

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 713 final.

Brussels, 3 January 1977.

RECOMMENDATION FOR A COUNCIL DECISION

concerning negotiations for the Community as such to accede to the
Convention on International Trade in Endangered Species of wild Flora
and Fauna

(submitted to the Council by the Commission)

COM(76) 713 final.

1. A major method of protecting wild species of flora and fauna threatened with extinction is the strict restriction and control of international trade in animals and plants of these species and products obtained from them.

The Washington Convention of 3 March 1973 meets this requirement.

It aims to safeguard some eight hundred species of wild flora and fauna by reducing commercial pressures leading to their capture and destruction.

The Convention came into force on 1 July 1975. By 1 December 1976 all nine Member States of the Community had signed the Convention and two had ratified it. In the remaining Member States the ratification procedure is in progress.

2. For the purpose of protecting such species the Convention uses instruments of commercial policy such as bans, restriction or control of imports and exports of the products in question. Hence, under the Convention, the various trading operations in these species and in products obtained from them (importation, exportation, re-exportation landing from the sea) are subject to a licensing system, under which the granting of permission is related to the rarity of the species and to their ultimate commercial use. The Convention requires each contracting party to designate an authority empowered to issue licences.
3. Varying applications by the Member States of this complex system could create barriers to trade and distortion of competition at the Community level due to the differing degrees of strictness with which the Conventions provisions are enforced, in particular those concerning the identification of the specimens of these species and products obtained from them.

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Far from being purely theoretical, these problems could have an economic impact of undoubted importance, since products such as skins, leather and furs are generally of high value.

4. The application of the Convention falls within the Community's competence to a very large extent under Article 113 of the EEC Treaty. It follows that the Member States should not separately undertake to apply the whole range of measures covered by the Convention and that the Community should also become a contracting party and participate in the administration of the agreement. Furthermore, by approving the environment programme of the European Communities for the period 1977-81, the Council acknowledged this situation.

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Therefore the Commission recommends the adoption of the attached draft decision to the Council.

RECOMMENDATION FOR A
COUNCIL DECISION OF

The Council of the European Communities
Having regard to the Treaty establishing the European Economic Community,
and in particular to article 113 thereof,
Having regard to the recommendation of the Commission,

- 1. Considering the Council Resolution of 9 December 1976 on the continuation and implementation of a European Community policy and action programme on the environment;
- 2. Whereas that programme emphasizes that the whole Community is concerned with the protection of wild flora and fauna and that the application of the Convention on international trade in endangered species of wild flora and fauna is an important measure for protecting them;
- 3. Whereas, to achieve its objectives, that Convention resorts mainly to measures of commercial policy by imposing restrictions and strict control of international trade in animals and plants of endangered species and products obtained from them;
- 4. Whereas the existence in the Member States of non-harmonized implementing measures might produce distortions of competition and barriers to trade within the Community;
- 5. Whereas the accession of the Community as such to this Convention is necessary for the foregoing reasons and taking into account the competence of the Community in this field;

Has adopted this decision:

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Single Article

The Commission is hereby authorized to open negotiations with a view to the accession of the Community to the Convention on International Trade in Endangered Species of Wild Flora and Fauna.

The Commission shall conduct these negotiations in consultation with the Special Committee referred to in article 113 of the EEC Treaty and in accordance with any directives which the Council may issue to it.