

Questions from ClientEarth

Q1: Regulation 7(2)(a) and 7(2)(r) remove references to the 'committee' and the 'scientific review group'. Other parts of the regulations, including Regulation 7(5)(b)(ii)(aa) and 7(5)(c)(ii)(aa), remove requirements to consider the opinion of the scientific review group before the domestic scientific authority can advise on the import of wild species. Whilst the UK will no longer collaborate with other Member States in this way, the loss of this collaboration mechanism with other scientific bodies is disappointing. In addition, in certain instances references to the scientific review group are replaced with references to a 'scientific authority', but in other instances the role of the scientific review group is not replaced.

Q2: Regulation 7(9)(a) removes the power for the Secretary of State to prohibit the holding of specimens, in particular live animals. It is unclear why this change has been made.

Q3: Regulation 7(15)(b) removes the role of an enforcement group of representatives of each Member State's authorities with responsibility for ensuring the implementation of the provisions of Council Regulation (EC) No 338/97. Whilst the UK will no longer work with other Member States to this end, the idea of an enforcement group is welcome and has not been replaced by any domestic body (such as a body with representatives from each of the four devolved administrations).

Q4: Regulation 7(17)(b) removes the requirement for sanctions for breach of Council Regulation (EC) No 338/97 to include provisions relating to the seizure and, where appropriate, confiscation of specimens. It is unclear why this change has been made.

20 October 2020

Response from Defra

This instrument seeks to consolidate previous CITES Exit instruments - which were previously subject to parliamentary scrutiny - and to make changes required to implement the NI Protocol.

A1: The UK is a world leader in environmental protection. Outside of the EU, we have the opportunity to shape our GB CITES regime to advance ambitious UK aims to enhance protection of endangered species. As we have left the EU, we will no longer participate in or be bound by EU structures including the EU Scientific Review Group under our CITES regulations applicable in GB. Our Scientific Authorities- The Joint Nature Conservation Committee (JNCC) for fauna and Royal Botanic Gardens Kew for flora- will continue to provide advice on a range of CITES matters, and will continue to collaborate internationally with other CITES scientific authorities as appropriate.

A2: This amendment does not lessen powers to be vested in the Secretary of State or weaken our controls on endangered species. The provision is omitted as it would be an unnecessary statement of the UK government's power to put in place legislation to prohibit the holding of live animals (Annex A species). The UK remains committed to maintaining and enhancing controls to protect endangered species from overexploitation.

A3: We have left the EU and so these provisions have been omitted. In the UK the National Wildlife Crime Unit and Border Force will continue to lead on UK CITES enforcement matters; and will participate in regional CITES structures as appropriate.

A4: We are not amending the nature of existing enforcement powers or weakening the UK domestic CITES enforcement regime. This provision is an unnecessary statement of measures already found in our domestic enforcement legislation, the Control of Trade in Endangered Species Regulations 2018.

23 October 2020

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