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WCS EU Recommendations for CITES COP19

14th to 25th November 2022 in Panama

INTRODUCTION

WCS EU is a Belgian NGO based in Brussels, affiliated with the **Wildlife Conservation Society (WCS)**. WCS EU draws on WCS's field-based and scientific knowledge to support the development and implementation of EU policies and programmes, in support of global conservation objectives.

WCS is a global conservation organisation working to save wildlife and wild places through science, conservation action, education, and inspiring people to value nature. WCS's field programmes in more than 60 countries in Asia, Africa, the Americas, and the Pacific build on more than 100 years of experience and scientific and technical expertise. Information on WCS's work on international policy, including CITES, is available at www.wcs.org/our-work/solutions/international-policy. To learn more about WCS, visit www.wcs.org.

WCS is a strong supporter of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and has staff who have attended all meetings of the Conference of the Parties (CoP) since CoP7 in 1989. We have also attended many meetings of the Standing Committee (SC) and Animals Committee (AC). WCS works closely with the EU, its Member States, and other Parties to CITES, shares its field and scientific knowledge and expertise, and provides recommendations at the CoP, SC and AC.

Our recommendations are based on the CITES listing criteria, the best available scientific and technical information, and information from our field and country programs around the world. We operate programs to combat wildlife trafficking in more than 30 countries.

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RECOMMENDATIONS

The European Union and its Member States have played a global leadership role on wildlife trafficking issues including through their participation in previous meetings of the Conference of the Parties (CoP) to CITES.

WCS calls on the EU and its Member States to step up their efforts to tackle wildlife trafficking and to eliminate wildlife trade that is either illegal, or unsustainable both domestically and globally—consistent with EU statements at the recent meeting of the Open-ended Working Group of the Convention on Biological Diversity in Geneva, Switzerland. In line with the EU Biodiversity Strategy to 2030, we call on the EU and its Member States to also increase their already strong leadership in CITES meetings, in particular at the nineteenth meeting of the CITES Conference of the Parties (CoP19), which will take place from 14th to 25th November 2022 in Panama. We, therefore, take this opportunity to provide recommendations on several EU domestic and global issues that relate to CITES and wildlife trade:

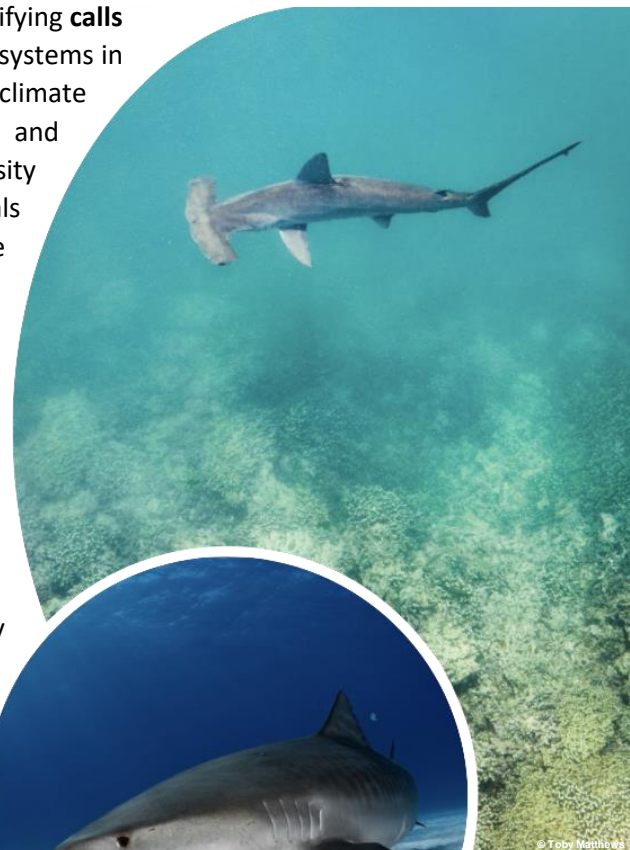
Specific Species Issues: WCS—

- Urges the EU and all Parties to CITES to respect the criteria laid down in the Convention, particularly through CITES Resolution Conf. 9.24 (Rev. CoP17) for the inclusion of species in the Appendices and to use an **evidence-based and precautionary approach** when deciding to list a species in the CITES Appendices, or to transfer a species between Appendices;
- Notes the connections between illegal and legal trade, where it exists, in big cat species, including Parties that trade commercially and through other loopholes such as captive breeding. We urge the EU to work with experts to further understand the dynamics of the **illegal trade in big cats** and their parts and products, and to support efforts to combat that illegal trade;
- Notes with concern the current **illegal capture of cheetah** (*Acinonyx jubatus*) cubs in the Horn of Africa for the live pet trade and their trafficking. We urge the EU and its Member States to further support cheetah range States politically, financially, and technically to fight this scourge, and to support strong efforts to ensure enforcement and compliance by consumer States;
- Stresses that poaching and associated illegal trade, unmitigated linear infrastructure, disease, and climate change are ongoing threats that are likely to cause or exacerbate significant over-mortality of **Saiga antelope** (*Saiga spp.*). We call on the EU and its Member States to further support Saiga range States politically, financially, and technically to effectively conserve this emblematic animal. We also call on the EU to support strong efforts to require control, monitoring, and reporting of all Saiga stockpiles in consumer States, and to oppose any premature effort to remove the zero quota in the CITES Appendices for the species.



Shark Proposals to Amend the CITES Appendices: WCS–

- Notes that countries and experts around the world are amplifying **calls for taking action** to maintain healthy oceans and ocean ecosystems in light of a multitude of threats including overfishing and climate change. These actions are ongoing through discussions and negotiations under the Convention on Biological Diversity (CBD), Convention on Migratory Species of Wild Animals (CMS), and the UN Framework Convention on Climate Change (UNFCCC), as well as CITES;
- Recalls that **sharks and rays play a key role** in maintaining thriving ocean life. New research released since CITES CoP18 now shows that 37% of shark and ray species are already threatened with extinction – the second-highest rate among all vertebrate groups (after amphibians). One of the primary drivers of these declines is the international trade in shark products;
- Stresses that CITES has a critical role to play in slowing these declines by regulating the global shark trade, but to date only 25% of the fin trade is in CITES Appendix II-listed species. The EU has played a key leadership role in proposing, advocating, and implementing these listings, but CITES Parties must do more to control this trade that is driving these ancient predators to extinction;
- Welcomes the proposal published by the European Commission for a Council decision which includes an Appendix II proposal that would bring the entire family of **hammerhead sharks under CITES regulation**. We applaud this continued EU leadership in the conservation of marine specie;
- Notes that, at the 74th meeting of the CITES Standing Committee in March 2022, the Government of Panama, the host country of CITES CoP19, announced that it has submitted **a proposal to list the entire family of requiem sharks** (Family Carcharhinidae) on CITES Appendix II. The four lead species in the proposal - gray reef shark (*Carcharhinus amblyrhynchos*), dusky shark (*C. obscurus*), ganges shark (*Glyphis gangeticus*) and smalltail shark (*C. porosus*) are included based on scientific evidence of populations declines driven by unregulated international trade. All four are classified as Endangered or Critically Endangered on the IUCN Red List of Threatened Species and are found in high numbers in the fin trade. The other 50 species are included because their parts and products are difficult to distinguish from the other species in the family (“similarity of appearance” under CITES Article II.2.b). With almost 70% of the species in the requiem family already listed as Threatened on the IUCN Red List of Threatened Species, this CITES Appendix II listing is essential for effective regulation of this high-value trade and the prevention of population declines of the rest of the species in the family. Given the vulnerable biology and life history of sharks and rays, basic trade regulation for sustainability under Appendix II is the bare minimum the precautionary



approach would indicate is necessary, and action to deliver that regulation cannot be delayed. For many of the species in trade, it is already too late for a precautionary approach – ambitious action must be taken at CITES CoP19 before wide-scale Appendix I listings and shark trade bans are needed or proposed. Panama has reached out to the European Commission and several Member States requesting formal support for their CoP19 proposal;

- Strongly encourages **the EU and Panama to work together at CITES CoP19**, by co-sponsoring each other's proposals, and providing a united front of shark conservation and management champions. With the combined leadership of the EU and its Member States, and Panama as the host Government, there is an unprecedented opportunity to adopt this ambitious agenda for sharks, and the world's oceans this November at CITES CoP19. Sponsoring these shark Appendix II listings is fully in line with the EU's Biodiversity Strategy for 2030 and its overall ambitions to support sustainable trade and prevent the extinction of species found in international trade. The listing at the family level will also facilitate enforcement, and make it far easier for Customs and other enforcement authorities. Together, the Panama requiem shark proposal and EU hammerhead shark proposals, both of which are at the family level, would bring the vast majority of the trade in shark fins under CITES Appendix II regulation. The CITES Appendix II listing of the vast majority of the shark fin trade delivered by these proposals will help ensure that only legal, sustainable trade can continue, and this safety net of full regulation will ensure that trade demands don't shift from listed to unlisted species.

Elephant Ivory: WCS–

- Urges the EU and its Member States, and indeed all Parties, to maintain the current moratorium on all international ivory trade (for populations in Appendix II or II), and to oppose any proposal to reopen the **international elephant ivory trade** at CoP19;
- Welcomes the EU's new measures aimed at further restricting its **legal domestic elephant ivory market**. We note with concern however that most restrictions are embedded in a guidance document that isn't legally binding, and we call on all EU Member States to thoroughly and fully fulfill these recommendations and amend their national legislation accordingly. We further call on the Commission to regularly monitor the implementation of these new measures and apply additional and stricter rules, including through the adoption of *de minimis* provisions, to ensure that illegal ivory cannot be laundered into the legal trade into and within the EU;
- Calls for continued leadership on **the closure of domestic ivory markets**, including by using CITES, and diplomatic and other measures to encourage other Parties with legal domestic markets to close them as a matter of urgency and supporting Parties in enforcing legal prohibitions already in place on domestic ivory markets;
- Recommends the EU submit or co-sponsor a document that would amend CITES Resolution Conf. 10.10 (Rev. CoP18) to: 1) encourage the **destruction of elephant ivory stockpiles**, or other means of putting such stockpiles beyond economic use; and 2) increase the independent evaluation of proposed and adopted National Ivory Action Plans (NIAPs).



One Health Approach: WCS–

- Underlines the important role of the Commission in coordinating and supporting the **One Health approach** in the EU and advocating it at all international fora. We note that the underlying causes of pandemics include the same global environmental changes that drive biodiversity loss and climate change, such as land-use change and legal and illegal wildlife trade and consumption;
- Notes with concern that several studies have found that significant quantities of **meat from domestic and wild animals** are smuggled into France and Belgium through air passengers, posing risks to animal and human health and biodiversity. WCS calls on the Commission to step up data collection on this issue in the Member States and support and coordinate an EU response to this threat to wildlife and public health risk;
- Notes the **WHO, OIE and UNEP guidance** calling on “national competent authorities to suspend the trade in live caught wild animals of mammalian species for food or breeding purposes and close sections of food markets selling live caught wild animals of mammalian species as an emergency measure”¹. WCS calls on the Commission and the EU Member States to promote and assist the global community in ending the **commercial trade and sale in markets of live wildlife for human consumption**, particularly birds and mammals, as a key outcome to achieve the goal of preventing future pandemics of zoonotic origin;
- Calls for the adoption of a **new Resolution that encourages Parties to adopt a One Health approach** to wildlife use and trade, using the operational definition of One Health developed by the One Health High-Level Expert Panel (OHHLEP), when implementing the Convention, and to undertake appropriate risk analyses with respect to animal, human and environmental health when considering applications for wildlife trade-related permits and certificates.

Implementation and Strategic Issues: WCS–

- Calls for increased actions to **counter wildlife trafficking** along the trade chain from the supply to the demand side; calls for resources to be targeted towards developing anti-trafficking programmes, managing key protected areas, and tackling corruption. This is fully in line with the EU’s position at the recent CBD Open-ended Working Group (OEWG) negotiations in Geneva in June, in which the EU supported the elimination of all wildlife trade that is illegal or unsustainable;
- Calls upon the EU and its Member States to **promote full compliance with CITES and enforcement** by all Parties, to provide financial and technical assistance in this regard, and to impose strict measures (including sanctions) both unilaterally and through CITES processes when it is found that Parties are undermining the effectiveness of the treaty and not effectively stopping illegal or unsustainable exploitation and trade;
- Acknowledges that the EU constitutes an important destination market for illegal wildlife. WCS calls on the Commission to adopt a new regulation that ensures that **non-CITES-listed species** that

¹ www.who.int/publications/i/item/WHO-2019-nCoV-Food-safety-traditional-markets-2021.1

are illegally taken from the wild in their country of origin or otherwise illegally traded are also prohibited in the EU, which would close a significant loophole in the EU wildlife trade regulations;

- Stresses the importance to ensure that both illegal and legal (but often unsustainable) wildlife trade are dealt with effectively in all **Free Trade Agreements (FTAs)**, and not just some of them. We call for strong commitments in every future EU FTAs that will ensure the legality and sustainability of trade in wildlife products, and strict enforcement to combat wildlife crime, including but not limited to effective implementation of CITES. We believe that non-compliance with provisions on biodiversity should be associated with consequences, whether through trade or other sanctions so that partner countries comply more fully with Trade and Sustainable Development provisions;
- Calls for **increased synergies between international treaties** such as the Convention on Biological Diversity (CBD), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on the Conservation of Migratory Species of Wild Animals (CMS), and other biodiversity-related treaties and agreements, to effectively achieve the international commitments regarding biodiversity conservation;
- Calls on the Commission and the Member States to **increase their financial support** to implement CITES Decisions. We note with concern that many CoP18 decisions remain unfunded;
- Stresses that engagement with technically qualified third parties, including scientific and evidence-based non-governmental organizations, is essential to prepare and discuss issues before CITES meetings take place, and to advance the conservation of species subject to international trade and the implementation of CITES. WCS calls for further engagement and full involvement of **civil society organisations** in the decision-making process, through transparent consultative processes, including public consultations and stakeholder meetings.

