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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.