMENT No. 19

tabled by the Committee on the Environment, Public Health and Consumer Protection

Report by Mr MUNTINGH (Doc. 1-579/81)
on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

Proposal for a regulation

Annex B

- Add the following to Item 3(a):
teeth of Hippopotamidae sp. and Physeter Macrocephalus
- Item 4, add the following:
and in powder form
- Item 6, add the following:
whether or not processed
- Item 7 to be amended as follows:
Meat and meat offals, meal, extracts and meat juices of cetaceans.
Whalebone, unworked or treated
rest unchanged
- Item 10, add the following:
whether or not worked
- Item 12, add the following:
and all items made from it
- New Item 17:
All eggs of reptiles listed in the Appendices to the Convention
- New Item 18:
All shells of molluscs listed in the Appendices to the Convention.

The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a regulation on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

The European Parliament,

- having regard to the proposal from the Commission to the Council, (COM(80)413 final)¹
- having been consulted by the Council (Doc. 360/80),
- having regard to the motion for a resolution on Community trade in products made from endangered animal species (Doc. 200/80),
- having regard to the declaration of the Council and of the representatives of the governments of the Member States meeting in the Council of 22 November 1973 on the programme of action of the European Communities on the environment (OJ No. C 112, 10.12.1973, p. 1),
- having regard to the Council resolution of 17 May 1977 on the continuation and implementation of a European Community policy and action programme on the environment (OJ No. C 139, 13.6.1977, p. 1),
- having regard to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) drawn up in Washington in March 1973, which entered into force on 1 July 1975,
- having regard to the Council directive of 2 April 1979 on the conservation of wild birds (OJ No. L 103, 25.4.1979, p. 1-18),
- having regard to the resolution of the European Parliament of 20 May 1980 on the World Conservation Strategy,
- having regard to the resolution of the European Parliament of 17 June 1980 on the conservation of European wildlife and natural habitats,
- having regard to the resolution of the European Parliament of 16 October 1980 on a regulation concerning whale products,
- having regard to Council Regulation (EEC) No. 348/81 of 20 January 1981 on common rules for imports of whales or other cetacean products (OJ No. L 39, 12.2.1981, p. 1-3),
- seriously concerned at the increasing extent to which species of fauna and flora are being threatened with extinction,

¹

OJ C243, 22.9.1980, p.16

- aware that trade in endangered species of fauna and flora is one of the chief causes of this situation,
- aware that encroachment on natural habitats also presents a serious additional threat to many species of fauna and flora,
- whereas the Community is one of the main consumers of endangered species of fauna and flora,
- recognizing that the Convention is an important means of helping to protect endangered species of fauna and flora,
- considering that the Member States should be able to take more stringent measures than those set out in the Convention,
- considering that the look-alike principle is one of the arguments in favour of the need for more stringent measures,
- having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinions of the Committee on Agriculture and the Committee on External Economic Relations (Doc. 1-579/81)

1. Welcomes the Commission's proposal for a regulation on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
2. Asks the Commission to make the application and implementation of the Convention a regular item on the agenda of its talks with other countries and to report back to Parliament on the subject;
3. Calls on the Commission to draw up proposals for legislation to protect indigenous endangered species, to supplement the directive on the conservation of birds;
4. Requests the Commission also to examine whether the European Community can contribute to the conservation of the remaining tropical rain forests;
5. Asks the Commission to formulate more detailed provisions for implementation of the regulation in the overseas territories;
6. Requests the Commission to support initiatives aimed at the definition of positive lists;

7. Repeats its request to the Member States that have expressed reservations on the appendices of the Convention to withdraw these reservations;
8. Requests the Commission to incorporate the following amendments in its proposal:

EXPLANATORY STATEMENTINTRODUCTION

1. At the 1972 Stockholm Conference on the Environment, participants were called on to conclude a convention as rapidly as possible on the export, import and transit of certain species of wild fauna and flora. Accordingly, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was drawn up in Washington in March 1973 and entered into force on 1 July 1975.

The purpose of the Convention is to introduce measures to protect fauna and flora by imposing restrictions on international trade in endangered species. There are three appendices to the Convention:

- Appendix I listing all species of flora and fauna threatened with extinction. Trade in such species is subject to very stringent regulations and may only be permitted in exceptional circumstances;
- Appendix II listing those species which will be endangered unless international trade is made to obey strict rules;
- Appendix III listing species which are protected by one of the contracting parties to the Convention and for the purposes of the protection of which the cooperation of other contracting parties is required.

The Convention applies to live or dead specimens of the species listed in the appendices as also to parts or derivatives of such species with the proviso that, where the animal species listed in Appendix III and the plant species listed in Appendices II and III are concerned, parts or derivatives of these species are only covered by the Convention if they are listed in the relevant appendix.

2. On 14 March 1977, the Council approved negotiating guidelines to facilitate the accession of the Community to the Convention.
3. On 23 May 1980, pursuant to Rule 25 of the Rules of Procedure, a motion for a resolution on Community trade in products made from endangered animal species (Annex I) was tabled on behalf of the

Socialist Group by Mr Lynge, Mrs Gredal, Mr Groes, Mr Fich, Mr Glinne, Mr Adam, Mr Albers, Mr Gautier, Mr Griffiths, Mr Jaquet, Mrs Fullet, Mr Delors, Mr Hänsch, Mr Seeler, Mr Van Minnen, Mr von der Vring, Mr Sieglerschmidt, Mr Walter and Mrs Viehoff.

This resolution calls on the Commission to propose measures to prohibit or control throughout the Community imports of products obtained from species of animals covered by the Washington Convention. It therefore seemed appropriate to incorporate the report on that motion for a resolution in this report.

4. On 14 August 1980, the Committee on the Environment, Public Health and Consumer Protection was requested to deliver an opinion on a Commission proposal to the Council for a regulation on the implementation of the Convention in the Community (Doc 1-360/80).

5. On 17 April 1980, a motion for a resolution on Community trade in seal products was tabled by Mr Johnson and others pursuant to Rule 25 of the Rules of Procedure (Annex II). On 30 May 1980, the Committee on the Environment, Public Health and Consumer Protection appointed Mrs Maij-Weggen rapporteur.

Given the content of the Convention, a Council regulation on its implementation in the Community would provide direct backing for this motion, which is partly or, in the case of some Member States, wholly concerned with trade in products derived from endangered species of animals.

6. On 2 April 1979, the Council adopted Directive (EEC) No. 109/79 on the conservation of wild birds, which, amongst other things, prohibits trade in certain species of birds and in parts and derivatives thereof.

7. On 16 October 1980, Parliament adopted a resolution on a proposal for a regulation on common rules for imports of whale products. Paragraphs 11 to 14 of this resolution contain recommendations with regard to the Convention:

11. Urges the Commission to leave open in the proposals relating to the Washington Convention the possibility that more stringent measures may be specified in the national legislation of the Member States than those provided for in the Convention;

12. Urges the Member States that have not yet ratified this Convention to do so at the earliest possible opportunity;
13. Urges the Member States that have expressed reservations with regard to the appendices to this convention to withdraw these reservations.

Parliament's attitude clearly follows on from paragraph 14 of the directive on birds, which states that Member States may take protective measures which are more stringent than those laid down in the directive.

8. On 20 January 1981, the Council adopted a regulation (EEC) No. 348/81 on common rules for imports of whale or other cetacean products.

Under this regulation the Council also intends to allow the Member States to take more far-reaching measures to protect whales.

9. The concern about endangered species of wild fauna and flora becomes clear from the foregoing. As the Commission points out, many species of wild animals and plants are threatened with extinction. Other species which are as yet not in danger may however be faced with the same fate in the future because they are over-exploited, because their habitats are being destroyed on a large scale or because their environment is being disturbed in some other manner.

10. The Commission considers that limitation and strict control of international trade in such species of flora and fauna and in products derived from them will do much to protect some of these species.

Limitation and control of trade certainly will contribute a great deal in this direction but further measures are clearly needed. International trade is however not the only threat to wild species. The resolution on the World Conservation Strategy unanimously adopted by the European Parliament on 20 May 1980 clearly refers to the importance of a Community nature protection policy.

Implementation of ecological criteria in the development policy of the Community and support for the nature protection activities of Third World countries are measures which the Community needs to take very soon if large numbers of endangered species are still to be saved.

11. Specific attention will have to be devoted in this connection to the richest surviving eco-systems in the world; i.e. the tropical rain forests, which are among the most endangered eco-systems. This is particularly necessary in that western companies are partly to blame for the destruction of the last remaining tropical rain forests.

12. The Convention has been signed by all Member States with the exception of Greece and has been ratified by Denmark, the Federal Republic of Germany, France, Italy and the United Kingdom. Legislation in the Member States on trade in endangered wild fauna and flora is not uniform and in some respects goes a lot further than the Convention.

13. As the Commission states, it is important for the protection of endangered species that the European Community should take the necessary measures to implement the Convention. However this does not mean that the operation of the common market would be disrupted if Member States were to take more stringent protection measures. Nonetheless such measures are possible under Article 36 of the Treaty and Regulations Nos. 1439/74 and 2603/69 if justified from the point of view of the health and lives of individuals, animals or plants.

The Convention is intended as a nature protection measure operating solely through trade policy. In its resolution on the World Conservation Strategy, the European Parliament requested the Commission not to take account of trade policy considerations where they did not promote the protection of nature inside and outside the Community. Thus, in the event of a conflict arising between short-term trade interests and the long-term interests of nature, Parliament clearly awards priority to the protection of nature.

14. It is important that in its contacts with other countries the Community should press for regular discussion of the implementation and enforcement of the Convention.

15. After a short explanation of the way in which species are endangered, the importance of the diversity of species will be discussed. The conclusions which your committee draws from the importance which it attaches to the protection of nature are to be found in the detailed observations on the Commission proposal.

I. WAYS IN WHICH SPECIES ARE ENDANGERED

16. Over millions of years an enormous diversity of fauna and flora has evolved. In some geological eras certain species died out because their environment changed. For example the brontosaurus became extinct because the climate changed causing its food to become scarce or because its eggs were devoured by newly evolving small species of mammals. But nonetheless new species still evolved.

17. Over the last hundred years in particular man has done enormous damage to nature. Man hunts by increasingly effective methods, destroys whole areas of nature and discharges more and more poisonous substances into his environment. As a result, the process of evolution, which has been going on for millions of years, is being cancelled out in a very short space of time.

18. The World Wildlife Fund has published a list of almost a thousand higher species of animals which are threatened with extinction: 297 mammals, 359 birds, 187 reptiles and amphibians and 79 species of fish are in serious danger. An estimated 50,000 species of plants are faced with the same tragic fate.

The IUCN (International Union for the Conservation of Nature and Natural Resources) compiles Red Data Books on endangered species of mammals, birds, reptiles, amphibians, fish and plants. Unless decisive action is taken, more and more species will have to be included in these data books.

19. The diversity of species varies according to the environment. In a tropical rain forest innumerable species live together whereas for example in a salt-water tidal area where conditions are very changeable there are only a few species to be found. However, in the course of evolution species have evolved which are adapted to each specific type of environment.

20. Human interference means that the species which survive can live in any habitat. Man-made forests will never harbour the species found in the tropical rain forest. As a result nature is becoming more uniform and more and more species are being confined to small protected reserves.

However, human interference can also completely annihilate an evolution process which has taken millions of years. The dodo is the famous example of how man can cause a species to become completely extinct in a very short space of time. However, all species listed in the Red Data Books are now faced with the same prospect. Of the approximately 13,200 species of mammal and bird which existed in 1600, more than 130 have already become extinct.

21. Trade in endangered species of animals has done enormous damage to nature. In 1925 there were 125 zoos in the world but by 1976 the number had grown to 981. In the United Kingdom the number of zoos rose from 14 in 1945 to more than 80 in 1976. This gave rise naturally to a great increase in commercial trade in animals. Furthermore for every animal in a zoo a large number of others have died. For example, chimpanzees are difficult to capture and in most cases the adult animals are killed in order to be able to capture the young. In order to export one young chimpanzee, four or five others have to be killed (a female chimpanzee gives birth to only three or four young in her whole lifetime).

Trade in animals for commercial and scientific laboratories is also rising steeply. In the United States for example some 9 million frogs are used in experiments every year and 25% of imported anthropoids go to the pharmaceutical industry.

However, the biggest trade is in parts of or products derived from endangered species of animals and plants such as teeth, hides, feathers, shells and eggs. Trade in ivory means that in each case an elephant has to be killed in order to obtain the roughly 12 kilos of ivory contained in its tusks. In Africa 350 elephants are killed every day solely for the sake of their tusks.

II. THE IMPORTANCE OF DIVERSITY OF SPECIES

22. Your committee has already made a number of comments concerning the importance of the natural environment and the variety which it contains in the report relating to the Convention on the conservation of European wildlife and natural habitats (Doc. 1-270/79).

Each species of animal or plant is a component of the natural cycle and plays its part in ensuring that this cycle remains in equilibrium. Plants consume carbon, herbivores live on plants, carnivores keep down the numbers of the animals on which they prey and micro-organisms dispose of remains. Nature is an extremely complex self-regenerating system. Man also forms part of this system. As already stated in the aforementioned

report: without a healthy nature there will be no healthy people.

Nature automatically ensures that the system remains in balance. The repercussions of disturbing this balance may be enormous. The enormous devastation of nature caused by the Vietnam War has drastically reduced the diversity of fauna and flora in that area. Animals such as rats were able to increase in pestilential proportions. The effect of this is felt not only in the cost of combatting such a plague but also in terms of agricultural losses and the cost of medical treatment. As long as the system remained in balance the rat population was automatically held in check.

23. Nature provides us with many raw materials - animal protein, timber, medicines, leather, etc. It provides a constant flow of commodities on condition that its productive capacity is not disturbed. Responsible hunting and fishing yields a constant supply of animal protein and other products, responsible forestry management a constant supply of timber.

In much the same way as it is ultimately less profitable to use up one's capital than live off the interest, the over-exploitation of a particular animal or plant species leads to the extinction of that species and therefore of its productive capacity. Less diversity in nature automatically means fewer raw materials and products.

24. Thanks to the great diversity of species nature provides an enormous source of genetic material. New agricultural varieties bred from species found in the wild can be of great economic importance. Nature's potential is also of great benefit to medical science.

25. Lastly, a comment on human well-being. In addition to the economic advantages of a healthy nature for human welfare which are very difficult to measure, there are sectors of economic life which are clearly dependent on a healthy and varied natural environment. In the developing countries the success of the tourist industry depends on the health and variety of the natural environment.

26. The importance which both Parliament and the Council have constantly attached to the power of the Member States to take more far-reaching measures to protect species has hardly found any echo with the Commission. On the contrary, the Commission continues to fear that the operation of the Treaty will be hampered.

Since there is no way in which the provisions of the Convention can have this effect, the Commission's fear is completely unfounded.

The considerations on which the Commission's fear is based may be discounted. Furthermore, in your committee's view there is a need to emphasize how important it is that the Member States should be able to take more stringent measures.

27. From statements it has made in the past it is clear that Parliament feels that a limited application of the Convention is undesirable. A common list of parts and derivatives of species of animals and plants should, therefore, not be used to such an effect.

28. There is also large-scale trade in endangered species within the Community. These species must also be protected. Separate legislation will be necessary to this effect on the lines of the directive on birds for example.

29. Member States must have the power to take more stringent control measures on the basis of their national legislation. It is not in the interest of the protection of species to press for the exclusive application of the Convention. The Convention provides a minimum of protection which the Member States are free to extend.

30. In case a Member State should want to go further than this regulation, those additional species or parts of species which are to be protected should be entered in a separate Annex 3, which should have two columns, namely one for the Member States and one, by country, for the species or parts of species which should be protected separately.

31. Article VIII, 1 (a) of the Convention lays down that the parties shall take appropriate measures to enforce the provisions of the Convention, including penalties. Article 21 of the proposal lays down that each Member State must take its own measures to implement the regulation. Your committee sees this as a weak point in the regulation inasmuch as there is an attendant risk that illegal imports will be concentrated in those areas which impose the lightest penalties. Once the products have been imported into the Community, it will be difficult to prevent them from moving freely within the EEC under the terms of Article 10 of the Treaty unless the clause "products coming from a third country shall

be considered to be in free circulation in a Member State if the import formalities have been complied with ... in that State" is interpreted ~~so~~ restrictively that endangered species which have been imported into that State in a manner not in keeping with the proper procedure are considered in fact not to be in free circulation.

32. It is important that scientific observers from the Member States should be able to attend meetings on the operation and enforcement of the Convention. A good basis for this is to be found in Article XI (7) of the Convention.

33. It would be of great value to the enforcement of the Convention if the Commission were to take account of the opinions of scientific advisers.

34. Particular observations on the individual articles of the proposal

- Article 2: The Commission has introduced Annex B as an aid to the implementation of the Convention. However, this Annex may have the effect of placing limits on the Convention. Since your committee does not consider this to be in keeping with the aim of the regulation, it should be clearly specified in this article that the purpose of Annex B is to facilitate an optimum implementation of the Convention and is in no way restrictive in nature.

- Article 4.2: Although it is perhaps quite seldom that whale products are exported from the Community, it would seem nonetheless quite logical to specify the type of permit which is required in such cases. In short, as in the case of Article 4.1, specimens referred to in Article 3 should also be mentioned in Article 4.2.

- Article 4.4: Your committee does not fully understand why the Commission refers to free zones in this context. Your committee takes the view that free zones provide enormous scope for abuse and that they are not necessary for the purpose of enforcing the Convention.
- Article 7(d): The Commission will have to be provided with all the data which it needs in good time. It might be helpful to insert a deadline in this Article.
- Article 8.3: It is important that this Article should refer to the final place of destination of the specimen because otherwise it is not clear whether the specimen is in transit or has already reached its final destination.
- Articles 5 and 11: Since both these articles make provision for possible derogations from the Convention, the circumstances in which this may occur must be expressly laid down in the regulation. Furthermore, the Commission will have to publish a list of scientists and scientific institutions registered with a management authority in their respective Member States in the Official Journal of the European Community.
- Article 13: The wording of this article is not entirely clear. The intention doubtless that the specimens referred to in Articles 13 (a) and (b) should be covered by the full provisions of Articles 4 and 9. Furthermore, specimens in their live state referred to under 2 (a), (b) and (c) should without exception also be covered by the terms of Articles 4 and 9.

- Article 14: The possibility of designating places of entry and exit other than those referred to in this Article is probably of importance only in the case of live animals.
 - Article 16: The wording of this Article is fairly cautious. Your committee considers that information concerning the regulation will always be of interest to other Member States.
 - Article 17: It might be advisable to extend this Article to include information activities undertaken by the Member States to convey the importance of this regulation to all those people who are in any way connected with it. Prevention is, after all, better than cure.
 - Article 18: As already pointed out, qualified authorities or institutions should have the right to representation at the meetings of the Committee on the Convention.
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- Article 21: As in the case of other paragraphs of the regulation, the Commission is required to publish this information in the Official Journal of the European Communities.

35. New articles:

- After Article 19: Having regard to the Convention and to the importance which your committee attaches to the opinions of independent scientific authorities, an additional Article should be inserted, governing the setting up of a scientific committee.

- After

Article 21: Since it is unlikely that illegal imports can be completely eliminated, and since there is free movement of goods within the Community, a method should be found of nonetheless protecting illegally imported endangered (parts of) species. This can be done by not considering these goods as being in free circulation.

- After

Article 21: The Member States must be able to take more stringent measures than provided for in the regulation. However, in order to bring about a certain degree of coordination within the Community, use should be made of an Annex C listing separately for each country those (parts of) species requiring protection.

36. With regard to the problems which the implementation of this regulation could raise in overseas territories, a solution might lie in the designation of fixed places of entry and exit. Another possible method would be also to control specimens which arrive in Europe from overseas territories.

37. The Community should support initiatives aimed at the definition of positive lists. The advantage of positive lists lies in the fact that the purpose of the Convention - the protection of endangered fauna and flora - becomes clearer. Furthermore, positive lists might perhaps facilitate enforcement in that they would specify all species of fauna and flora in which trade is permitted.

38. The look-alike principle in particular may be one argument for Member States to go further in their national legislation than provided for in this regulation. However, trade in species which cannot or can hardly be distinguished from endangered species will make the latter even more vulnerable.

39. Your committee was pleased to receive the opinions of the Committee on Agriculture and the Committee on External Economic Relations. Both take the view that effective protection is needed for endangered species of fauna and flora.

OPINION OF THE COMMITTEE ON AGRICULTURE

Letter from the chairman of the Committee, Sir Henry PLUMB,
to Mr COLLINS, chairman of the Committee on the Environment, Public
Health and Consumer Protection

Brussels, 25 September 1980

Dear Mr Chairman,

At its meeting of 23/25 September 1980, the Committee on Agriculture¹ considered a proposal for a Council Regulation (EEC) concerning the implementation within the Community of the Convention on International Trade in Endangered Species of Wild Flora and Fauna.

This Convention, which was drawn up in response to a recommendation by the Stockholm Conference on the Environment (June 1972), came into force on 1 July 1975. Fifty-nine states have already acceded to it including all the Member States of the European Community.

The Convention aims at protecting certain species of animals and plant life threatened with extinction by strictly limiting and controlling international trade in these animals and plants and any of their derivative products.

Under Article 113 of the EEC Treaty the Community has its own powers in the field of commercial policy and is therefore responsible for adopting the appropriate measures for the implementation of the Convention. This is the purpose of the proposal under consideration, which meets with the approval of the Committee on Agriculture.

With regard to the more specific problem of whales, raised in the motion for a resolution, the Committee on Agriculture refers to its opinion² of 16 July 1980 concerning the proposal for a Council Regulation (EEC) (Doc. 1-192/80) on common rules for imports of whale products.

Yours sincerely,

Sir Henry PLUMB

¹ Present: Sir Henry Plumb, chairman; Mr Fröh and Mr Ligios, vice-chairmen; Mrs Barbarella, Mr Clinton, Mr Colleselli, Mrs Cresson, Mr Curry, Mr Dalsass, Mr Diana, Mr Gautier, Mr Helms, Mr Hord, Mr Lynge, Mr Provan, Mr Tolman and Mr Wettig.

² PE 65.990/fin.

OPINION OF THE COMMITTEE ON EXTERNAL ECONOMIC RELATIONS

Draftsman: Dr Barry SEAL

At its meeting of 20 October 1980 the Committee on external economic relations appointed Dr Seal draftsman.

It considered the draft opinion at its meeting of 20 January 1981 and adopted it unanimously.

Present: Sir Fred. Catherwood, chairman, Mr van Aerssen, vice-chairman, Dr Seal, vice-chairman and rapporteur, Mr Almirante, Mr Deschamps, Mr Filippi, Lord Harmar-Nicholls (deputizing for Sir John Stewart-Clark), Mr Jonker, Mr Lemmer, Mr Louwes, Mr Martinet, Madam Moreau L, Mr Nicolaou, Lord O'Hagan, Mr Pelikan, Mr Prout (deputizing for Mr Spicer), Mr Radoux, Mr Rieger, Mr Welsh, Mr von Wogau.

I. INTRODUCTORY

1. The REX Committee has to give its opinion on a proposal for a Regulation concerning the implementation by the Community of the Convention on International Trade in species of wild fauna and flora threatened with extinction.

The proposal arises from a recommendation of the June 1972 Stockholm Conference on the Environment which called on the participants to conclude a Convention covering the import, export and transit of certain endangered species of wild fauna and flora with a view to their protection.

2. The Convention was agreed in Washington in March 1973 and entered into force on 1 July 1975. All the Member States of the Community ~~except Greece~~ are among the current total of 67 signatory states. Furthermore, Denmark, the German Federal Republic, France, Italy and the United Kingdom have ratified the Convention and have enacted national legislation concerning its provisions.

3. On 2 March 1977 the Council adopted directives on the negotiations to be conducted with a view to the accession of the Community to the Convention. Following this, it was for the Commission to take the appropriate steps to secure Community accession.

4. This opinion, then, has to examine the Commission's proposal to the Council for a Regulation which will apply, at Community level, the provisions of the Washington Convention.

II. THE PROTECTION OF FAUNA AND FLORA

5. Before entering into the merits of the question and examining the economic implications of the operation of controls and restrictions on the international trade in threatened species, it may be useful to set out the general background of the problem and of the Community's interest in it.

6. The wild species of fauna and flora which still today populate our planet are part of mankind's common heritage. The world ecological balance is, however, precarious, and the development of industrialization has, for many years, done irreparable damage to it in many regions of the world. Wild fauna and flora species are of particular importance in ecological balance, both insofar as they constitute an irreplaceable 'genetic bank', and also because of the part they themselves play in global ecological balances.

The need to protect and conserve the natural heritage as a whole rather than concentrating on individual plants or animals is founded in the first place on moral considerations; but it is also based on ecological considerations on which depend, to a considerable degree, the maintenance of the human quality of life.

7. The Community has, for some time, realised the importance of the ecological problem and has, with this in mind, set up a Community environmental action programme. In this connection, the Council, in its resolution of 17 May 1977, has planned for the continuation of the achievement of a Community environment policy as the latest development of a programme started some years previously.

8. The Commission, aware that any effective measures to protect flora and fauna will have to operate at international level and will have to cover large geographical regions, has in its environmental action programme defined a series of measures which are coordinated with the work of other bodies and organizations. The Commission has therefore based its work on that of other international organizations, in particular the Council of Europe.

9. It has emerged from studies carried out by the Commission that as far as the protection of endangered species is concerned, this is a pluri-nationalist problem, the solutions to which demand action at international level as well as purely Community measures.

10. The measures proposed by the Commission¹ are as follows:

- restriction and strict control of international trade in endangered species;
- adoption by those States which contain menaced fauna of common measures for their conservation;
- measures for the protection of fresh and sea-water fauna;
- protection of marshland areas of international importance.

11. Following this analysis of the Community interest in the problem of conservation of endangered species, it is necessary to examine the current position regarding the trade in such species in Europe.

12. Firstly, it is necessary to point out, from the standpoint of the REX Committee, that the great majority of the species listed in Appendices I to III to the proposed Regulation are not indigenous to the countries of the EEC. The Regulation will therefore be mainly covering the import

¹ OJ No. C 24, 1 February 1977

of threatened species, but at the same time it will have a profound effect on the Community's present thriving trade both domestically and for export in manufactures derived from certain threatened species.

Traditionally Europe is an important centre in the international trade in wild fauna and in products manufactured from them; this has not only been a consumer market but it has, at the same time, been a centre of manufacture and re-export. Western Europe has, for example, about 1.8% of the total market in threatened wild feline species: put in other terms, some half a million skins a year. According to official statistics, the countries of Western Europe imported 180 tonnes of ivory in 1977, the greater part of which was re-exported to Asia, while about 50 tonnes remained for European consumption. Officially recognised European imports of ivory represent the product of about ten thousand elephants. Western Europe is also the largest consumer of whale derived products, particularly of sperm oil, of which more than eleven thousand tonnes were consumed by EEC countries in the course of 1978, representing the bodies of two thousand whales. Western Europe and Japan are the largest market for crocodile skins, snake skins and tortoiseshell products. Europe is also the largest dealer in live exotic animals and wild plants¹.

13. Even these few figures indicate how much remains to be done and the extent to which the application of the Washington Convention at Community level would represent a highly effective step forwards in the conservation of endangered species. The importance of applying the Regulation now under consideration also resides in the fact, which has already been examined, that Europe is one of the world's most important commercial centres in the trade in threatened fauna and flora. The regulation of this trade will therefore play an important part in the fight to protect such species, both directly and indirectly, throughout the world.

III. CONTENT OF THE REGULATION

14. The proposal under consideration is intended to apply at Community level the necessary measures which will bring the Washington Convention into effect. It therefore deals with banning the trade of certain flora and fauna and their products where this is prohibited by the Convention. It should be pointed out that in order to achieve protection of endangered species, the Convention makes use of various commercial policy weapons such as prohibitions, restrictions or controls on the import or

¹ See European Environmental Bureau: The application of the Washington Convention in the European Community

export of the species in question. The terms of the Convention fall, therefore, within the provisions of Article 113 of the EEC Treaty and are thus essentially a matter for the Community rather than the Member States. In consequence, the Member States cannot, within the terms of Article 113, act by themselves to achieve the objectives of the Convention; this is why the Community must become a contracting party to it and take part in its execution.

15. The Regulation will bring about a common procedure which will lead to a standardised Customs control at the external frontiers of the Community in the authorization of this trade. Customs control will also be reinforced with reference to the commercial treatment of the categories of species set out in Appendix I to the Convention¹.

16. It should be pointed out that there is nothing in the Convention which will prejudice the principle of the free circulation of goods within the Community, and that any application of unharmonised measures could risk bringing about competition distortions within the Community. It is necessary to set out initially a common list of the principal species, and the present proposal also permits other species or products to be added to this list. The proposal provides in Article 18 for the establishment of a committee within which the Member States and the Commission will collaborate to ensure the uniform application of the provisions of the Convention.

17. Article VIII, 1(a) of the Convention provides for parties to it taking appropriate enforcement measures, including penalties. Article 21 of the proposal confirms that each Member State shall adopt its own implementation provisions. The draftsman considers that this constitutes a weak point in the Regulation, since there is a risk that illegal imports may concentrate at areas where the penalties are lightest. Once such imports are inside the Community, there would appear to be little to hinder their free circulation within the EEC under Article 10 of the Treaty, unless the sentence "Products coming from a third country shall be considered to be in free circulation in a Member State if the import formalities have been complied with . . ."² is interpreted so strictly as to mean that threatened species which are improperly imported into one country are not in fact in free circulation.

¹ In the Washington Convention endangered species are set out according to the degree of endangerment in Appendices I, II and III. Trade in species threatened with extinction is subjected to particularly strict controls. The provisions concerning trade in the species set out in Appendices II and III allow a reasonable exploitation of living natural resources.

² Draftsman's underlining.

The Committee on External Economic Relations consider that there is a potentially dangerous loophole here and they therefore urge

- (1) that Article 19 of the proposal, which relates to the competence of the Committee on the Convention, established under Article 18, should be amended by adding the following sentence:

"The Committee shall pay particular attention to the harmonization of the penalties imposed by the Member States in the implementation of this Regulation."

- (2) that Article 20 should also be amended as follows:

Article 20(2) at the end of the first sentence insert -
"such provisions shall include proposals for common enforcement penalties by the Member States"

- (3) that a new Article 21A should be added as follows:

"21A. Where goods can be shown to have entered the Community without having complied with the necessary import formalities, they shall not be considered to be in free circulation within the terms of Article 10 of the Treaty and the provisions of this Regulation shall apply to them as appropriate in all Member States."

IV. CONCLUSIONS

18. The conservation and protection of endangered species of flora and fauna provided for by the Washington Convention is something of primary importance which responds not only to moral imperatives but also to economic interests. Such a conservation measure will contribute to the improvement of the quality of life of the peoples of the European Community and of the world. The Community has already expressed its views on this problem and the realization of a common policy and an action programme in this field demonstrates support at the Community level.

19. It should be underlined that the Washington Convention has a classically pluri-national nature in that effective measures can only be taken if they are applied over wide geographical areas. Conditions in the Community meet this requirement. Furthermore, the EEC is one of the most important trading and processing centres of endangered species. For this reason alone, commercial regulation at Community level can contribute in a definitive manner to the achievement of the aims set out in the Washington Convention because it will not only have a direct influence on Community territory but also because of Europe's important commercial rôle it will have an indirect effect on the trade in threatened species throughout the world.

20. The Committee on External Economic Relations therefore approves in its entirety the present proposal, while pointing out the need to avoid distortions of competition within the Community and equally, the need not to prejudice the free circulation of goods within it. In this respect, the Committee underline the importance they attach to the committee provided for under Article 18 being appointed in good time, since it will be primarily responsible for the proper working of the Regulation.

21. In conclusion, while the present proposal does not cover the protection of threatened species of flora and fauna indigenous to the countries of the Community nor, inevitably, does it cover non-indigenous species such as migratory birds, the Committee believe that it represents an important step in the protection of endangered wild species throughout the world. The importance of achieving effective protection is such that the Committee are of the opinion that the moral benefits of the proposal outweigh immeasurably any financial benefits which have been received by the Community as a result of its share in the traffic in endangered species.

MOTION FOR A RESOLUTION (DOC. 1-200/80)

tabled by Mr LYNGE, Mrs GREDAL, Mrs GROES,
Mr FICH, Mr GLINNE, Mr ADAM, Mr ALBERS,
Mr GAUTIER, Mr GRIFFITHS, Mr JAQUET,
Mrs FUILLET, Mr DELORS, Mr HANSCH, Mr SEELER,
Mr VAN MINNEN, Mr von der VRING, Mr SIEGLERSCHMIDT,
Mr WALTER and Mrs VIEHOFF

on behalf of the Socialist Group
pursuant to Rule 25 of the Rules of Procedure

on Community trade in products made from
endangered animal species

The European Parliament,

- having regard to the Treaty establishing the EEC and in particular to Articles 100 et seq. concerning Community trade,
- having regard also to the Council decision on the implementation of Community programmes on the environment and consumer protection,
- aware that more and more species of animal are in danger of extinction,
- recalling its resolution on the World Conservation Strategy (Doc. 1-112/80),
- recognizing the international endeavours to protect animals which have notably resulted in the Washington Convention of 3 March 1973 'on international trade in wild animals and plants threatened with extinction',
- aware that seals are part of the food chain,
- having regard to the annually recurring agitation in connection with the industrial slaughter of harp seal cubs organized by Norwegians and Canadians in New Foundland, Canada,
- aware that one fifth of Greenland's population depend on seal trapping as their main source of income and have no alternative livelihood,
- aware that new-born seals are in no way hunted or slaughtered in Greenland and that sealskin exports from Greenland do not present a threat to animal species in danger of extinction,

invites the Commission to propose immediate measures to ban or control, throughout the Community, imports of products made from animal species listed in the Washington Convention.

