

## Draft minutes

### Attendees

Lydia Andrews	APHA
Peter Butler	Vertu
Jim Collins	SUN
Keith Davenport	OATA
Jane Elliot-Malpass	Defra
Keith Fletcher	Vertu
Mike Gates	Owl Society
Graham Irving	Hawk Board
Alison Littlewood	JNCC
Mike Moser	British Fur Trade Association
Russ Sear	APHA
Martin Sims	NWCU
Gaby Solano	OATA
Noeleen Smyth	RBG Kew
Derek Stotton	StottonFalcons
Dominic Whitmee	Defra

*Apologies –Mark Baxter (Defra); Peter Beare (Beare Violins/EILA); Anthony Browne (British Art Market Federation); Bryan Carroll (BIAZA); Stephen Everist (UKBF); Grant Miller (UKBF); Henriette Okafor-Wright (Burberry);*

### **Agenda item 2 - Corporate updates**

1. The outcomes of the Spending Review were announced on 25 November 2015. Defra is subject to major cuts (15% overall over 5 years, of which 26% are cuts to admin cuts). We expect major implications on delivery and resources. It will take time to work out what it means for us but we are expecting structural changes in Defra including that the International team will be merging with Marine teams on 1 January 2016. Amy Holmes will be the Director for the merged teams. It is likely that the upcoming restructure will have further implications for staff.
2. Defra has undertaken a Voluntary Exit Scheme (VES), Jane Elliot-Malpass and Jeremy Eppel will both be leaving in March 2016. Michael will be on paternity leave for December until early 2016. A result is that there will be a major impact on team's resources as we build up to SC66 in January, including on the COTES review. CSUG hope that the changes would not impact on relationships with stakeholders i.e. that we would retain the current level of engagement. DW assured CSUG that we would remain fully engaged.
3. It is not clear yet what implications there are yet for NWCU funding following the Spending Review. NWCU are meeting with Minister Stewart on 3 December to discuss this. A joint review of JNCC ([link](#)) was announced on the 17 December and is expected to conclude in June 2016.

4. APHA informed CSUG that the Head of Licensing post for CITB is on hold, Barbara will remain in post pro-tem and will also lead on compliance. Simon Hewitt has had to re-apply for his post as head of international trade, we will know the results in December.
5. UKBF reported that Operation Cobra III had been a success resulting in several large seizures in the UK.
6. Defra and its agencies will be adopting an Internet-based phone system from December called Jabber which means phone numbers will be changing in January. APHA have a single point of contact (SPoC) number which is 03000 200 301. The new numbers for the CITES team in Defra are below.

Dominic Whitmee 0208 026 6656  
Michael Sigsworth 0208 026 3704  
Mark Baxter 0208 026 6794  
Stacey Hughes 0208 026 6911  
Jane Elliot-Malpass 0208 026 6724

#### **Agenda item 4 - Policy/legislation updates**

##### **a. COTES review**

7. An update to the COTES review was circulated to CSUG, a copy is attached for reference. In summary a few issues need to be ironed out including the use of Civil/criminal sanctions and issues related to designating Ports of Entry and Exit. Our understanding of EU regulations suggests that exports and re-exports of live CITES specimens going the Third Countries should go through Border Inspection Posts (BiP's)<sup>1</sup>. We need to understand the implications of restricting PoEE to BiPs, in particular for bird breeders which appear to make up the majority of live animal exports from the UK. Defra's hope is to avoid the need for a further formal round of public consultation but will if significant concerns or differences of opinion arise from informal consultations.

**Action point 1** – CSUG, Graham Irving will contact falcon breeders before Christmas to assess which exit points they are using to (re-)export live birds outside the EU and advise Defra

**Action Point 2** – DW to share the latest draft of the COTES SI with CSUG towards the end of December [Circulated with a deadline for comments of 15 January 2016]

##### **a. Invasive Alien Species (EU list of concern)**

8. A list of 37 species considered to be IAS<sup>2</sup> will be put to a vote of EU Member States at an Executive Committee meeting in Brussels on 4 December (another list is expected next year). Ministers have been considering the proposals and the rationale and justification for them, and are currently consulting with the Devolved administrations.

<sup>1</sup> Current BiPs for live specimens are Gatwick and Heathrow

<sup>2</sup> [Europa - IAS information](#)

**Action Point 3** – Trevor Salmon will provide information to CSUG updating on the meeting in December

**a. Law Commission review of wildlife law / Draft Wildlife Bill**

9. The Law Commission were asked, inter alia, to consider mechanisms for enforcement including the appropriateness of criminal offences, sanctions and their consolidation. They were also tasked with reviewing existing species control provisions and consideration of tools required to ensure the proper functioning of an invasive non-native species regime. This has already led to the introduction of species control order provisions via the Infrastructure Act 2015.
10. Their final report and an accompanying draft Bill was published on 10 November 2015, the key recommendations included replacing existing legislation with a single statute bringing together all wildlife law (inc EU directives and international conventions) to make it more consistent, easier to understand and simpler to use. Ministers will now consider the report's recommendations decide how to proceed.

**Action Point 4** – Defra to keep CSUG updated with progress on the Law Commissions recommendations

**a. NGO lobbying on exotic pet trade**

11. Defra is aware of NGO campaigning to ban the trade in exotic pets, including approaches to some MEPs (inc Catherine Bearder). This links with the current Scottish review on the keeping of exotic pets which focusses primarily on pet welfare issues.
12. Defra remain in touch with the Scottish Government about the review and has advised the Scottish Government of potential cross-over with CITES. The Scottish Government has confirmed any new measures adopted would seek to complement CITES controls, not overlap with them.

**Action Point 5** – Defra to keep CSUG updated with progress on the Scottish Government review on the keeping of exotic pets

**Agenda item 5 - Process and implementation issues**

**a. Issues related to commercial use of species listed straight to CITES Appendix I**

13. CSUG asked if APHA had any thoughts on the issue of proving 'legal acquisition' of species listed straight to Appendix 1. We are expecting an Appendix I proposal for *Lanthanotus borneensis* (the earless monitor lizard) to be made to CoP 17. Historically reptiles can be bought at shows and if not already listed on CITES, then owners/breeders are unlikely to have receipts or paperwork referring to a specimen. A similar situation arose following the Appendix I listing of *Neurergus kaiseri* (Kaiser newt) in 2010 which was already being bred in the EU prior to listing.
14. In response, APHA recognise that there are two issues related to this question. The first is proof of legal origin, so was the founder stock obtained legally and secondly

whether subsequent transactions of specimens have been in compliance with the EU Wildlife Trade Regulations.

15. The EU are currently considering the earless monitor lizard proposal and other listing proposals for CoP 17 with Member States. No decisions have been reached on any of the proposals. Defra and APHA will ensure the issues related to proof of legal origin and lawful transaction are taken into account during those discussions.
16. It would be helpful to gain an understanding of the numbers of specimens already in captive breeding in the UK and the other potential species commonly captive bred in the UK/EU.

**Action Point 6** – CSUG to provide details, including estimated numbers, of species commonly captive bred in the UK which may be impacted by an Appendix I listing at CoP 17, and provide comments on other proposals of interest.

**Action Point 7** – JNCC and Defra to note CSUG concerns on lawful transactions when considering potential CoP 17 listing proposals.

17. Note that Earless Monitor Lizard has been afforded total protection throughout its range since 1980. This means any wild taken earless monitor lizards existing outside range countries obtained post 1980 without having obtained permission from the host country have in all likelihood been obtained illegally. However specimens have been exported from Indonesia legally with Indonesian export documents as *Varanus borneensis* rather than as *Lanthanotus borneensis* (most monitor lizards are in the genus *Varanus*). Importers have received these animals in good faith.

**a. Rehoming of animals without proof of legal acquisition**

18. Annex A specimens are sometimes 'gifted or rehomed' to sanctuaries (or other places) where there is no proof of legal acquisition (E.g. a pet tortoise that has been in a family for a number of years). These specimens cannot be used commercially as an Article 10 permit cannot be issued without proof of legal acquisition. This causes a problem where a sanctuary accepts donations or charges a fee for entry, where specimens might end up on display to the public.
19. Defra has given this some initial thought such as whether a similar system to that which was introduced for Wild Disabled Birds could work, i.e. allow display to public if certain conditions are met such as display for educational purposes, stock lists provided, specimens marked etc. However, resource constraints mean that it is unlikely Defra or APHA will be able to give this fuller consideration for the foreseeable future.
20. CSUG expressed concern, that until a solution was found, keepers may be found non-compliant with the regulations where animals/birds are re-homed without Article 10's. NWCU reassured CSUG that such incidents (if reported) are taken on a case by case basis and they are not in the job of seeking prosecutions in genuine cases.

**a. Birds:**

**i. European bird ringing / general licences**

21. CSUG asked for an update on the conclusion on the consultation on bird ringing which ended in March. Defra explained that once internal processes are completed, the results will go to Ministers for consideration. The Summary of responses should be available online soon.
22. At this stage Defra cannot confirm which option will be pursued. Defra does not expect consideration of the proposed wildlife bill to delay matters.

**i. Marking requirements for young birds**

23. CSUG identified situations where it is difficult to ring chicks in the first few days of life (as required by CITES). E.g. some parent birds such as Stellars sea eagles are aggressive and protective of their checks making it practically impossible to ring chicks. Other birds grow very quickly in the first few days of life.
24. APHA explained that whilst they had previously given advice (to Jemima Parry-Jones) on when ringing should be done on wild disabled birds (there is a period of up to six weeks where WDB need not be ringed under the care of a vet). APHA confirmed that they take into account breed characteristics when assessing if a chick has been ringed in line with legislative requirements (e.g. WCA and CITES)

**Action Point 8** – APHA (Russ Sear) to speak offline with Jemima re: ringing chicks and provide an update

Update: Action completed

**i. Requirement for parent bird ring numbers**

25. CSUG query why when applying for A10's for chicks, they are required to include the parents ring numbers on the applications. APHA explained that each new application should correctly reflect the current situation and is a signed legal declaration confirming this. APHA explained it is incumbent on breeders to supply this information as APHA does not check back through records. One CSUG member has specific issues that they wish to discuss on this matter.

**Action Point 9** – APHA (Barbara) and CSUG (Derek Stotton) to speak offline

**i. Keeping of captive birds in show training cages**

26. CSUG asked for an update on the review on keeping captive birds in show training cages. Defra's Animal Welfare team is not aware of a current review but this query may refer to a Natural England consultation in 2014 on General and Class Licences under wildlife legislation in England. The consultation did consider the Keeping of birds in show cages for training purposes ([WML-GL-16](#))

**Action Point 10** – JEM to find information on the consultation for circulation to CSUG

Please see: [Con Docs](#)

**i. Barn owls bred in the UK**

27. APHA has provided the number A10's issued for Barn owls from 2012 -2015

- 2012 - 753
- 2013 - 885
- 2014 - 1024
- 2015 - 886 (Jan to Oct)

#### **Agenda item 6 - Administrative issues**

##### **a. Reviewing charges for statutory services**

The latest on APHA charging can be found here:

<https://www.gov.uk/government/consultations/charges-for-statutory-services-provided-by-apha-proposed-changes>

##### **b. Export Health Certificates – online application process**

28. The team dealing with export health permits are able to provide a special delivery service to return certificates to customers, general information special delivery costs is here:

<http://shop.royalmail.com/postage-supplies+stationery/special-delivery-guaranteed/icat/cat121>

Carlisle will hold special delivery envelopes (which only expire if postal charges change) for customers which are used for their third country exports. These can be bought online from the post office. Customers should be mindful of weight if they are requesting multiple certificates.

#### **Agenda item 7 - EU and International meetings – review and forward look**

- 73rd and 74th EU Scientific Review Group (SRG)**
- CITES Animals and Plants Committee meetings (AC/PC)**
- 72nd and 73rd EU Management Committee / 1st and 2nd EU Experts Group (COM)**

29. The meeting summaries and agendas of SRG/COMs and AC/PC were circulated to CSUG prior to the meeting. CSUG noted their desire for a review of the CITES Appendices to remove species that no longer justify listing and suggested that the EU Annexes should be brought back into line with the CITES Appendices. They said that AC/PC should undertake the review of the CITES Appendices. JNCC noted that Range State support is usually essential if a proposal is made to change the CITES Appendices. CSUG also noted the reduction in staff numbers working at the CITES Secretariat, citing this as another reason for reducing the size of the Appendices.

**Action Point 11 – CSUG to think about which species could be down-listed or removed from the Appendices and let Defra/JNCC know ASAP**

**Action Point 12** – CSUG (Jim Collins) to provide Defra with instances where the EU Annexes don't line up with the Appendices and where this creates problems for traders wishing to import those species into the EU

**a. CITES Standing Committee 66**

30. The UK will be focusing on a limited number of priorities for SC66:

Tier 1 - Positively promote the UK position in EU discussions

- National laws for implementation of the Convention
- Special reporting requirements: Report of the working group
- Asian big cats
- Elephants
- Rhinos
- Compliance issues generally

**b. CITES COP17**

31. CSUG asked what effect the EU joining CITES as a Party might have on CoP processes. Defra explained that the current arrangements won't change .

32. Defra explained that the EU and Member States were in consultation with range states of potential listing proposals but that no decisions have been made yet

33. The meeting noted that when listing proposals are considered thought should be given to the livelihoods of those trading in the species proposed.

**Action Point 13** – Defra to keep CSUG in the loop as positions are developing on listing proposals to CoP 17

**AOB**

Online/e-permitting

34. The online/e-permitting system is currently on hold pending consideration of the implications of the Spending Review. Government has been considering a 'one solution' cross-Government approach in relation to permitting. CSUG (Keith Davenport) is due to meet with BIS shortly and will raise CITES licensing at that meeting.

35. APHA will not in future answer questions that have already been previously answered (as stated by Barbara verbally ,at the last meeting), unless there are specific reasons why the enquirer thought we had not answered the question. In such cases we would expect the enquirer to provide specific examples/details etc