

CITES Sustainable Users Group (CSUG) Meeting

11am-1pm, 12 January 2017, 2 Rivergate, Bristol

MINUTES

Attendees:

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| 1. Mark Baxter (Defra) | 14. Barbara Minnikin (APHA) |
| 2. Robb Brown (NCA/British Bird Council) | 15. Nicky Needham (BIAZA) |
| 3. Jim Collins (SUN) | 16. Chris Newman (REPTA) |
| 4. Dawn Day (ABO) | 17. Francine Nicholls (APHA) |
| 5. Martyn Denney (Cyclamen Society) | 18. Bob Partridge (NCA/B. Bird Council) |
| 6. Keith Fletcher (Vertu) | 19. Alan Robinson (IOA) |
| 7. Mike Gates (Owl Society) | 20. Michael Sigsworth (Defra – chair) |
| 8. Stacey Hughes (Defra) | 21. Rose Simpson (RBG, Kew) |
| 9. Graham Irving (Hawk Board) | 22. Noeleen Smyth (RBG, Kew) |
| 10. Rachael Kitchener (APHA) | 23. Michelle Tarran (APHA) |
| 11. Alison Littlewood (JNCC) | 24. Owen Walton (TTF) |
| 12. Kim McDonald (Guild of Taxidermists) | 25. Dominic Whitmee (OATA) |
| 13. Paul McManus (MIC) | |

Apologies:

Simon Hewitt (APHA), Laurence Jessup (UKBF), Martin Jones (Falconry online), Grant Miller (UKBF), Henriette Okafor Wright (Burberry), Jemima Parry-Jones (ICBP), Martin Sims (NWCUC).

Agree minutes of meeting on 12 April 2016 and action point update:

1. The minutes of the last meeting were agreed. The majority of action points had been completed or superseded, apart from ongoing issues discussed later in the meeting.

Update on APHA BIP and other charging:

2. Michelle Tarran and Rachael Kitchener, APHA's Project Delivery Team, gave an overview of the project they are working on to make it easier for UK businesses trading internationally to work digitally. CITES is a priority area and they are looking at the user journey from start to finish, ie permit application to payment. They are taking a phased approach and would like to seek feedback from CITES traders at each stage.

Action point 1: CSUG members interested in taking part and providing feedback on the online application process for CITES permits should send an expression of interest to Michelle Kitchener or Rachael Kitchener of APHA's Permissions and Compliance Team at: APHAPermissionsandCompliance@apha.gsi.gov.uk by 14 February.

3. In Simon Hewitt's absence, Barbara Minnikin (BM) gave an update on the replacement for Unicorn which is in the scope of the pan-Defra Licencing and Permitting programme (a strand of the wider Defra transformation). Permission has been given to proceed to a Policy and Delivery Challenge (PDC). During this routine process policy and operations will be challenged to ensure that this work is appropriate for Government to undertake and no other solution for delivery is available.

The PDC should take place before the end of this financial year. Once through this stage, work will enter an intensive 'Discovery stage' which will involve engagement with policy, stakeholders and end users to ensure that all requirements are captured.

4. Dominic Whitmee (DW) asked APHA about charging and to think again about introducing out-of-hours charging as he stated that the additional cost was unjustified and not business-friendly. APHA is putting up a submission to Ministers on this.

[Update: *APHA's charging team have advised that following the outcome of elections in Scotland and Wales during 2016 they have worked with officials in both countries to provide briefings to their respective ministers. This will culminate in their seeking permission from Defra Ministers to publish the formal Consultation Response but at present it remains unpublished.*

Proposed BIP fee changes: APHA's position remains unchanged from its preferred option as set out in the 2015 consultation. This will be its recommendation to Ministers. It would not be appropriate to anticipate their views until the current round of briefings is concluded. In view of the time needed to clear, approve and lay statutory instruments, the earliest any changes could come into effect, if approved, would be April 2017.

Out of Hours charges: The proposals reflect current working arrangements in APHA. The team are not aware of any current plans to change Out of Hours coverage at BIPs but transformational change is key to many of the aims and objectives set out in Defra's Single Departmental Plan and Strategy to 2020. In support of this, APHA continues to look at new and more efficient ways of working and the Agency has already gone through significant operational change in this regard. Where fees and charges apply for APHA services, any savings arising from lower operating costs from different ways of working would be passed on to service users as part of a future review of fees.]

Changes to CITES Appendices with effect from 2 January 2017:

5. Michael Sigsworth (MS) explained that the amendments to the Appendices (ie species listings) agreed at CoP17 entered into force on 2 January. Implementing these presented a number of challenges, not least because of the delay in updating the Annexes of the EU Regulations. The corresponding amendments to the EU Regulations are expected in early to mid-February. This leaves the problem of how to deal with trade in newly-listed species in the interim. Without relevant domestic legislation, the UK has no legal basis to issue permits in respect of these species. MS wanted to better understand the impact and scale of this. **[Update:** *the EU Annexes were published on 1 February and entered into force on 4 February 2017.]*

6. Paul McManus (PM) advised that trade in musical instruments is worth £500m a year. Guitar sales constitute 24% of that, with approximately 900,000 guitars sold in the UK p/a. Nearly all guitar fretboards are made of rosewood. PM expressed concern for the hundreds of small businesses selling 50-100 guitars a year, some of which could go out of business without being able to trade in rosewood while the EU Annexes are being updated. MS and BM were committed to working with traders to try to find a workaround to this. BM was looking for information on what volumes of permit applications for species added to the Appendices at CoP17 to help anticipate the impact on her team. APHA are arranging a one-day training seminar to the industry to introduce businesses to the EU Wildlife Trade Regulations to help them comply with CITES requirements.

7. DW asked whether APHA could take a pragmatic approach and process permit applications in advance of the EU Annexes being updated. BM advised that APHA could accept applications and carry out the necessary checks but not issue permits.

Action point 2: BM to work with her team to prepare to process applications as quickly as possible once the EU Annexes are updated.

8. Kim McDonald (KM) considered it easier if all *Dalbergia* rosewoods were listed in Annex A, not just *Dalbergia nigra*. Noeleen Smyth (NS) explained that there is a chemical test to distinguish *Dalbergia nigra* from other rosewoods. This can be carried out by RBG, Kew.

9. DW queried the power of UK Border Force (UKBF) to inspect export permits for specimens of species not yet included in the EU Annexes.

Action point 3: Defra (MS) and APHA (BM) to follow this up with UKBF.

10. Chris Newman (CN) asked how breeders of species added to Appendix I at CoP17 without first being included in Appendix II eg *Lygodactylus williamsi* (turquoise dwarf gecko), would be able to show that the animals had been legally acquired, and link that to an individual, unmarked specimen. He noted that these geckos breed well in captivity and, without being traded, would die out in the pet trade. MS advised that proof of legal acquisition would be decided on a case-by-case basis, depending on the individual circumstances. CN advised that many keepers do not have relevant documentation. He anticipated similar documentation problems for *Shinisaurus crocodilurus* (Chinese crocodile lizards) and African grey parrots uplisted at CoP17 from Appendix II to I. Alison Littlewood (AL) explained that there was an EU working group looking for solutions to implementing the African grey listing; this species was considered to present unique implementation problems because of its longevity and abundance in captivity.

11. Jim Collins (JC) suggested that APHA adopt the pragmatic solution previously taken in respect of Kaiser's spotted newts that went straight to Appendix I (and EU equivalent Annex A) in 2010 after CoP15. He reported that, in that case, it was accepted that all animals already in the UK prior to the listing were here legally and permits were issued accordingly.

Action point 4: CSUG members to provide BM with estimates of volumes of African grey parrots needing to be rehomed in the UK, or being held in sanctuaries/rescue centres, and similarly for any other species added to Appendix I at CoP17. This will help APHA anticipate the number of permit applications. Anyone with constructive feedback for processing applications going forward should email APHA.

Action point 5: MS and BM to revisit the handling of the Kaiser newt listing and consider adopting a similar approach, if appropriate.

Proposal to tighten UK ivory trade controls:

12. MS advised that Defra's 12-week ivory consultation on its proposal to ban the sale of ivory less than 70 years old as of March 2017 was planned to be launched by the end of January. The consultation will include an open question about whether the proposal should go further. Although it will not include mention of specific exemptions, Defra will be open to suggestions, for example, a *de minimis* rule for musical instruments where ivory is a small

part of a much larger item. He encouraged CSUG members with views to take part in the consultation.

13. KM expressed concern about the difficulty in proving the age of ivory, irrespective of where the cut-off point was. He was interested to know where valuable ivory items could be tested to establish their age, or whether they were from African or Asian elephants (for export to the USA). In view of the cost of carbon-dating, it would not be suitable for cheaper ivory trinkets. MS agreed that carbon-dating was not the wider solution; it was more a question of proving credible documentation. He confirmed that these conversations were ongoing in Defra. Again, these were important points to feed into the consultation.

Action point 6: Stacey Hughes (SH) to include details of the consultation publication with the minutes. [Update: *The weblink is not yet available – to be forwarded separately.*]

Implications of Brexit for the CITES Regulations:

14. MS stated that after Article 50 is triggered, the Great Repeal Bill will be put before Parliament. This will remove the European Communities Act 1972, which gives effect to all EU law in Britain, so that EU legislation will no longer apply from the date on which the UK formally leaves the EU. All existing EU law will be transposed into domestic legislation. Parliament will then be able to amend and/or improve any legislation; however, there will be a large amount to look at and it will be a long process. Defra is considering whether a direct transposition of the EU Wildlife Trade Regulations will work with minimal, essential amendments only to ensure its operability. All legislation will be reviewed at a later stage when further amendments will be considered. DW suggested that some minimal effort changes could be made when transposing the Wildlife Trade Regulations which could result in some quick wins, for example on controls on internal trade.

Action point 7: Defra to keep CSUG members in the loop on transposition of the EU Wildlife Trade Regulations into UK law.

EU Illegal Wildlife Trade event on 8 February, including proposals for a positive list approach:

15. MS gave some background to this event, arranged by the European Commission to take stock of progress since publication of the EU Action Plan against Wildlife Trafficking, endorsed by the Council in June 2016. CN, DW and UKBF are attending. DW welcomed engagement of the business sector; OATA planned to carry out its own investigation into illegal wildlife trade (IWT) and report on its findings. He opposed additional regulatory restrictions, stating that these were disproportionate, unjustified and would impact on those following the rules but would not tackle IWT. MS advised that there was no discussion within Government of supporting positive lists.

Action point 8: MS/SH to forward CN a copy of the agenda. **Completed.**

Action point 9: MS invited CN and DW to provide feedback on how useful they found the event.

COTES update, including civil sanctions regime and ports of entry:

16. MS explained that the COTES review was on hold pending the outcome of the UK's ivory consultation as any changes to tighten UK controls would be implemented via the

COTES Regulations. There is still work to be done on how a civil sanctions regime would operate. MS understood concerns, particularly in respect of live animals, around aligning CITES ports of entry and exit (POEE) with Border Inspection Posts (BIPs), which would leave only Gatwick and Heathrow. Graham Irving explained that Manchester and Birmingham were commonly used as POEE as they were equipped to deal with large volumes. DW suggested that when the UK has left the EU, we will no longer be required to align POEE and BIPs. An option would therefore be to leave this aspect of COTES until after EU exit.

A10s for rehomed raptors:

17. In answer to a previously-submitted question about the number of Article 10 applications received in the last 12 months for found or rehomed, captive-bred raptors for which the previous owner could not be traced, Francine Nicholls replied that in the period from 1 January to 31 December 2016 APHA had received 8 such applications, source code 'U': APHA had issued 5 certificates and refused 3.

Update on proposals for upgrading Unicorn:

18. This was covered under the earlier agenda item on APHA BIP and other charging.

Establishing CITES species for which CITES permits will be issued:

19: JC clarified that this item concerned whether Species+ was up to date. He had in mind an incident during which a large consignment of Goliath frogs were seized by UKBF following confusion over the export quota.

Action point 10: BM and JC to discuss this offline.
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Update on the Law Commission's review of wildlife law:

20. Since publication of the Commission's report, the EU exit vote has changed the review's context considerably. MS advised that the Commission's proposals will feature in broader considerations of what the UK's wildlife law will look like post-EU.

Documentary requirements for importing captive-bred, European bird species from other EU Member States; Closed ringing regulations and ring sizes – update; & General licences v class licence:

21. MS mentioned that the proposed changes to trade in captive birds have been notified to the European Commission and that we are currently in a standstill period to allow the Commission and Member States the opportunity to comment. He was aware that a separate meeting was being offered by Defra's Birds and Wildlife Management team, with Natural England, to the International Ornithological Association and British Bird Council to discuss issues relating to captive birds in detail.

Restructuring of Defra's wildlife teams:

22. MS outlined a number of staff changes since the last meeting with the International team carrying a number of vacancies. DW and Jane Elliott-Malpass had left the Department, and MS was moving on to a new post at the end of January, bringing together teams working on European protected species and invasives; birds, wildlife management,

and crime; and EU and domestic protected sites. Deputy Head of the International team, Thea Edwards, would cover MS's post until his successor was appointed. Defra's IWT team, which leads on the ivory consultation, is now headed by Debbie Hembury, supported by Grace Readings. [**Update:** *Elaine Kendall will be taking over MS' post. Contact details below.*]

Action point 11: SH to include contact details for new staff and MS' new post:
Thea Edwards, Deputy Head, International Division: Thea.Edwards@defra.gsi.gov.uk, tel 0208 225 8370
Debbie Hembury, Head, Illegal Wildlife Trade team: Deborah.Hembury@defra.gsi.gov.uk, tel 0208 026 4363
Grace Readings, CITES/Illegal Wildlife Trade team: Grace.Readings@defra.gsi.gov.uk, tel 0208 225 8103.
Michael Sigsworth, Deputy Head, Wildlife & Agri-Environment:
Michael.Sigsworth@defra.gsi.gov.uk, tel: 0208 026 3704.
Elaine Kendall, Head of International Species Conservation team (start date to be confirmed): Elaine.Kendall@defra.gsi.gov.uk, tel 0208 026 6664.

Next meeting:

23. There was discussion about the future structure of meetings. It was agreed that there should be a two-hour meeting as usual, followed by smaller breakout sessions to discuss particular areas of interest in more detail. The next CSUG meeting will be held in April/May 2017. [**Update:** *Provisional date is **Wednesday 19 April**. A meeting room is on hold in Horizon House, Bristol. Date to be confirmed once Elaine is in post.*]