

CITES SUSTAINABLE USERS' GROUP (CSUG) MEETING

2pm-4pm, 3 September 2020, by telephone

MINUTES

Attendees:

Lydia Andrews (APHA)	Stacey Hughes (Defra)
Deborah Annetts (ISM)	Louise Hubble (NWCU)
Emma Bailey-Beech (Defra)	Graham Irving (Hawk Board)
Peter Beare (Beare Violins)	Martin Jones (Martin Jones Falconry)
John Bielby (British Herpetological Society)	Sarah Jones (Defra)
Elizabeth Biott (Defra)	Naomi Kim (Matches Fashion)
Kristopher Blake (Defra - chair)	Kirk Leach (EARA)
Sarah Buchanan (Amati Auctions)	Liezl Martin (APHA)
Nichola Burnett (JNCC)	Kim McDonald (Guild of Taxidermists)
Jim Collins (SUN)	Holly Mennell (Defra)
Carly Cowell (Kew)	Sam Miller (Burberry)
Caroline Daisley (Defra)	Maya Moss (Defra)
Jenny Daly (ABO)	Nicky Needham (BIAZA)
Martyn Denney (Cyclamen Society)	Chris Newman (REPTA)
Mark Dodgson (BADA)	Graeme Osborn (Defra)
Vin Fleming (JNCC)	Dave Perry (Peregrine Livefoods)
Matthew Ford (Specialist Wildlife Services)	Richard Thompson (Defra)
Coralie Harouni (Defra)	Lorenza Vanzi (Christies)
Bethany Harrison (APHA)	David Whitehead (RBG, Kew)
Katie Hirst (Matches Fashion)	Dominic Whitmee (OATA)
Rhiannon Hudson-Jones (Defra)	Peter Wood (UK Glass Eels)
	Simon Woods (APHA)
	Henriette Wright (Matches Fashion)

Apologies:

Liz Down (Border Force), Madeleine Groves (FTS Botanics), Alison Littlewood (JNCC), Annelies Stevens (Christies).

Agree minutes of previous meeting and action point update:

1. The amended minutes of the meeting on 5 February 2020 were agreed. The Chair noted that, since then, Defra had held a short, Covid-19 focussed meeting on 15 April and circulated a written update on 23 June. Defra gave an update on action points:

AP1 22/7/19: Traders are invited to send any relevant information to Defra regarding trade shows, particularly where a Defra presence would be beneficial, by emailing EUExitCITES@defra.gov.uk. Information about NI movements are also of particular interest. **[Ongoing.]**

AP4 10/10/19: Defra to approach the CITES Secretariat to find out more about the process for commissioning background studies before the Marine Ornamental Fish

Workshop. OATA to contact Defra's Marine Team representative to set up a separate meeting to discuss this further. **[Update: Email update provided to OATA. OATA offered to share with Defra a draft statement from international pet trade associations and others to the Secretariat. Completed.]**

AP1 5/2/20: REPTA to provide details of the most recent incident with French customs to UKMA.CITES@defra.gov.uk for Defra/APHA to look into. Any other CSUG members having similar problems should inform Defra. **[Completed.]**

AP3 5/2/20: CSUG members to send Defra (EUExitCITES@defra.gov.uk) information on foreseeable challenges faced by traders in CITES specimens after the transition period and possible solutions. **[Ongoing.]**

AP4 5/2/20: Defra to circulate an agreed interpretation of 10kg per shipment to CSUG members. Defra/APHA also to consider the issue of composite items and whether advice can be provided to support interpretation. **[Ongoing.]**

AP8 5/2/20: REPTA to approach the Star tortoise breeder so that they can start discussions with APHA about applying to register as a commercial, captive-breeding facility. **[Update: The breeder is waiting for Art 10 paperwork from APHA. Carried forward.]**

AP9 5/2/20: APHA/SAs/Defra to provide further information to CSUG members on the criteria for referring applications to SAs. **[See para 24. Completed.]**

AP11 5/2/20: Defra to update the group on any developments with regard to charging and to circulate details of any consultation in due course. **[See para 25. Completed.]**

Corporate update:

2. Defra reported on a number of staff moves. There was also a re-structuring of international biodiversity functions but nothing that should affect the day-to-day operation of the CITES team. The teams were bidding to maintain current resourcing as part of the ongoing Government Spending Review, as well as funding to replace Unicorn.

3. APHA advised that a new Operations Manager had been appointed.

4. NWCU – Lou Hubble advised that her three-year secondment as Head of the Unit ends in November and she thanked everyone for their support during her tenure.

5. Kew informed the group that a member of the team had left but that the post would be filled in November.

Policy updates:

(i) EU Exit -

6. The Transition Period ends at 11pm on 31 December 2020 at which time controls that previously applied at the EU border will apply at the UK border, and between Northern Ireland (NI) and Great Britain. The concluding Statutory Instrument (SI) is in final draft stage, and will be in place at the end of the year. It consolidates past 'Exit' SIs and incorporates further amendments particularly those required to implement the NI Protocol. It will be available on Gov.uk. As yet there is no future trade agreement in place with the EU. If no agreement is forthcoming, the UK will leave the transition period on World Trade Organisation rules. Negotiations with the USA, New Zealand and Australia are ongoing.

7. Designated CITES Points of Entry and Exit (PoE) will need to be used from the end of the year for all CITES movements. Defra continues to work with ports, Local Authorities, Border Force and HMRC on scenario and contingency planning, testing and training. Phytosanitary controls will not apply until 1 April 2021.

8. ISM and ABO expressed concern about the movement of musical instruments between NI and mainland Britain. ABO raised concern that there are no PoEs in the north east of England. Defra is aware of the issue of available PoEs and is looking how to minimise burdens.

Action Point 1: Defra to circulate a link to the [Command Paper](#) on implementation of the NI Protocol. [**Completed.**]

Action Point 2: Defra to hold a separate meeting with musical instrument sector CSUG members to discuss CITES controls after the Transition Period. [**Completed**]

Action Point 3: Defra to circulate a list of UK Border Control Posts and categories of goods they can take. [Available [here](#). **Completed.**]

9. The Cyclamen Society noted that NI members participated in a seed exchange and asked whether phytosanitary certificates would be required.

Action Point 4: Defra to direct the Cyclamen Society's query about phytosanitary certificates to the relevant team for response.

10. Kew had launched a survey over the summer to estimate levels of trade between the UK and EU Member States in CITES flora after the Transition Period. They were extending the deadline to 21 September to gather more responses. Kew encouraged CSUG members to share the questionnaire with relevant contacts and to let them know (at CITES@kew.org) of any other fora in which to promote it.

11. A number of publicity products have been developed to explain the requirements for moving CITES specimens from 1 January 2021. Please get in touch via EUExitCITES@defra.gov.uk if a supply of these materials would be helpful to you or your members. A [questionnaire](#) on preparedness had also been put together to help determine the level of awareness amongst stakeholders (both circulated to CSUG members on 7 and 9 September).

(ii) UK Ivory Act.

12. Defra's Ivory Team explained that, further to the judicial review brought in respect of the Ivory Act, the Supreme Court had rejected an application to appeal against the Appeal Court's judgment. Defra had therefore resumed preparations to implement the Act and planned to bring the Act into force as soon as is practicable. This would take time as there first needed to be a public consultation on aspects of the Act's implementation, followed by an analysis of responses. Defra noted that traders needed plenty of notice before new processes were introduced. Publication of the summary of responses to last year's call for evidence on non-elephant ivory trade had been delayed but would be published in due course.

Action Point 5: BADA to email Defra for an update on a commitment given to consult on non-legislative aspects of the Ivory Act eg 10% ivory composition and criteria for identifying items of outstanding artistic value and importance.

(iii) COTES: update on civil sanctions guidance.

13. Defra had paused work on this while handling other priorities but was picking this back up. There is a requirement to consult on proposals to use civil sanctions and on penalty levels. The guidance would have two parts: statutory and interpretive e.g. the inclusion of Article 10 reference numbers in sale advertisements. Business to business trade was being looked at. OATA flagged the Animal Welfare Regulations 2018 guidance notes which included a point on this ([condition 2.3 on p27 refers](#)).

EU and international CITES meetings – review and forward look:

(i and ii) 18th Conference of the Parties (CoP18) and EU meetings.

14. Delayed Appendix II listings for *Cedrela* and sea cucumbers entered into force on 28 August 2020. The UK did not attend the March and June EU meetings but had distributed a [link](#) to the summary of conclusions. Member States were amending Regulation 865/2006 and the Permitting Regulation to reflect CoP18 changes, mainly the inclusion of new source code Y, upgrading phytosanitary procedures and labelling. Defra had not had sight of those but would need to reflect on whether the UK needed to make similar changes.

15. The EU was considering candidates for Annex D listings and some Member States were questioning whether a number of reservations remained valid. Defra did not hold a list of species under consideration for inclusion in Annex D. SUN advised the UK against emulating the EU's example without first forming its own view.

Action Point 6: Defra to share a list of species where listing proposals at CoP18 were unsuccessful. [See [here](#) for the results of CoP18 listing proposals. **Completed.**]

(iii) 31st Animals Committee (AC31), 25th Plants Committee (PC25) and 73rd Standing Committee (SC73) meetings.

16. Defra explained that as key international meetings had been postponed, the Secretariat was exploring the use of Rule 20 for SC, and Rule 19 for AC31 and PC25, on electronic decision making to progress work intersessionally.

17. The UK was helping the Secretariat draft proposals for SC73 on what more, if anything, CITES could do to embed a one health approach to zoonotic disease emergence arising from international trade. A range of options were being considered and Defra was keen to understand divergent views on this. JNCC were carrying out an analysis of zoonotic disease risk to help inform the UK's understanding. OATA and REPTA considered it a mistake for CITES to consider adopting a one health approach.

UK Working Groups:

18. Defra introduced its plan to set up a small number of focussed stakeholder groups to progress specific CITES implementation issues. Powerpoint slides circulated before the meeting provided more information. The aim is to work more closely together and use the variety of available expertise to take issues forward. Suggested topics for working groups included the interpretation of annotation #15 on *Dalbergia*, and musical instruments. This will be discussed in more detail at the next CSUG meeting.

Action Point 7: CSUG members should send ideas for working group subject areas to CITES.UKMA@defra.gov.uk.

Intra-trade survey of plant nurseries:

19. This was discussed under EU Exit – see para 10 above.

Operational issues:

(i) APHA staffing levels and turnaround times.

20. Defra acknowledged that current delays in processing permit applications were unacceptable. APHA outlined its plans to tackle the backlog of applications, including freeing up staff by redirecting calls to another team, overtime provision, and dividing work into business as usual and time critical applications. Based on predicted volumes, the goal was to clear the backlog by the end of September/early October. There was also an ongoing recruitment exercise to appoint licensing staff to deal with application volumes after the Transition Period. A weekly update would be sent to CSUG members. APHA was also looking to learn lessons about how to better react to similar situations in future.

Action Point 8: CSUG members to send any specific examples of what they considered to be excessive questions asked as part of the application process to wildlife.licensing@apha.gov.uk (copied to CITES.UKMA@defra.gov.uk) so that team development can be improved.

21. BADA expressed concern about the different requirements of EU Member States and asked whether Defra/APHA could provide any guidance on this.

Action Point 9: Defra/APHA to look into the possibility of providing Member States' Management Authority contact information or information on their respective permitting requirements. [**Update:** *Having considered the request, we don't have the capacity to be responsible for keeping this information up to date and so risk providing inaccurate advice to traders of the CITES requirements of EU Member States. The CITES and EU CITES webpages contain a considerable amount of helpful information:*

- [Member State Management Authority details](#);

- [Practical information on the EU implementation of CITES](#) (see 'Practical Information' tab);

- [Table of EU CITES designated ports](#).

If you have, or are aware of, any particular issue with a case or Management Authority, please let us know at CITES.UKMA@defra.gov.uk as we may be able to assist.

Completed.]

(ii) Petition to increase the size of App I/Annex A tortoises requiring microchips.

22. The Tortoise Protection Group is concerned about UK policy that tortoises with a plastron length of 60mm or above must be microchipped before they can be issued with an Article 10 certificate. REPTA noted previous advice that tortoises could be microchipped at 6cm but had to be microchipped at 10cm.

23. APHA explained that the decision to reduce the plastron length from 100mm to 60mm when smaller microchips became available was made on the basis of research at the time which showed that fitting mini-microchips had no negative impact on animals' health. However, as the decision was made some years ago, APHA undertook to consult specialist vets and review the situation.

Action Point 10: CSUG members to forward any research on the use of mini-microchips in tortoises or other reptile specimens to wildlife.licensing@apha.gov.uk.

Action Point 11: APHA to review current policy on the size of tortoise requiring microchips for commercial use.

(iii) Criteria for referring CITES applications to Scientific Authorities.

24. The slide pack contained information on the referral process. Traders being asked for the same information repeatedly should advise APHA. SUN explained a perception held by its members that JNCC requests too much information, particularly on the husbandry of species not listed in Appendix I.

Action Point 12: SUN and Defra to discuss this separately.

(iv) Review of CITES licence fees.

25. Defra outlined a proposal to consolidate the current fee structure so that there would be one charge for animal applications and one for plant applications. It would also look to reflect the changing costs associated with a more efficient process once Unicorn has been replaced. There was no timeframe for this but it would be subject to consultation. CSUG members raised various concerns, particularly on the timing as businesses were already under pressure. Defra assured the Group that any changes to the cost structure are likely to take some time to enter into force, traders would be given good notice and an opportunity to engage in the consultation and Defra would try to minimise any negative impacts.

AOB and next meeting:

26. The next meeting will be in November. Defra will circulate date options.