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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2019/1716**of 14 October 2019****concerning restrictive measures in view of the situation in Nicaragua**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision (CFSP) 2019/1720 of 14 October 2019 concerning restrictive measures in view of the situation in Nicaragua ⁽¹⁾,

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission,

Whereas:

- (1) On 14 October 2019, the Council adopted Decision (CFSP) 2019/1720 concerning restrictive measures in view of the situation in Nicaragua. That Decision provides, *inter alia*, for the freezing of funds and economic resources of certain natural or legal persons, entities or bodies responsible for serious human rights violations or abuses or for the repression of civil society and democratic opposition in Nicaragua, those undermining democracy and the rule of law in Nicaragua, as well as persons associated with them. Those natural and legal persons, entities and bodies are listed in the Annex to Decision (CFSP) 2019/1720.
- (2) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably the right to an effective remedy and to a fair trial and the right to the protection of personal data. This Regulation should be applied in accordance with those rights.
- (3) The power to establish and amend the list in Annex I to this Regulation should be exercised by the Council in order to ensure consistency with the process for establishing, amending and reviewing the Annex to Decision (CFSP) 2019/1720.
- (4) For the implementation of this Regulation, and in order to ensure maximum legal certainty within the Union, the names and other relevant data concerning natural and legal persons, entities and bodies whose funds and economic resources should be frozen in accordance with this Regulation should be made public. Any processing of personal data must comply with Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽²⁾ and Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽³⁾.
- (5) Member States and the Commission should inform each other of the measures taken under this Regulation and of other relevant information at their disposal in connection with this Regulation.

⁽¹⁾ See page ... of this Official Journal.

⁽²⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽³⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

- (6) Member States should lay down rules on penalties applicable to infringements of the provisions of this Regulation and make sure that they are implemented. Those penalties should be effective, proportionate and dissuasive,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions apply:

- (a) 'claim' means any claim, whether asserted by legal proceedings or not, made before or after the date of entry into force of this Regulation, under or in connection with a contract or transaction, and includes in particular:
 - (i) a claim for performance of any obligation arising under or in connection with a contract or transaction;
 - (ii) a claim for extension or payment of a bond, financial guarantee or indemnity of whatever form;
 - (iii) a claim for compensation in respect of a contract or transaction;
 - (iv) a counterclaim;
 - (v) a claim for the recognition or enforcement, including by the procedure of *exequatur*, of a judgment, an arbitration award or an equivalent decision, wherever made or given;
- (b) 'contract or transaction' means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties; for that purpose 'contract' includes a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, and credit, whether legally independent or not, as well as any related provision arising under, or in connection with, the transaction;
- (c) 'competent authorities' means the competent authorities of the Member States as identified on the websites listed in Annex II;
- (d) 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds, but may be used to obtain funds, goods or services;
- (e) 'freezing of economic resources' means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;
- (f) 'freezing of funds' means preventing any move, transfer, alteration, use of, access to or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;
- (g) 'funds' means financial assets and benefit of every kind, including, but not limited to:
 - (i) cash, cheques, claims on money, drafts, money orders and other payment instruments;
 - (ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
 - (iii) publicly and privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
 - (iv) interest, dividends or other income on or value accruing from or generated by assets;
 - (v) credit, right of set-off, guarantees, performance bonds or other financial commitments;
 - (vi) letters of credit, bills of lading, bills of sale; and
 - (vii) documents showing evidence of an interest in funds or financial resources;
- (h) 'territory of the Union' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty, including their airspace.

Article 2

1. All funds and economic resources belonging to, owned, held or controlled by any natural or legal person, entity or body as listed in Annex I shall be frozen.
2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in Annex I.
3. Annex I shall include natural or legal persons, entities and bodies which, in accordance with Articles 1(1) and 2(1) of Decision (CFSP) 2019/(CFSP) 2019/1720, have been identified by the Council as:
 - (a) being responsible for serious human rights violations or abuses or for the repression of civil society and democratic opposition in Nicaragua;
 - (b) undermining democracy and the rule of law in Nicaragua;
 - (c) being associated with the natural or legal persons, entities or bodies referred to in points (a) and (b).

Article 3

1. By way of derogation from Article 2, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are:
 - (a) necessary to satisfy the basic needs of natural or legal persons listed in Annex I and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
 - (b) intended exclusively for payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services;
 - (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;
 - (d) necessary for extraordinary expenses, provided that the relevant competent authority has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks prior to authorisation; or
 - (e) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation.
2. The Member State concerned shall inform within two weeks the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 4

1. By way of derogation from Article 2(1), the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, if the following conditions are met:
 - (a) the funds or economic resources are subject to an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in Article 2 was listed in Annex I, or of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to or after that date;
 - (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
 - (c) the decision is not for the benefit of a natural or legal person, entity or body listed in Annex I; and
 - (d) recognition of the decision is not contrary to public policy in the Member State concerned.

2. The Member State concerned shall inform within two weeks the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 5

1. By way of derogation from Article 2(1) and provided that a payment by a natural or legal person, entity or body listed in Annex I is due under a contract or agreement that was concluded by, or an obligation that arose for, the natural or legal person, entity or body concerned before the date on which that natural or legal person, entity or body was included in Annex I, the competent authorities of the Member States may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that the competent authority concerned has determined that:

- (a) the funds or economic resources will be used for a payment by a natural or legal person, entity or body listed in Annex I; and
- (b) the payment is not in breach of Article 2(2).

2. The Member State concerned shall inform within two weeks the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 6

1. By way of derogation from Article 2(1) and (2), the competent authorities of the Member States, as identified on the websites listed in Annex II, may authorise the release of certain frozen funds or economic resources belonging to a natural or legal person, entity or body listed in Annex I, or the making available of certain funds or economic resources to a natural or legal person, entity or body listed in Annex I, under such conditions as they deem appropriate, after having determined that the provision of such funds or economic resources is necessary for humanitarian purposes, such as delivering or facilitating the delivery of assistance, including medical supplies, food or the transfer of humanitarian workers and related assistance or for evacuations from Nicaragua.

2. The Member States concerned shall inform within two weeks the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 7

1. Article 2(2) shall not prevent the crediting of the frozen accounts by financial or credit institutions that receive funds transferred by third parties onto the account of a natural or legal person, entity or body listed in Annex I, provided that any additions to such accounts are also frozen. The financial or credit institution shall inform the relevant competent authority of any such transaction without delay.

2. Article 2(2) shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts;
- (b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which the natural or legal person, entity or body referred to in Article 2 was included in Annex I; or
- (c) payments due under judicial, administrative or arbitral decisions rendered in a Member State or enforceable in the Member State concerned;

provided that any such interest, other earnings and payments remain subject to the measures provided for in Article 2(1).

Article 8

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, natural and legal persons, entities and bodies shall:

- (a) supply immediately any information which would facilitate compliance with this Regulation, such as information on accounts and amounts frozen in accordance with Article 2, to the competent authority of the Member State where they are resident or located, and they shall transmit such information, directly or through the Member State, to the Commission; and
- (b) cooperate with the competent authority in any verification of this information.

2. Any additional information received directly by the Commission shall be made available to the Member States.
3. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

Article 9

It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the measures referred to in Article 2.

Article 10

1. The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person or entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen or withheld as a result of negligence.
2. Actions by natural or legal persons, entities or bodies shall not give rise to any liability of any kind on their part if they did not know, and had no reasonable cause to suspect, that their actions would infringe the measures set out in this Regulation.

Article 11

1. No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Regulation, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, notably a claim for extension or payment of a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:
 - (a) designated natural or legal persons, entities or bodies listed in Annex I;
 - (b) any natural or legal person, entity or body acting through or on behalf of one of the persons, entities or bodies referred to in point (a).
2. In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited by paragraph 1 shall be on the natural or legal person, entity or body seeking the enforcement of that claim.
3. This Article is without prejudice to the right of the natural or legal persons, entities and bodies referred to in paragraph 1 to judicial review of the legality of the non-performance of contractual obligations in accordance with this Regulation.

Article 12

1. The Commission and Member States shall inform each other of the measures taken under this Regulation and share any other relevant information at their disposal in connection with this Regulation, in particular information:
 - (a) in respect of funds frozen under Article 2 and authorisations granted under Articles 3 to 6;
 - (b) in respect of violation and enforcement problems and judgments handed down by national courts.
2. The Member States shall immediately inform each other and the Commission of any other relevant information at their disposal which might affect the effective implementation of this Regulation.

Article 13

1. Where the Council decides to subject a natural or legal person, entity or body to the measures referred to in Article 2, it shall amend Annex I accordingly.

2. The Council shall communicate the decision referred to in paragraph 1, including the grounds for the listing, to the natural or legal person, entity or body concerned, either directly, if the address is known or through the publication of a notice in the *Official Journal of the European Union*, providing that natural or legal person, entity or body with an opportunity to present observations.

3. Where observations are submitted or where substantial new evidence is presented, the Council shall review the decision referred to in paragraph 1 and inform the natural or legal person, entity or body accordingly.

Article 14

1. Annex I shall include the grounds for the listing of natural or legal persons, entities or bodies concerned.

2. Annex I shall include available information necessary to identify the natural or legal persons, entities or bodies concerned. With regard to natural persons, such information may include names and aliases, date and place of birth, nationality, passport and identity card numbers, gender, address, if known, and function or profession. With regard to legal persons, entities and bodies, such information may include names, place and date of registration, registration number and place of business.

Article 15

1. Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

2. Member States shall notify those rules to the Commission without delay after the entry into force of this Regulation, and shall notify it without delay of any subsequent amendment.

Article 16

1. The Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') shall process personal data in order to carry out their tasks under this Regulation. These tasks include:

- (a) as regards the Council, preparing and making amendments to Annex I;
- (b) as regards the High Representative, preparing amendments to Annex I;
- (c) as regards the Commission:
 - (i) adding the contents of Annex I in the electronic, consolidated list of persons, groups and entities subject to Union financial sanctions and in the interactive sanctions map, both publicly available;
 - (ii) processing information on the impact of the measures of this Regulation such as the value of frozen funds and information on authorisations granted by the competent authorities.

2. The Council, the Commission and the High Representative may process where applicable relevant data relating to criminal offences committed by listed natural persons, and to criminal convictions or security measures concerning such persons, only to the extent that such processing is necessary for the preparation of Annex I.

3. For the purposes of this Regulation, the Council, the Commission service listed in Annex II and the High Representative are designated as 'controller' within the meaning of Article 3(8) of Regulation (EU) 2018/1725, in order to ensure that the natural persons concerned can exercise their rights under Regulation (EU) 2018/1725.

Article 17

1. Member States shall designate the competent authorities referred to in this Regulation and identify them on the websites listed in Annex II. Member States shall notify the Commission of any changes in the addresses of their websites listed in Annex II.

2. Member States shall notify the Commission of their competent authorities, including the contact details of those competent authorities, without delay after the entry into force of this Regulation, and shall notify it of any subsequent amendment.

3. Where this Regulation sets out a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those indicated in Annex II.

Article 18

This Regulation shall apply:

- (a) within the territory of the Union, including its airspace;
- (b) on board of any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any natural person inside or outside the territory of the Union who is a national of a Member State;
- (d) to any legal person, entity or body, inside or outside the territory of the Union, which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, entity or body in respect of any business done in whole or in part within the Union.

Article 19

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 14 October 2019.

For the Council
The President
F. MOGHERINI

ANNEX I

LIST OF NATURAL AND LEGAL PERSONS, ENTITIES AND BODIES REFERRED TO IN ARTICLE 2

[...]

ANNEX II**WEBSITES FOR INFORMATION ON THE COMPETENT AUTHORITIES AND ADDRESS FOR NOTIFICATIONS TO THE COMMISSION****BELGIUM**

https://diplomatie.belgium.be/nl/Beleid/beleidsthemas/vrede_en_veiligheid/sancties

https://diplomatie.belgium.be/fr/politique/themes_politiques/paix_et_securite/sanctions

https://diplomatie.belgium.be/en/policy/policy_areas/peace_and_security/sanctions

BULGARIA

<https://www.mfa.bg/en/101>

CZECHIA

www.financnianalytickyurad.cz/mezinarodni-sankce.html

DENMARK

<http://um.dk/da/Udenrigspolitik/folkeretten/sanktioner/>

GERMANY

<http://www.bmwi.de/DE/Themen/Aussenwirtschaft/aussenwirtschaftsrecht,did=404888.html>

ESTONIA

http://www.vm.ee/est/kat_622/

IRELAND

<http://www.dfa.ie/home/index.aspx?id=28519>

GREECE

<http://www.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html>

SPAIN

<http://www.exteriores.gob.es/Portal/en/PoliticaExteriorCooperacion/GlobalizacionOportunidadesRiesgos/Paginas/SancionesInternacionales.aspx>

FRANCE

<http://www.diplomatie.gouv.fr/fr/autorites-sanctions/>

CROATIA

<http://www.mvep.hr/sankcije>

ITALY

https://www.esteri.it/mae/it/politica_estera/politica_europea/misure_deroghe

CYPRUS

http://www.mfa.gov.cy/mfa/mfa2016.nsf/mfa35_en/mfa35_en?OpenDocument

LATVIA

<http://www.mfa.gov.lv/en/security/4539>

LITHUANIA

<http://www.urm.lt/sanctions>

LUXEMBOURG

<https://maee.gouvernement.lu/fr/directions-du-ministere/affaires-europeennes/mesures-restrictives.html>

HUNGARY

http://www.kormany.hu/download/9/2a/f0000/EU%20szankci%C3%B3s%20t%C3%A1j%C3%A9koztat%C3%B3_20170214_final.pdf

MALTA

<https://foreignaffairs.gov.mt/en/Government/SMB/Pages/Sanctions-Monitoring-Board.aspx>

NETHERLANDS

<https://www.rijksoverheid.nl/onderwerpen/internationale-sancties>

AUSTRIA

http://www.bmeia.gv.at/view.php?f_id=12750&LNG=en&version=

POLAND

<https://www.gov.pl/web/dyplomacja>

PORTUGAL

<http://www.portugal.gov.pt/pt/ministerios/mne/quero-saber-mais/sobre-o-ministerio/medidas-restritivas/medidas-restritivas.aspx>

ROMANIA

<http://www.mae.ro/node/1548>

SLOVENIA

<https://www.gov.si/teme/omejevalni-ukrepi/>

SLOVAKIA

https://www.mzv.sk/europske_zalezitosti/europske_politiky-sankcie_eu

FINLAND

<http://formin.finland.fi/kvyhteistyo/pakotteet>

SWEDEN

<http://www.ud.se/sanktioner>

UNITED KINGDOM

<https://www.gov.uk/guidance/uk-sanctions>

Address for notifications to the European Commission:

European Commission

Service for Foreign Policy Instruments (FPI)

EEAS 07/99

B-1049 Brussels, Belgium

Email: relex-sanctions@ec.europa.eu

COUNCIL IMPLEMENTING REGULATION (EU) 2019/1717**of 14 October 2019****implementing Regulation (EU) 2016/1686 imposing additional restrictive measures directed against ISIL (Da'esh) and Al-Qaeda and natural and legal persons, entities or bodies associated with them**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) 2016/1686 of 20 September 2016 imposing additional restrictive measures directed against ISIL (Da'esh) and Al-Qaeda and natural and legal persons, entities or bodies associated with them ⁽¹⁾, and in particular Article 4(1) thereof,

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 20 September 2016, the Council adopted Regulation (EU) 2016/1686.
- (2) One person should be removed from the list of natural and legal persons, entities and bodies set out in Annex I to Regulation (EU) 2016/1686.
- (3) Annex I to Regulation (EU) 2016/1686 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) 2016/1686 is amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 14 October 2019.

For the Council
The President
F. MOGHERINI

⁽¹⁾ OJ L 255, 21.9.2016, p. 1.

ANNEX

The following person, and the related entry, are removed from the list set out in Annex I to Regulation (EU) 2016/1686:

1. Fabien CLAIN (a.k.a. Omar).

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1718

of 14 October 2019

protecting the traditional terms ‘Opolo’, ‘Vrhunsko vino s kontroliranim zemljopisnim podrijetlom (Vrhunsko vino KZP)’, ‘Kvalitetno biser vino’, ‘Mlado vino’, ‘Vrhunsko pjenušavo vino’ and ‘Kvalitetno vino s kontroliranim zemljopisnim podrijetlom (Kvalitetno vino KZP)’ identifying wines produced in Croatia

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products ⁽¹⁾, and in particular Article 115(2) and (3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 607/2009 ⁽²⁾ laid down certain detailed rules as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products. Regulation (EC) No 607/2009 was repealed by Delegated Regulation (EU) 2019/33 ⁽³⁾ on 14 January 2019.
- (2) Pursuant to Article 61(5) of Delegated Regulation (EU) 2019/33, Regulation (EC) No 607/2009 shall continue to apply to applications for protection and to objection procedures concerning traditional terms for which an application for protection was pending at the date of the entry into force of Delegated Regulation (EU) 2019/33.
- (3) Pursuant to Article 30 of Regulation (EC) No 607/2009, on 17 May 2013, Croatia submitted an application to the Commission for the protection of the names ‘Opolo’, ‘Vrhunsko vino s kontroliranim zemljopisnim podrijetlom (Vrhunsko vino KZP)’, ‘Kvalitetno biser vino’, ‘Mlado vino’, ‘Vrhunsko pjenušavo vino’ and ‘Kvalitetno vino s kontroliranim zemljopisnim podrijetlom (Kvalitetno vino KZP)’ as traditional terms (hereinafter ‘the Croatian traditional terms’ or ‘the traditional terms for which Croatia requested protection’).
- (4) The application for the protection of the Croatian traditional terms was published in the *Official Journal of the European Union* ⁽⁴⁾ on 10 February 2018, and, on 4 April 2018, the Commission received a statement of objection to the application for protection of the traditional terms from Bosnia and Herzegovina, pursuant to Article 37(1) of Regulation (EC) No 607/2009.
- (5) The Commission examined the reasoned statement of objection and the supporting documents provided by Bosnia and Herzegovina and found the objection to be admissible, in accordance with Article 38 of Regulation (EC) No 607/2009.
- (6) Bosnia and Herzegovina objected to the application for protection on the grounds that the traditional terms for which Croatia requested protection are regulated by the laws of Bosnia and Herzegovina as terms describing certain wines according to their quality, colour or residual sugar content, and are terms which are traditionally used by its winemakers. Bosnia and Herzegovina also submitted that those traditional terms for which Croatia requested protection are part of the legal heritage of the former Socialist Federal Republic of Yugoslavia (‘SFRY’) and were therefore transferred into the legislation of the countries derived from the breakup of the former SFRY. Finally, Bosnia and Herzegovina emphasised that the Croatian language is one of the official languages of Bosnia and Herzegovina, which explains the existence of certain terms that are homonyms of terms used in Croatia to describe wines. On that basis, Bosnia and Herzegovina requested the safeguard of the right of its producers to continue to use those terms after the entry into force of the legal act conferring protection over the Croatian traditional terms.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products (OJ L 193, 24.7.2009, p. 60).

⁽³⁾ Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation (OJ L 9, 11.1.2019, p. 2).

⁽⁴⁾ OJ C 51, 10.2.2018, p. 24.

- (7) By letter of 28 August 2018, the Commission transmitted the files related to the objection to Croatia and invited Croatia to file observations within two months from the issuance of the Commission's letter, pursuant to Article 39 (1) of Regulation (EC) No 607/2009.
- (8) By electronic mails, Croatia and Bosnia and Herzegovina communicated to the Commission their intention to meet with a view to reaching an agreement. Both countries requested to the Commission to be present at the meeting.
- (9) In the meeting held on 30 January 2019, Croatia acknowledged that the traditional terms at issue have been in use in several regions of the former SFRY for decades and assured Bosnia and Herzegovina that Croatia would not claim their exclusive use. However, Croatia expressed its concerns as regards the use of certain of the traditional terms for which Croatia requested protection in Bosnia and Herzegovina to describe wines without a protected designation of origin or protected geographical indication. Bosnia and Herzegovina provided assurances that the ongoing alignment of Bosnia and Herzegovina legislation with Union law as regards traditional terms would address this concern.
- (10) Both countries acknowledged that they not only share the legal heritage of the former SFRY but that they also inevitably use the same basic Slavic words as synonyms of terms such as 'protected designation of origin', 'quality wine', 'young wine'. Both countries accepted that if those terms were to be protected for use by only one country, it would be impossible for the other country to replace terms, which have been used for several decades with terms that are not identical to the Croatian traditional terms.
- (11) Therefore, Croatia and Bosnia and Herzegovina agreed that a transitional period should be provided for during which Bosnia and Herzegovina should be permitted to use the protected traditional terms on grapevine products that do not comply with the definition and conditions of use of those terms laid down in this Regulation. This transitional period should enable Bosnia and Herzegovina to complete the progressive alignment of its legislation with Union law, or, alternatively, to adapt the labelling of wines bearing those Croatian traditional terms.
- (12) The content of the agreement reached between Croatia and Bosnia and Herzegovina is not contrary to Union law.
- (13) Furthermore, since the relevant legislation of Bosnia and Herzegovina is not yet fully aligned with Union law, including Article 35(1)(c)(ii) of Regulation (EC) No 607/2009, a parallel application for direct protection by Bosnia and Herzegovina under that Regulation could not represent a possible solution.
- (14) Therefore, taking into account the interest of producers and operators who have been lawfully using those terms to-date, and in order to overcome the temporary difficulties faced by Bosnia and Herzegovina, it is appropriate to grant a transitional period to allow for the progressive harmonisation of the legislation of Bosnia and Herzegovina with Union legislation.
- (15) However, as this Regulation only applies within the territory of the Union, the transitional period only concerns grapevine products originating in Bosnia and Herzegovina, and which are imported into and marketed in the Union using the protected Croatian traditional terms, despite not complying with the definition and conditions of use.
- (16) In light of the above and considering that the application submitted by Croatia satisfies the conditions laid down in Article 112 of Regulation (EU) No 1308/2013 and referred to in Article 40(1) of Regulation (EC) No 607/2009, the Croatian traditional terms identifying wines produced in Croatia should be protected and recorded in the electronic register e-Bacchus.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

The following traditional terms identifying grapevine products produced in Croatia shall be protected and recorded in the electronic register e-Bacchus:

(a) traditional terms within the meaning of point (a) of Article 112 of Regulation (EU) No 1308/2013:

- ‘Vrhunsko vino s kontroliranim zemljopisnim podrijetlom (Vrhunsko vino KZP)’;
- ‘Kvalitetno biser vino’;
- ‘Vrhunsko pjenušavo vino’;
- ‘Kvalitetno vino s kontroliranim zemljopisnim podrijetlom (Kvalitetno vino KZP)’;

(b) traditional terms within the meaning of point (b) of Article 112 of Regulation (EU) No 1308/2013:

- ‘Opolo’;
- ‘Mlado vino’.

The definitions and conditions of use of the traditional terms are set out in the Annex to this Regulation.

Article 2

The terms protected pursuant to Article 1 may be used for a period of five years from the date of entry into force of this Regulation to designate grapevine products which do not comply with the definition and conditions of use of the protected terms referred to in that Article, and which are imported into and marketed within the territory of the Union from Bosnia and Herzegovina if those terms are traditionally used in the territory of that third country.

At the expiry of the five-year period, only grapevine products referred to in the first paragraph which have been imported into the Union from Bosnia and Herzegovina before the expiry of the five year period may be lawfully marketed until all existing stocks are exhausted.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 October 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Definitions and conditions of use of the traditional terms referred to in Article 1**‘Opolo’**

Denomination: Opolo

Language: Croatian

Definition: ‘Opolo’ is a traditional term under Article 112(b) of Regulation (EU) No 1308/2013. This traditional term is authorised for still rosé wine, with predominant fruit flavours and produced exclusively from red grapes of recommended varieties *Vitis vinifera*, in accordance with the Ordinance on the National list of Certified Grape Varieties (Official Gazette No 53/2014). Wines described with the traditional term ‘Opolo’ are produced with the technology used for the production of white wines and have a minimum actual alcohol content of 11 % vol. The maximum yield for those wines is 12 000 kg/ha. Analytical and organoleptic testing is obligatory. The color of ‘Opolo’ wines may vary from light to intense pink.

List of protected designations of origin or geographical indications concerned: The traditional term ‘Opolo’ can be used to describe wines with the protected designations of origin ‘Primorska Hrvatska’, ‘Hrvatska Istra’, ‘Hrvatsko primorje’, ‘Sjeverna Dalmacija’, ‘Dalmatinska zagora’ and ‘Srednja i Južna Dalmacija’ that meet the requirements for the use of this traditional term.

Grapevine products categories: Wine as defined under point 1 of Annex VII, Part II, of Regulation (EU) No 1308/2013.

‘Vrhunsko vino s kontroliranim zemljopisnim podrijetlom (Vrhunsko vino KZP)’

Denomination: Vrhunsko vino s kontroliranim zemljopisnim podrijetlom (Vrhunsko vino KZP), whether or not supplemented by:

- Arhivsko vino: for wines kept in cellar for five or more years, of which at least three years in the bottle;
- Desertno vino: for wines obtained by processing overripe or dried grapes without adding any substances and having a natural alcoholic strength of not less than 16 % vol. and actual alcoholic strength of not less than 9 % vol;
- Kasna berba: for wines produced from overripe grapes, which have at least 94° Oechsle;
- Izborna berba: for wines produced from specially selected grapes, which contain at least 105° Oechsle;
- Izborna berba bobica: for wines produced from selected, overripe and botrytis infected grapes, which contain at least 127° Oechsle;
- Izborna berba prosušenih bobica: for wines produced from selected berries of overripe grapes, which contain at least 154° Oechsle;
- Ledeno vino: for wines produced from grapes harvested at temperature of at least – 7 °C and processed while frozen, which contain at least 127° Oechsle.

Language: Croatian

Definition: ‘Vrhunsko vino s kontroliranim zemljopisnim podrijetlom (Vrhunsko vino KZP)’ is a traditional term under Article 112(a) of Regulation (EU) No 1308/2013. This traditional term is a synonym of the term ‘protected designation of origin’, authorised for the description of wines produced from grapes of recommended varieties *Vitis vinifera*, in accordance with the Ordinance on the National list of Certified Grape Varieties (Official Gazette No 53/2014). The natural alcoholic strength of those wines must be of not less than:

- 10 % vol. in zone B;
- 10,5 % vol. in zone CI;
- 11 % vol. in zone CII.

The maximum yield for the production of those wines is:

- 10 000 kg/ha (6 000 l/ha) in zone B;
- 11 000 kg (6 600 l/ha) in zones CI and CII.

Enrichment, acidification, deacidification, and sweetening are not allowed. Analytical and organoleptic testing is obligatory. Depending on the degree of ripeness of the grapes and the processes of production and maturation of wine the following additional terms can be used:

- Arhivsko vino;
- Desertno vino;
- Kasna berba;
- Izborna berba;
- Izborna berba bobica;
- Izborna berba prosušenih bobica;
- Ledeno vino.

List of protected designations of origin or geographical indications concerned: The traditional term 'Vrhunsko vino s kontroliranim zemljopisnim podrijetlom (Vrhunsko vino KZP)' can be used for all Croatian wines with a protected designation of origin that meet the requirements for the use of this traditional term.

Grapevine products categories: Wine as defined under point 1 of Annex VII, Part II, of Regulation (EU) No 1308/2013.

'Kvalitetno biser vino'

Denomination: Kvalitetno biser vino

Language: Croatian

Definition: 'Kvalitetno biser vino' is a traditional term under Article 112(a) of Regulation (EU) No 1308/2013. This traditional term is a synonym of the term 'protected designation of origin', authorised for the description of semi-sparkling wine obtained from quality wines, new wine still in fermentation, grape must or grape must in fermentation, produced from grapes of recommended varieties *Vitis vinifera*, in accordance with the Ordinance on the National list of Certified Grape Varieties (Official Gazette No 53/2014). The wines bearing the traditional term 'Kvalitetno biser vino' must have a total alcoholic strength of not less than 9 % vol. and an actual alcoholic strength of not less than 7 % vol. The excess pressure due to endogenous carbon dioxide in solution must be not less than 1 bar and not more than 2,5 bar, when kept at a temperature of 20 °C in closed containers.

List of protected designations of origin or geographical indications concerned: The traditional term 'Kvalitetno biser vino' can be used for all Croatian semi-sparkling wines with a protected designation of origin that meet the requirements for the use of this traditional term.

Grapevine products categories: Semi-sparkling wine, as defined under point 8 of Annex VII, Part II, of Regulation (EU) No 1308/2013.

'Mlado vino'

Denomination: Mlado vino

Language: Croatian

Definition: 'Mlado vino' is a traditional term under Article 112(b) of Regulation (EU) No 1308/2013. This traditional term is authorised for wines produced from grapes of recommended varieties *Vitis vinifera*, in accordance with the Ordinance on the National list of Certified Grape Varieties (Official Gazette No 53/2014), the fermentation process of which is either completed or partially completed. The wines bearing the traditional term 'Mlado vino' must be placed on the market before 31st of December of the calendar year in which grapes were harvested.

List of protected designations of origin or geographical indications concerned: The traditional term 'Mlado vino' can be used for all Croatian wines with a protected designation of origin that meet the requirements for the use of this traditional term.

Grapevine products categories: Wine as defined under point 1 of Annex VII, Part II, of Regulation (EU) No 1308/2013.

‘Vrhunsko pjenušavo vino’

Denomination: Vrhunsko pjenušavo vino

Language: Croatian

Definition: ‘Vrhunsko pjenušavo vino’ is a traditional term under Article 112(a) of Regulation (EU) No 1308/2013. This traditional term is a synonym of the term ‘protected designation of origin’, used to describe sparkling wines obtained by first alcoholic fermentation from fresh grapes or must and second alcoholic fermentation from wine suitable for obtaining quality or top-quality wines produced from grapes of recommended varieties *Vitis vinifera*, in accordance with the Ordinance on the National list of Certified Grape Varieties (Official Gazette No 53/2014). Sparkling wines bearing the traditional term ‘Vrhunsko pjenušavo vino’ must have an actual alcoholic strength of not less than 10 % vol. and an excess pressure, due to endogenous carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20 °C in closed containers.

List of protected designations of origin or geographical indications concerned: The traditional term ‘Vrhunsko pjenušavo vino’ can be used for all Croatian sparkling wines with a protected designation of origin that meet the requirements for the use of this traditional term.

Grapevine products categories: Sparkling wine as defined under point 4 of Annex VII, Part II, of Regulation (EU) No 1308/2013.

‘Kvalitetno vino s kontroliranim zemljopisnim podrijetlom (Kvalitetno vino KZP)’

Denomination: Kvalitetno vino s kontroliranim zemljopisnim podrijetlom (Kvalitetno vino KZP), whether or not supplemented by:

- Mlado vino: if produced from grapes of recommended varieties *Vitis vinifera*, in accordance with the Ordinance on the National list of Certified Grape Varieties (Official Gazette No 53/2014), the fermentation process of which may be completed or partially completed and which is placed on market before 31st of December of the calendar year in which grapes were harvested;
- Arhivsko vino: if kept in cellar for at least five years, the last three of which in the bottle;
- Desertno vino: if obtained by processing overripe or dried grapes, with a natural alcoholic strength of not less than 16 % vol. and an actual alcoholic strength of not less than 9 % vol.

Language: Croatian

Definition: ‘Kvalitetno vino s kontroliranim zemljopisnim podrijetlom (Kvalitetno vino KZP)’ is a traditional term under Article 112(a) of Regulation (EU) No 1308/2013. This traditional term is a synonym of the term ‘protected designation of origin’ used to describe wines produced from grapes of recommended varieties *Vitis vinifera*, in accordance with the Ordinance on the National list of Certified Grape Varieties (Official Gazette No 53/2014). The wine bearing the traditional term ‘Kvalitetno vino s kontroliranim zemljopisnim podrijetlom (Kvalitetno vino KZP)’ must have a natural alcoholic strength of not less than:

- 8,5 % vol. in zone B;
- 9,0 % vol. in zone CI;
- 9,5 % vol. in zone CII.

The maximum yield for those wines is:

- 11 000 kg/ha (7 700 l/ha) in zone B;
- 12 000 kg/ha (8 400 l/ha) in zones CI and CII.

Analytical and organoleptic testing is obligatory.

List of protected designations of origin or geographical indications concerned: The traditional term ‘Kvalitetno vino s kontroliranim zemljopisnim (Kvalitetno vino KZP)’ can be used for all Croatian wines with a protected designation of origin that meet the requirements for the use of this traditional term.

Grapevine products categories: Wine defined under point 1 of Annex VII, Part II, of Regulation (EU) No 1308/2013.

DECISIONS

COUNCIL DECISION (EU) 2019/1719

of 8 July 2019

on the position to be taken on behalf of the European Union at the 18th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES CoP 18)

(Geneva, Switzerland, 17-28 August 2019)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Union acceded to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) by Council Decision (EU) 2015/451 ⁽¹⁾. CITES has been implemented in the Union by Council Regulation (EC) No 338/97 ⁽²⁾.
- (2) Pursuant to Article XI(3) of CITES, the Conference of the Parties (CoP) may, inter alia, adopt amendments to the CITES Appendices.
- (3) The CoP, during its 18th meeting from 17 to 28 August 2019 in Geneva, Switzerland (CITES CoP 18), is to adopt decisions on 57 proposals to amend the CITES Appendices, as well as on numerous other matters related to the implementation and interpretation of CITES.
- (4) It is appropriate to establish the position to be taken on the Union's behalf at CITES CoP 18, as the amendments to the CITES Appendices will be binding on the Union and its Member States and several other decisions will be capable of decisively influencing the content of Union law, in particular Commission Regulation (EC) No 865/2006 ⁽³⁾ and Commission Implementing Regulation (EU) No 792/2012 ⁽⁴⁾.
- (5) The proposed position to be taken on the different proposals at CITES CoP 18 is based on expert analysis of their merits, in the light of the best available scientific and technical evidence,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the Union, as regards matters falling within the competences of the Union, at the 18th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES CoP 18) is set out in the Annexes to this Decision.

⁽¹⁾ Council Decision (EU) 2015/451 of 6 March 2015 concerning the accession of the European Union to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (OJ L 75, 19.3.2015, p. 1).

⁽²⁾ Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 61, 3.3.1997, p. 1).

⁽³⁾ Commission Regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 166, 19.6.2006, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) No 792/2012 of 23 August 2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and amending Commission Regulation (EC) No 865/2006 (OJ L 242, 7.9.2012, p. 13).

Article 2

Where the position referred to in Article 1 is likely to be affected by new scientific or technical information presented after the adoption of this Decision and before or during CITES CoP 18, or where revised or new proposals are made at that meeting on which there is not yet a Union position, the Union position shall be developed by means of on-the-spot coordination before the Conference of the Parties (CoP) is called to decide on those proposals. In such cases, the Union position shall be consistent with the principles laid down in the Annexes to this Decision.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 8 July 2019.

For the Council
The President
A.K. PEKONEN

ANNEX I

**Union Position on key issues to be discussed at the 18th meeting of the Conference of the Parties to
the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES
CoP 18)**

(Geneva, Switzerland, 17-28 August 2019)

A. General considerations

1. The Union considers the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) a key international convention for species protection and biodiversity conservation and against wildlife trafficking.
2. The Union should adopt an ambitious position for the 18th meeting of the Conference of the Parties to CITES (CITES CoP 18), in line with relevant Union policies and international commitments in these fields, in particular the targets relating to wildlife under Sustainable Development Goal 15, the Strategic Plan for Biodiversity 2011-2020 and the Aichi Targets agreed under the Convention on Biological Diversity (CBD), the CITES Strategic Vision ⁽¹⁾ and UN General Assembly Resolution 71/326 on wildlife trafficking. The Union's position should also serve to attain the relevant objectives set out at Union level through the Council Conclusions of 21 June 2011 on the EU Biodiversity Strategy to 2020 and the Council Conclusions of 20 June 2016 on the EU Action Plan against Wildlife Trafficking, and through the EU Action Plan on the Conservation and Management of Sharks.
3. The priorities for the Union at CITES CoP 18 should be to:
 - fully use the CITES instruments to regulate international trade in endangered animals and plants species which are subject to unsustainable levels of trade, pursuing a science-based approach; and
 - reinforce the response by the international community against wildlife trafficking.
4. The Union's position on proposals for amendments of the CITES Appendices should be based on the conservation status of the species concerned and on the impact that trade has or may have on the status of that species. To this end, the most relevant and robust scientific advice should be taken into consideration for the assessment of listing proposals in accordance with the provisions in Resolution Conf. 9.24 on the criteria for amendment of CITES Appendices I and II.
5. The Union's position should take account of the contribution that CITES controls can make towards improvement of species' conservation status, while acknowledging the efforts of those countries that have implemented effective conservation measures. The Union should ensure that the decisions taken at CITES CoP 18 maximise the efficiency of CITES, by minimising unnecessary administrative burdens and by achieving practical, cost-effective and workable solutions to implementation and monitoring issues.
6. The Conference of the Parties (CoP) is the governing body of CITES and a number of decisions adopted at CITES CoP 18 will be implemented by the Standing Committee, which is the main CoP subsidiary body. The Union's position adopted for CITES CoP 18 should therefore also guide the Union's approach at the 71st and 72nd meetings of the Standing Committee, taking place directly before and after CITES CoP 18.

⁽¹⁾ CITES Resolution Conf. 14.2, due to be updated at CoP 18 (see paragraph 5, below).

B. Specific issues

7. 57 proposals for amending the CITES Appendices have been tabled for consideration at CITES CoP 18. 12 of these proposals have been submitted by the Union as the main proponent or as co-proponent, and their adoption should naturally also be supported by the Union. The views of the range States of the species concerned by the proposals should receive particular attention. The Union also considers that, as a general rule, support should be given to proposals to amend CITES Appendices which are the result of work by the CITES Animals and Plants Committees and the Standing Committee. The assessment of the proposals by the CITES Secretariat and by IUCN/Traffic ⁽²⁾ and, in the case of commercially exploited marine species, the assessment by the FAO dedicated expert panel will be reviewed.
8. In line with its well-established position, the Union reaffirms that CITES is an appropriate instrument to regulate international trade in marine species when the conservation status of such species is affected by trade and when the species are or may become threatened with extinction. The Union specifically advocates, inter alia, the inclusion in CITES Appendix II of three species of teatfish of the genus *Holothuria* (*Microthela*), given the excessive exploitation and significant volumes of international trade in those species.
9. The Union notes that considerable work has been done in recent years to build capacity for the implementation of CITES, not least with regard to marine species, including through the Union's financial support. The Union supports better coordination between CITES, other organisations and multilateral environmental agreements (MEAs), acting within their respective mandates, with the aim of improving governance and increasing complementarity. Specifically, the Union co-sponsored the proposals for inclusion of certain species of sharks (shortfin mako and longfin mako – *Isurus oxyrinchus* and *I. paucus*) and rays (giant guitarfishes – *Glaucoctegus* spp. – and wedgefishes – *Rhinidae* spp.) in CITES Appendix II.
10. At CITES CoP 17, additional rosewood species (*Pterocarpus erinaceus*, three *Guibourtia* species and *Dalbergia* spp.) were inserted into CITES Appendix II, to better control international trade in these tropical timber species. It is important for the Union to ensure that the current annotation #15 be amended to focus on those specimens which first appear in international trade and to avoid unnecessary administrative and enforcement burdens. The Union therefore supports the consensus amendment to annotation #15 reached at the 70th meeting of the Standing Committee, as reflected in its listing proposal No 52 to CITES CoP 18. The Union will remain open to potential final improvements which may emerge from consultations with other parties to CITES. In line with its commitment to better control imports of timber from Central Africa, the Union co-proposed broadening the scope of the current CITES listing of afrormosia (*Pericopsis elata*) in CITES Appendix II.
11. The Union should also support cross-cutting efforts for more effective regulation of international trade in endangered wildlife, including the proposed Resolution on the verification of legal acquisition, which builds on the outcomes of a dedicated workshop hosted by the Union in June 2018. The adoption by CITES CoP 18 of a new Strategic Vision for CITES for the years 2021 to 2030 provides an opportunity to consolidate, and where necessary clarify, the role of CITES in the broader context of international environmental governance, including the post-2020 biodiversity framework under the Convention on Biological Diversity.
12. The Union's position on proposals related to wildlife trafficking should be consistent with the three priorities identified in the Council Conclusions of 20 June 2016 on the EU Action Plan against Wildlife Trafficking, namely:
 - preventing wildlife trafficking and addressing its root causes;
 - implementing and enforcing existing rules and combating organised wildlife crime more effectively; and
 - strengthening the global partnership of source, consumer and transit countries against wildlife trafficking.

The position should also take into account the Commission's Progress report on the implementation of the EU Action Plan against Wildlife Trafficking.

⁽²⁾ The International Union for Conservation of Nature (IUCN) and TRAFFIC are specialised in wildlife trade issues and provide a thorough assessment of proposals to amend CITES Appendices before each CITES CoP.

Consistent with the first priority, the Union is supportive of a better protection through CITES of species currently imported into the Union at unsustainable levels or illegally (notably for the exotic pet trade). Therefore, the Union co-sponsored certain proposals to amend the CITES Appendices in relation to various species of reptiles and amphibians, in particular several species of geckos and newts, and is supportive of other proposals as appropriate.

13. In line with the second and third priorities, the Union supports strong measures for the implementation of CITES by its Parties. It advocates a clear timeline with monitoring mechanisms (including possible trade sanctions) in respect of those Parties which repeatedly fail to implement their obligations under CITES. This is particularly important in order to address poaching and trafficking affecting elephants, rhinoceros, Asian big cats, rosewood and pangolins.
 14. Several proposals presented to CITES CoP 18 focus on issues related to sustainable use, livelihoods and rural communities. The Union should support such proposals to the extent that they help ensure that relevant information is reflected in existing processes, in line with CITES. The creation of additional processes or structures with significant costs and uncertain benefits should be avoided.
 15. Elephant poaching and ivory trafficking continue at alarmingly high levels. Also, the level of rhinoceros poaching and rhino horn trafficking continues to be high, undermining conservation efforts and posing a serious threat to rhinoceros populations. Both the Union and its Member States have provided considerable support to African countries in order to improve wildlife conservation and tackle wildlife trafficking. The Union is committed to continuing to stand by its African partners and to increasing its efforts in that regard, in line with the Council Conclusions concerning the Commission Communication on the EU Action Plan against Wildlife Trafficking. The Union recognises the conservation efforts made by certain African range States, but the high levels of poaching and trafficking remain of considerable concern for the Union. The Union's priority for all CITES CoP 18 agenda items relating to these species should be to support action directly addressing those problems.
 16. The Union notes that several, partly conflicting, proposals have been tabled by Parties in relation to legal trade in elephant ivory. International trade in ivory is currently banned under the CITES framework. The Union considers that the conditions for re-authorising such trade are not met and will oppose any change to the current CITES regime which could result in relaxing the current ban on international trade in elephant ivory or resumption of international trade in elephant ivory. With regard to domestic ivory markets, the Union should continue to support proportionate, effective measures based on the best available evidence, within the scope of CITES.
 17. The Union considers that the Rules of Procedure for the CoP must not deviate from the text of CITES, including paragraphs 2 to 6 of Article XXI thereof. Any attempts to add provisions which would subject the exercise of the Union's rights as a Party to conditions not foreseen in CITES should be firmly rejected.
 18. The wildlife trafficking crisis, combined with the extension of the scope of CITES to new species and Parties, means that more activities have been brought under the CITES umbrella in recent years and that the workload of the CITES Secretariat has considerably increased. The Union should take these developments into account when deciding on its priorities at CITES CoP 18 and on its contribution to the CITES Trust Fund.
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ANNEX II

UNION POSITION ON CERTAIN PROPOSALS SUBMITTED TO THE 18TH MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES COP 18)

(GENEVA, SWITZERLAND, 17-28 AUGUST 2019)

'+' indicates a position in favour	'-' indicates a position against	'0' indicates an open position
'(+)' indicates support conditional on amendments to the proposal		
'(-)' indicates opposition to be reconsidered if the proposal is significantly amended		

Working Documents

No	Agenda item	Proponent (1)	Comments	Position
Opening ceremony				
Administrative and financial matters				
1.	Election of Chair, Alternate Chair and Vice-Chairs of the meeting and of Chairs of Committees I and II		No document	
2.	Adoption of the agenda			
3.	Adoption of the working programme			
4.	Rules of Procedure			
	4.1 Rules of Procedure for the 18th meeting of the Conference of the Parties CoP18 Doc. 4.1	Sec.	Take note of doc. containing current RoP, which will remain valid unless and until amended by CoP (cf. Rule 32).	
	4.2 Review of the Rules of Procedure CoP18 Doc. 4.2	SC	Support for keeping RoP unchanged at CoP 18; also support new mandate for SC to review Rule 25 (<i>Procedure for deciding on amendments to Appendices</i>) by CoP 19.	+
5.	Credentials Committee			
	5.1 Establishment of the Credentials Committee (no documentation)		No document	

No	Agenda item	Proponent (*)	Comments	Position
	5.2 Report of the Credentials Committee (no document)		No document	
6.	Admission of observers			
7.	Administration, finance and budget of the Secretariat and of meetings of the Conference of the Parties			
	7.1 Administration of the Secretariat CoP18 Doc. 7.1			
	7.2 Report of the Executive Director of UNEP on administrative and other matters			
	7.3 Financial reports for 2016-2019 CoP18 Doc. 7.3			
	Annex 1: Financial report on costed programme of work for 2016 CoP18 Doc. 7.3 A1			
	Annex 2: CITES Trust Fund (CTL) – status of contributions as of 31 December 2016 CoP18 Doc. 7.3 A2			
	Annex 3: CITES External Trust Fund (QTL) – status of contributions as of 31 December 2016 CoP18 Doc. 7.3 A3			
	Annex 4: Financial report on costed programme of work for 2017 CoP18 Doc. 7.3 A4			
	Annex 5: CITES Trust Fund (CTL) – status of contributions as of 31 December 2017 CoP18 Doc. 7.3 A5			
	Annex 6: CITES External Trust Fund (QTL) – status of contributions as of 31 December 2017 CoP18 Doc. 7.3 A6			
	Annex 7: Financial report on costed programme of work for 2018 CoP18 Doc. 7.3 A7			
	Annex 8: CITES Trust Fund (CTL) – status of contributions as of 31 December 2018 CoP18 Doc. 7.3 A8			

No	Agenda item	Proponent (*)	Comments	Position
	Annex 9: CITES Trust Fund (CTL) – annual distribution of the unpaid contributions as of 31 December 2018 CoP18 Doc. 7.3 A9			
	Annex 10: CITES External Trust Fund (QTL) – status of contributions as of 31 December 2018 CoP18 Doc. 7.3 A10			
	Annex 11: Statement of financial performance and position for the year ended 31 December 2017 CoP18 Doc. 7.3 A11			
	Annex 12: Financial report on costed programme of work for 2019 (up to 31 March 2019)			
	Annex 13: CITES Trust Fund (CTL) – status of contributions as of 31 March 2019			
	Annex 14: CITES External Trust Fund (QTL) – status of contributions as of 31 March 2019			
7.4	Budget and work programme for 2020 to 2022 CoP18 Doc. 7.4			
	Annex 1: Draft Resolution on <i>Financing and the costed programme of work for the Secretariat for the triennium 2020-2022</i> CoP18 Doc. 7.4 A1			
	Annex 2: Budget scenario – zero real growth CoP18 Doc. 7.4 A2			
	Annex 3: Budget scenario – zero nominal growth CoP18 Doc. 7.4 A3			
	Annex 4: Budget scenario – incremental growth CoP18 Doc. 7.4 A4			
7.5	Access to funding, including GEF funding CoP18 Doc. 7.5			
7.6	Sponsored delegates project CoP18 Doc. 7.6	Sec.	Support for keeping current selection criteria; Secretariat to explore extension of the project from CoP to Committee meetings.	+

No	Agenda item	Proponent (*)	Comments	Position
8.	Draft resolution on language strategy for the Convention CoP18 Doc. 8	IQ	Unclear why Arabic should be added as official CITES language but not other UN languages (Chinese, Russian). Budgetary implications and potential further delays in document production militate against the proposal.	–
Strategic matters				
9.	Committee reports and recommendations			
	9.1 Standing Committee			
	9.1.1 Report of the Chair CoP18 Doc. 9.1.1			
	9.1.2 Election of new regional and alternate regional members (no document)			
	9.2 Animals Committee			
	9.2.1 Report of the Chair			
	9.2.2 Election of new regional and alternate regional members (no document)			
	9.3 Plants Committee			
	9.3.1 Report of the Chair CoP18 Doc. 9.3.1			
	9.3.2 Election of new regional and alternate regional members (no document)			
10.	CITES Strategic Vision post-2020 CoP18 Doc. 10	SC	Support for adoption of revised Strategic Vision as amended by the Secretariat; also support amended draft decisions to task Secretariat to compare objectives with existing decisions, resolutions; mandate SC to work on indicators.	+
11.	Review of the Convention	CO, NA, ZW	Raises some relevant issues as regards livelihoods and review of Appendices. However, the proposal seems biased in its current form and scope, as well as insufficiently prepared, based on historical deliberations without in-depth reflection of increasingly complex wildlife trade and conservation challenges, and given the potentially far-reaching consequences. Addressees of draft Decisions are not specified.	(–)

No	Agenda item	Proponent (*)	Comments	Position
12.	Securing better implementation of marine fish species listings in the Appendices CoP18 Doc. 12	AG	Acknowledge that support for more effective implementation of marine listings is still needed. However, review of the effectiveness of previous listings should focus on particular cases, with clear justification, and make use of existing mechanisms and recommendations from previous reviews rather than establish a new ad-hoc process. Oppose an 'embargo' on new listings of any group of species; what matters is whether listing criteria are fulfilled.	-
13.	Revision of Resolution Conf. 11.1 (Rev. CoP17) on Establishment of committees CoP18 Doc. 13	SC/Sec.	Support proposed new Resolution as amended by the Sec. and the SC Chair.	+
14.	Potential conflicts of interest in the Animals and Plants Committees CoP18 Doc. 14	SC	SC70 adopted standard disclosure form for declarations of interest; support for deletion of Decisions 16.09 and 16.10.	+
15.	Cooperation with organizations and multilateral environmental agreements			
	15.1 Cooperation with other biodiversity-related conventions CoP18 Doc. 15.1	SC	Support renewal of Decisions 17.55 and 17.56 as amended by the Sec. and the Sec.'s proposal to prepare a report summarizing existing practices in other biodiversity-related conventions. Synergies among biodiversity MEAs should continue to be strengthened and it is appropriate for the SC to keep matters under review.	+
	15.2 Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) CoP18 Doc. 15.2	Sec.	Support amendments to Res. Conf. 12.4 jointly proposed by CITES and CCAMLR Secretariats.	+
	15.3 Global Strategy for Plant Conservation CoP18 Doc. 15.3	SC	Support new draft Decisions to replace Decisions 17.53 and 17.54.	+
	15.4 Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) CoP18 Doc. 15.4	SC/Sec.	Support the draft resolution on <i>Cooperation with the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services</i> .	+
	15.5 The International Consortium on Combating Wildlife Crime (ICCWC) CoP18 Doc. 15.5	Sec.	Support call on Parties to continue funding ICCWC activities. Invite ICCWC partners to ensure effective transparency mechanisms.	+

No	Agenda item		Proponent (1)	Comments	Position
	15.6	Cooperation between CITES and the World Heritage Convention CoP18 Doc. 15.6	NO	Support the draft Resolution (which calls for developing a Memorandum of Understanding between the WHC and CITES) as amended by the Sec. Support the draft Decisions as proposed by Norway, with changes to reflect that any proposed joint programme of work should be approved by SC.	(+)
16.	CITES tree species programme		Sec.	Support the draft Decisions, including the Decision which calls for the Sec. to collect information, report progress made and continue cooperation with forest-related organizations and strengthen the support for Parties to implement the Convention for listed tree species. Invite other Parties to financially contribute to the programme.	+
17.	Rural communities			Propose that all documents under 17 and 18 are considered as a package in an in-session working group which will, inter alia, consider the elements for discussion in the inter-session working group. <i>Consider jointly with related proposals under Item 18.</i>	
	17.1	Report of the Standing Committee CoP18 Doc. 17.1	SC/Sec.	Support Sec.'s proposal to amend Res. Conf. 16.6 on <i>Livelihoods</i> . Proposal to delete CoP 17 Decisions would be premature; further inter-session work is warranted (join up with <i>Livelihoods WG?</i>).	(+)
	17.2	Proposed amendments to Resolution Conf. 4.6 (Rev. CoP17) [<i>Submission of draft resolutions</i>] and Resolution Conf. 9.24 (Rev. CoP17) CoP18 Doc. 17.2	NA, ZW	Suggested amendment to Res. 4.6 as drafted seems out of place, because the resolution is otherwise focused on formalities and procedures for submission of proposals. The proposed amendments to Annex 6 section C of Res. Conf. 9.24 would at least need to clarify the geographical scope of consultations with rural communities, i.e. each Party within its own territory; any changes should be non-binding. <i>Consider jointly with doc. 18.3.</i>	(-)
	17.3	Participatory mechanism for rural communities	BW, CO, NA, ZW	Oppose the establishment of a permanent Rural Communities Committee. Consider alternative ways of making the voice of rural communities heard.	-
18.	CITES and livelihoods			Propose that all documents under 17&18 are considered as a package in an in-session working group which will, inter alia, consider the elements for discussion in the inter-session working group. <i>Consider jointly with related proposals under Item 17.</i>	
	18.1	Report of the Secretariat CoP18 Doc. 18.1 (Rev. 1)	Sec.	Support re-establishment of WG, development of guidance through consultancy, for consideration by CoP 19. Consider additional draft Decisions proposed by the Secretariat.	(+)

No	Agenda item	Proponent (*)	Comments	Position
	18.2 Proposal by Peru CoP18 Doc. 18.2	PE	Regarding draft Dec. 18.AA (a) providing guidance on how to maximize trade benefits from CITES species, and (b) evaluating registered marks of trade for community-made products, consider jointly with Doc. 18.1 (Rev. 1) and propose a drafting group to find a common approach between these two documents, taking into account the Sec.'s comments on both documents. Generally open for establishment of an 'International Day for Livelihoods of Rural Communities' but specific Resolution might not be needed for that purpose; also consider resource implications.	(+)
	18.3 Proposed amendments to Resolution Conf. 9.24 (Rev. CoP17) CoP18 Doc. 18.3	CN	Idea of including some kind of 'Livelihood analyses' in supporting statement for listing proposals (Res. Conf. 9.24, Annex 6) could be considered but does not seem ripe for decision at CoP 18; proposed wording partly unclear. <i>Consider jointly with doc. 17.2.</i>	(-)
19.	Food security and livelihoods CoP18 Doc. 19	SC	Oppose renewal of decisions, as WG has not progressed and very similar issues are addressed under 'Rural communities' and 'Livelihoods'; support Sec. comments.	-
20.	Demand reduction strategies to combat illegal trade in CITES-listed species CoP18 Doc. 20	SC	Support adoption of the draft Decisions as amended by the Sec. and agree to deletion of Decisions 17.44 to 17.48.	+
21.	Capacity building and identification materials			
	21.1 Capacity-building and identification materials CoP18 Doc. 21.1	AC/PC	Support draft Decisions to establish joint AC/PC working group on identification materials; also support Sec.'s proposal to delete Decisions covered under 54.1.	+
	21.2 Capacity-building activities specified in Resolutions and Decisions CoP18 Doc. 21.2	SC	Support adoption of the draft Decisions (revision, enhancement of CITES website, Virtual College online courses) with the Sec.'s proposed changes. <i>Consider jointly with 21.3, 28, 29.</i>	+
	21.3 Framework to facilitate coordination, transparency and accountability of CITES capacity-building efforts CoP18 Doc. 21.3	US	Valuable initiative but adoption of the draft Resolution and framework at CoP 18 seems premature. Support integration of relevant elements into 21.2 instead, as proposed by Sec., for consideration by SC and CoP 19. <i>Consider jointly with docs. 21.2, 28.</i>	(+)

No	Agenda item	Proponent (*)	Comments	Position
22.	United Nations World Wildlife Day		Support draft amendments to Resolution Conf. 17.1 inviting Parties and non-Party States to designate one focal point for coordinating the celebration of World Wildlife Day in the country.	+
23.	Youth engagement CoP18 Doc. 23	SC	Support suggested revisions to Resolution Conf. 17.5 on youth engagement (Annex 1) and delete Decisions 17.26 and 17.27.	+
Interpretation and implementation matters				
<i>Existing Resolutions and Decisions</i>				
24.	Review of Resolutions CoP18 Doc. 24	Sec.	Generally support amendments to Resolutions Conf. 4.6, Submission of documents (incl. on centralised funding decision); review suggested incorporation of Dec. 14.19. Support amendments to Resolutions 12.8, Review of Significant Trade (as per SC70) and 14.3, Compliance procedures (incl. Res. 10.10 and Res. 17.7).	+
25.	Review of Decisions		Support the recommendations of the Sec. as presented in 22 separated items under the annex of document 25.	+
<i>General compliance and enforcement</i>				
26.	National laws for implementation of the Convention	Sec.	Support set of Decisions but call for more clarity on the timelines. Consider proposing additional measures for Parties with legislation in category 2 or 3 to submit to the Sec. details of measures for the effective implementation of the Convention.	(+)
27.	CITES compliance matters	Sec.	Support proposed amendment to Res. Conf. 11.3 (Rev. CoP17). Generally support the draft Decisions, but ask for more justification – and potentially a more cautious approach – in particular in relation to the development of a new CITES permit policy and of an ‘integrated compliance electronic platform’.	(+)
28.	Compliance Assistance Programme	Sec.	Generally support set of Decisions aiming at establishing a Compliance Assistance Programme with a view to assisting Parties with long-standing difficulties in achieving compliance with the Convention and related recommendations of the SC. Question nonetheless budget implications related to the creation of the Programme. <i>Consider jointly with doc. 21 and with budget documents.</i>	(+)

No	Agenda item	Proponent (1)	Comments	Position
29.	Country-wide Significant Trade Reviews CoP18 Doc. 29	AC/PC	Support mandate, as amended by the Sec., for the Sec. to analyse and Committees to consider options and make recommendations to CoP 19.	+
30.	Compliance in relation to Malagasy ebonyes (<i>Diospyros</i> spp.) and palisanders and rosewoods (<i>Dalbergia</i> spp.)			
	30.1 Report of Madagascar		Take note. <i>Consider jointly with doc. 30.2.</i>	
	30.2 Report of the Standing Committee CoP18 Doc. 30.2	SC	Support but remain vigilant on the need not to focus all discussions on the use plan proposed by Madagascar. Call for strong focus on the need for more robust enforcement efforts to tackle illegal logging and dismantle trafficking networks. Propose to amend draft decision 18.BB to take account of the 2017 UNODC recommendations on the matter, and insert precautionary wording to ensure that any future use plan is sufficiently secure.	(+)
31.	Domestic markets for frequently illegally traded specimens CoP18 Doc. 31	SC	Generally support proposed amendment to Resolution Conf. 10.10 (Rev. CoP17) and draft revised Decisions 17.87-17.88, including on domestic controls of wildlife products other than elephant ivory.	(+)
32.	Enforcement matters CoP18 Doc. 32	Sec.	Support proposed draft Decisions and proposed amendment to Resolution Conf. 11.3 (Rev. CoP17). Agree with deletion of Decisions 17.83 to 17.85.	+
33.	Combating wildlife cybercrime			
	33.1 Report of the Secretariat CoP18 Doc. 33.1	Sec.	Support proposed draft Decisions.	+
	33.2 Report of the Standing Committee CoP18 Doc. 33.2	SC	Support proposed amendments to Resolution Conf. 11.3 (Rev. CoP17) and adoption of draft Decisions as modified by the Sec. Agree with deletion of Decisions 17.94 to 17.96.	+
34.	Wildlife crime enforcement support in West and Central Africa	Sec.	Welcome the report and acknowledge importance of the issue. Support adoption of all recommendations, including draft Decisions in Annex 1.	+

No	Agenda item	Proponent (*)	Comments	Position
35.	Disposal of confiscated specimens CoP18 Doc. 35	SC	Support deletion of Decisions 17.118 and 17.119 and adoption of proposed draft Decisions. Oppose any additions that would compromise sensitive information about rescue centres, or would result in additional obligations for Parties. Also oppose potential resumption of SC working group.	+
36.	Storage and management of illegal trade data collected through the Parties' annual illegal trade reports CoP18 Doc. 36	SC	Overall support the principle of more systematic storage and management of illegal trade data collected through annual illegal trade reports. Share the Sec.'s concerns as to the limited added value of such a database if only a limited number of Parties actually report and provide data. Consider proposing language to encourage Parties to more systematically submit annual illegal trade reports. Invite the Sec. and UNODC to consider funding the database via the external budget of the Convention for the time being. <i>Consider jointly with budget documents.</i>	(+)
37.	Working conditions of wildlife rangers and their implications for implementation of CITES CoP18 Doc. 37	NP	Welcome the report and acknowledge importance of the issue.	
<i>Regulation of trade</i>				
38.	Designation and roles of Management Authorities CoP18 Doc. 38	Sec.	Generally support proposed Resolution with changes. Changes of some aspects of the text are needed, including: to make the proposals workable in different regulatory regimes (from an administrative and legal perspective), and to avoid creating new legal duties which are not in the Convention, and including accommodating the need to have one Management Authority per country that is responsible for international communication.	(+)
39.	Guidance for making legal acquisition findings CoP18 Doc. 39	SC	Support draft resolution. <i>Consider jointly with doc. 40.</i>	+
40.	Due diligence by CITES Parties and obligations of importing countries	US	Generally support the intention and approach. Closer scrutiny of some aspects of the proposed amendments to Res. Conf. 11.3 is needed.	(+)
41.	Electronic systems and information technologies CoP18 Doc. 41	SC	Support the proposed draft Decisions, as amended by the Sec.	+

No	Agenda item	Proponent (1)	Comments	Position
42.	Traceability CoP18 Doc. 42	Sec., Chair of SC, MX and CH as Chairs of the intersessional working group on traceability	Agree with the working definition of CITES traceability and support the adoption of draft decisions in Annex 1, including the proposed amendments by the Sec.	+
43.	Specimens produced from synthetic or cultured DNA CoP18 Doc. 43	SC	Support the draft Decisions as amended by the Sec., and replacing Decisions 17.89-17.91, to continue assessing the implications of specimens produced through biotechnology that may have an impact on the interpretation and implementation of the Convention. Suggest amendment for draft Decision 18.CC.	(+)
44.	Definition of the term 'appropriate and acceptable destinations'			
	44.1 Report of the Standing Committee CoP18 Doc. 44.1	SC	Support the adoption of non-binding guidance for determining whether a proposed recipient of a living specimen is suitably equipped to house and care for it, as amended by the Sec. in Annex 4, and the draft decisions on the definition of 'appropriate and acceptable destinations' as amended in Annex 5.	+
	44.2 International trade in live African elephants: Proposed revision of Resolution Conf. 11.20 (Rev. CoP17) on <i>Definition of the term 'appropriate and acceptable destinations'</i> CoP18 Doc. 44.2	BF, JO, LB, LR, NE, NG, SD, SY	The document proposes amendments to Res. Conf. 11.20 in such a way that live African elephants are only moved to in-situ conservation programmes within their natural range, thus excluding any trade in wild-caught African elephants to destinations for the purpose of ex-situ captive use, even where this would be beneficial for conservation purposes. Also consider in relation to the current regime for App. I-listed specimens. The Union opposes the recommendations in document 44.2 and encourages further inter-sessional work towards CoP 19.	-
45.	Non-detriment findings CoP18 Doc. 45	AC	Support proposed draft Decisions aiming at addressing gaps and Parties' needs in making non-detriment findings and supporting the implementation of Resolution Conf. 16.7 (Rev. CoP17). Support for a second international workshop on NDFs.	+

No	Agenda item	Proponent (*)	Comments	Position
46.	Quotas for leopard hunting trophies		Support the proposed amendments to Res. Conf. 10.14 (Rev. CoP16) proposed by the SC (removing Kenya and Malawi from the table in paragraph 1, a) of the Res.). Support to prolong draft decisions in Annex 3 for CAR, Botswana and Ethiopia, but to suspend their quotas until reviewed by the Animals Committee and SC. Support the set of draft decisions as proposed by the Sec. in Annex 3. General support for the amendments to Resolution Conf. 9.21 (Rev. CoP13), as proposed by the Sec. in Annex 2; however, a formal review process should be established within a specified time frame, and it should direct the range States or the Animals and Standing Committees to report to the CoP when concerns arise or changes to the 'approved quota' are deemed necessary. Further discussion needed on the export quotas maintained in Res. Conf. 10.14 (Rev. CoP16).	(+)
47.	Enhancement of quotas for markhor hunting trophies CoP18 Doc. 47	PK	Support the increase of hunting trophies quota for markhor in Pakistan from 12 to 20 animals per year, if Pakistan provides more information demonstrating that the guidelines on Appendix I hunting trophies in Resolution Conf. 17.9 are met, including information on: — the source of the 2017 population estimates which form the basis of Pakistan's NDF; — new communities / areas which will join the community-based trophy-hunting programme; and — how the quotas will be distributed (including for which sub-species).	(+)
48.	Black rhinoceros hunting trophies: Export quota for South Africa	ZA	Proposed increase of quota from 5 adult male black rhinos to max. 0,5 % of the country's total population appears reasonable, if translated into annual publication by South Africa of a specific quota (absolute number of specimens).	(+)
49.	Implications of the transfer of a species to Appendix I			
	49.1 Report of the Secretariat CoP18 Doc. 49.1	Sec.	Support amendments to Res. Conf. 12.3 to clarify that, after uplisting of a species, applicable rules are those valid at the time of trading (not harvesting), and to Res. Conf. 13.6. Further analyse proposal to include a new paragraph (11) in Res. Conf. 12.3 and draft Decision for SC to consider need for guidance during transition period, including between listing	(+)

No	Agenda item	Proponent (1)	Comments	Position
			decision and entry into force, and for SC to look into special conditions for annotated plants including timber species.	
49.2	Trade in 'pre-Appendix-I' specimens CoP18 Doc. 49.2	CI, NG, SN	Support Sec.'s proposal to consider 49.1 and the recommendations contained therein as our starting point, instead of the recommendation in 49.2. Open to incorporate drafting elements into 49.1.	(-)
50.	Amendments to Resolution Conf. 10.13 (Rev. CoP15) on Implementation of the Convention for timber species CoP18 Doc. 50	SC	Support but propose to include reference to the need to base NDFs on adequate conversion factors, and other minor amendments.	(+)
51.	Stocks and stockpiles CoP18 Doc. 51	SC	Support continuation of inter-sessional work with more clearly defined mandate, excluding management of stockpiles.	+
52.	Introduction from the sea CoP18 Doc. 52	SC	Support renewed mandate for the Sec. to monitor implementation of Res. Conf. 14.6 and report on BBNJ negotiations; SC to review information.	+
53.	Purpose codes on CITES permits and certificates CoP18 Doc. 53	SC	Support draft amendments to Res. Conf. 12.3 (Rev. CoP17) on <i>Permits and certificates</i> . Support the new set of draft decisions proposed by the Sec. instead of the draft amendments to Decision 14.54 in Annex 1 of the document.	(+)
54.	Identification of specimens in trade			
54.1	Identification Manual CoP18 Doc. 54.1	AC, PC, Sec.	Support. <i>Consider jointly with 21.1.</i>	+
54.2	Identification of CITES-listed tree species CoP18 Doc. 54.2	PC	Support new set of Decisions and deletion of previous decisions.	+
54.3	Identification of sturgeons and paddlefish specimens in trade CoP18 Doc. 54.3		Support renewal of Decisions. Consider whether any EU Member State can commit to funding the long-overdue study.	+
55.	CITES implementation for trade in medicinal plant species		Support the draft decision to liaise with key players in the medicinal plants trade and report it to the PC as a first step to get information about the trade and its volume.	+
<i>Exemptions and special trade provisions</i>				

No	Agenda item	Proponent (1)	Comments	Position
56.	Simplified procedure for permits and certificates CoP18 Doc. 56	SC	Generally support the proposed amendments to Resolution Conf. 11.15 (Rev. CoP12), Resolution Conf. 12.3 (Rev. CoP17) and the draft Decisions directed to the Sec.; take into account the Sec.'s observations and consider need for further amendments.	(+)
57.	Implementation of the Convention relating to captive-bred and ranchered specimens CoP18 Doc. 57	SC	Support draft Decisions as suggested by the SC and amended by the Sec.	+
58.	Implementation of Resolution Conf. 17.7 on <i>Review of trade in animal specimens reported as produced in captivity</i> CoP18 Doc. 58	SC	Support draft Decisions and suggested amendment of Resolution Conf. 17.7 as suggested by the SC and endorsed by the Sec. <i>Consider jointly with budget documents.</i>	+
59.	Definition of the term ' artificially propagated '			
	59.1 Guidance on the term 'artificially propagated' CoP18 Doc. 59.1	PC	Support draft decision. Open to amendments proposed by the Sec. Suggest that publication of guidance should only happen after its review by the PC. Highlight the need for an update of the 'Guide to the application of CITES source codes' in order to reflect the creation of a new source code for plants.	+
	59.2 Source codes for plant specimens in trade CoP18 Doc. 59.2	SC	Support creation of source code Y through amendments to Resolution Conf. 11.11 (Rev. CoP17) and Resolution Conf. 12.3 (Rev. CoP17), as well as draft Decisions as proposed by the SC. Consider opposing some of the additional amendments proposed by the Sec., in particular regarding agarwood and the need for NDFs.	+
<i>Species specific matters</i>				
60.	Illegal trade in cheetahs (<i>Acinonyx jubatus</i>) CoP18 Doc. 60	Sec.	Support the draft Decision calling upon the Sec. to make available the final version of the CITES cheetah trade resource kit, subject to availability of resources. Agree to deletion of decisions 17.124, 17.126, 17.127, 17.128 and 17.130; Decisions 17.125 and 17.129 being renewed as revised by the Sec. as set out in Doc. 25.	+
61.	Sturgeons and paddlefish (<i>Acipenseriformes</i> spp.)	Sec.	Support renewed mandate for the SC to look into caviar labelling.	+

No	Agenda item	Proponent (1)	Comments	Position
62.	Draft decisions on the conservation of amphibians (Amphibia)	CR	Broad range of draft Decisions addressed to Parties, Committees and Sec., proposed without supporting statement or prior consideration by the AC or SC. The information required is not specific for amphibians but would apply to all taxa. The proposal as it stands will not be supported, but more focused proposal with concrete actions could be considered favourably.	(-)
63.	Eels (<i>Anguilla</i> spp.) CoP18 Doc. 63	AC, SC, Sec.	Support draft Decisions as amended by the Sec. and suggest a short drafting group to refine these Decisions.	+
64.	Precious corals (Order Antipatharia and family Coralliidae)	SC	Support the draft decision mandating the AC and SC to analyse and draw conclusions from the precious corals survey and the FAO study.	+
65.	Implementation of Resolution Conf. 16.10 on <i>Implementation of the Convention for agarwood-producing taxa</i> [<i>Aquilaria</i> spp. and <i>Gyrinops</i> spp.] CoP18 Doc. 65	PC	Support adoption of draft decisions on agarwood-producing taxa and deletion of previous decisions.	+
66.	Trade in Boswellia spp. (Burseraceae) CoP18 Doc. 66	LK, US	Support set of draft decisions as amended by the Sec.	+
67.	Humphead wrasse (<i>Chelinus undulatus</i>) CoP18 Doc. 67	SC	Agree with the draft Decision aiming at providing assistance to the main exporting and importing countries to address remaining implementation challenges.	+
68.	Sharks and rays (<i>Elasmobranchii</i> spp.)			
	68.1 Report of the Animals Committee	AC	Note the report.	
	68.2 Report of the Secretariat		Support the set of draft decisions and the draft amendments to the Res. 12.6 (Rev. CoP17).	+
69.	Elephants (<i>Elephantidae</i> spp.)			
	69.1 Implementation of Resolution Conf. 10.10 (Rev. CoP17) on <i>Trade in elephant specimens</i>	Sec./ SC	Stocks and stockpiles: support Decision for SC to review guidance prepared by the Sec.	+
			Asian elephants: open to support renewal of Decisions but need greater buy-in from range States for this to be effective.	+

No	Agenda item	Proponent (1)	Comments	Position
			NIAPs: support proposed revisions to Res. Conf. 10.10, para. 26 g) and Annex III (NIAP process guidelines) and to Res. Conf. 14.3 on <i>Compliance</i> (see doc. 24); consider the Sec.'s request for creation of new post (and consider budgetary implications).	+
			ETIS review: support ToR as agreed at SC70.	+
			MIKE, ETIS financial and operational sustainability: support draft Dec. for the Sec. to develop proposal (costs: 30 000 USD), SC to review.	+
			Domestic ivory markets: support proposed amendment to Res. Conf. 10.10 as contained in doc. 31.	+
			Take note of the report.	
	69.2 Report on Monitoring the Illegal Killing of Elephants (MIKE) CoP18 Doc. 69.2	Sec.		
	69.3 Report on the Elephant Trade Information System (ETIS) CoP18 Doc. 69.3 (Rev. 1)	Sec.	Take note of the report; consider implications for NIAP process (specific countries identified by ETIS not currently under NIAP).	
	69.4 Ivory stockpiles : proposed revision of Resolution Conf. 10.10 (Rev. CoP17) on <i>Trade in elephant specimens</i> CoP18 Doc. 69.4	BF, TD, CI, GA, JO, KE, LR, NE, NG, SD, SY	Acknowledge importance of having the guidance finalised but question the feasibility and suitability of an in-session WG for that purpose. Consider alternative Sec.'s suggestions.	(-)
	69.5 Implementing aspects of Resolution Conf. 10.10 (Rev. CoP17) on the closure of domestic ivory markets	BF, CI, ET, GA, KE, LR, NE, NG, SY	Contest conclusions regarding EU ivory market (para. 28); highlight ongoing EU efforts. Oppose proposed changes to Res. Conf. 10.10 and associated draft Decisions as disproportionate and partly unclear.	-
70.	Hawksbill turtle (<i>Eretmochelys imbricata</i>) and other marine turtles (<i>Cheloniidae</i> and <i>Dermochelyidae</i>)	Sec.	Support to continue the work through draft decisions proposed by the Sec. and to establish an inter-session working group on marine turtles.	+
71.	Asian big cats (<i>Felidae</i> spp.)			
	71.1 Report of the Secretariat	Sec.	Support the document with amendments aiming to strengthen the Sec.'s draft decisions. Support the Sec.'s recommendation to retain Dec. 14.69.	(+)

No	Agenda item		Proponent (1)	Comments	Position
	71.2	Draft decisions on Asian big cats CoP18 Doc. 71.2	IN	Support in general efforts to monitor and better manage trade in Asian big cats. Before the suggested draft Decisions can be supported, they need substantial analysis and amendments, including to avoid duplication with document 71.1. The link to Res. Conf. 12.5 (Rev. 17) should also be considered.	0
72.	Seahorses (<i>Hippocampus</i> spp.) on CITES – a roadmap to success		MV, MC, LK, US	Support the set of Decisions as amended by the Sec. to initiate discussion about management and sustainable use of seahorses in the AC and SC.	+
73.	Great apes (<i>Hominidae</i> spp.) CoP18 Doc. 73		SC, Sec.	Support amendments to Resolution Conf. 13.4 (Rev. CoP16) on Conservation of and trade in great apes as proposed by the Sec., as well as deletion of Decisions 17.232 and 17.233. The proposal is based on the report on the status of great apes and the relative impact of illegal trade and other pressures on their status, which was prepared through collaboration between the Sec., IUCN, GRASP and other partners, and has been considered by AC30 and SC70. Some editorial changes might be desirable, in particular to change references from 'bushmeat' to 'wild meat' to be consistent with Doc. 95.	+
74.	Rosewood timber species [<i>Leguminosae (Fabaceae)</i>] CoP18 Doc. 74		PC	Support adoption of draft decisions.	+
75.	Pangolins (<i>Manis</i> spp.) CoP18 Doc. 75		Sec., incorporating SC proposal	Support the set of draft decisions as recommended by the SC (SC69), with amendments suggested by the Sec., and support deletion of Decisions 17.239-17.240.	+
76.	African lion (<i>Panthera leo</i>)				
	76.1	Report of the Secretariat		Support the set of draft Decisions on African lions (<i>Panthera leo</i>) and big cats and support deletion of Decisions 17.241-17.245.	+
	76.2	Conservation of and trade in African lions	NG, TG	The set of draft Decisions suggested under 76.1, which take into account the concerns highlighted in this document and the accompanying draft Resolution, are likely to be more successful in achieving meaningful and targeted action within a specified time-frame.	-

No	Agenda item	Proponent (1)	Comments	Position
77.	Jaguar (<i>Panthera onca</i>)			
	77.1 Jaguar trade	CR, MX	Support in general the set of draft Decisions calling for a study on illegal trade in jaguars; and support the recommendations and amendments to Annex 1 by the Sec. to merge the document with the document under 77.2.	(+)
	77.2 Illegal trade in jaguar CoP18 Doc. 77.2	PE	Oppose adoption of a species-specific Resolution. However, some of the activities identified could be included in set of decisions and considered in the context of 77.1 (or proponents could merge their documents into one set of Decisions as proposed by the Sec. in Doc. 77.1).	(-)
78.	Illegal trade in Tibetan antelope (<i>Pantholops hodgsonii</i>) CoP18 Doc. 78	SC	Support the draft recommendation and the proposal by the Sec. to amend para 2b) of Resolution Conf. 11.8 (Rev. CoP17).	+
79.	Songbird trade and conservation management (Passeriformes)	US, LK	Generally support the proposal for the AC to consider the conservation implications of songbird trade, preferably based on a review commissioned by the Sec., subject to external funding. The draft decisions will need to be amended to address these changes and the concerns expressed by the Sec.	+
80.	African cherry (<i>Prunus africana</i>) CoP18 Doc. 80	PC	Support adoption of draft decisions.	+
81.	African grey parrots (<i>Psittacus erithacus</i>)	ZA	Open to prolonging the deadline for registrations of breeding facility. Suggest to add new paragraph f) to Decision 17.256 referencing the IUCN reintroduction and repopulation guidelines.	+
82.	Banggai cardinalfish (<i>Pterapogon kauderni</i>)	AC	Support the set of draft decisions; the EU is ready to support Indonesia in implementing Decision 18.AA.	+
83.	Rhinoceroses (<i>Rhinocerotidae</i> spp.)			
	83.1 Report of the Standing Committee and the Secretariat		Support the draft decisions with some amendments to introduce time frames for actions. Support deletion of Decisions 17.135-17.144, and replacement of Decisions 17.133 and 17.134 by a new draft decision 18.AA.	+
	83.2 Revisions to Resolution Conf. 9.14 (Rev. CoP17) on <i>Conservation of and trade in African and Asian rhinoceroses</i> , and associated decisions	KE	Oppose draft decisions and amendments to Resolution Conf. 9.14 as they stand, since they exceed the Convention's mandate and duplicate existing resolutions and decisions.	(-)

No	Agenda item	Proponent (1)	Comments	Position
84.	Helmeted hornbill (<i>Rhinoplax vigil</i>) CoP18 Doc. 84	SC	Support draft Decisions in Annex 1, including the Sec.'s proposed amendments, and delete Decisions 17.264, 17.265 and 17.266.	+
85.	Queen conch (<i>Strombus gigas</i>)		Support the draft Decisions in Annex 1 which will replace the decisions 17.285 to 17.287 and 17.289 and delete Decisions 17.288 and 17.290 which have been fully implemented.	+
86.	Saiga antelope (<i>Saiga</i> spp.) CoP18 Doc. 86	SC	Support the document which is based on the outcome of discussions in the SC and which targets the saiga range States in order to improve management of stockpiles of parts and derivatives of the species, to improve their capacities to tackle illegal trade, and to enhance in situ and ex situ conservation efforts; support the proposal by the Sec. to involve the AC in implementation of one decision. The decisions may need some modifications depending on the outcome of the proposed changes of the listing.	+
87.	Conservation of the Titicaca water frog (<i>Telmatobius culeus</i>)	PE	The species was listed in Appendix I at CoP 17. The impact of international trade on the conservation status of this species remains unclear, probably due to insufficient data. The adoption of a dedicated resolution on the conservation of the Titicaca water frog seems to be premature.	(-)
88.	Tortoises and freshwater turtles (<i>Testudines</i> spp.) CoP18 Doc. 88	SC, Sec.	Generally support the draft revised version of Resolution Conf. 11.9 on <i>Conservation of and trade in tortoises and freshwater turtles</i> and the draft decisions proposed by the Sec.; consider the need to focus future work on practical needs.	(+)
89.	Totoaba (<i>Totoaba macdonaldi</i>) CoP18 Doc. 89	Sec.	Support draft Decisions on further collecting of information from Parties; awareness-raising and enforcement measures; study on vaquita and totoaba (outline agreed by SC) to be carried out by Sec.	+
90.	Black Sea bottlenose dolphin (<i>Tursiops truncatus ponticus</i>) CoP18 Doc. 90	AC	Support draft Decision for Sec. to cooperate with the Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS).	+
91.	Conservation of vicuña (<i>Vicuña vicugna</i>) and trade in its fibre and products	AR	Generally support the draft resolution on conservation of vicuña and trade in its fibre and products, and the recommendations by the Sec.; the document was prepared under the Convention for the Conservation and Management of Vicuña.	+

No	Agenda item	Proponent (1)	Comments	Position
92.	Appendix-I listed species CoP18 Doc. 92	Sec., AC, PC	Support adoption of draft decisions and deletion of Decisions 17.22 to 17.25.	+
93.	Neotropical tree species CoP18 Doc. 93	PC	Support adoption of draft decisions.	+
94.	Conservation management of and trade in marine ornamental fishes CoP18 Doc. 94	CH, US, EU	Support draft Decisions (co-proposed by the Union) as amended by the Sec., especially with regard to inviting fishery stakeholders and industry representatives to contribute to the workshop.	+
95.	Guidance materials, activities and tools aimed at enhancing Parties' capacity to regulate bushmeat trade	Sec.	Generally support the draft revised version of Res. Conf. 13.11 (Rev. CoP17) and the deletion of decisions proposed by the Sec. (Dec. 14.73, 14.74, 17.112 and 17.113). Suggest amendments to recognise that CBD guidance for a sustainable wild meat sector refers only to the tropics and sub-tropics and that the current definition of wild meat (bushmeat) in the CITES glossary should be retained.	+
96.	African Carnivore Initiative		Support the draft decisions.	+
97.	West African vulture trade and conservation management CoP18 Doc. 97	BF, NE, SN	Support the set of decisions that will promote synergies with the Convention on Migratory Species (CMS), as amended by the Sec. Addressing illegal poisoning and the belief-based trade is very important, and there are strong links between the elephant/rhino poaching and the vulture-poisoning events. One of the species addressed in the document, the Egyptian vulture, breeds regularly in the EU and winters in Africa.	+
<i>Maintenance of the Appendices</i>				
98.	Reservations with respect to amendments to Appendices I and II CoP18 Doc. 98	Sec.	Support proposed amendments to Res. Conf. 4.25 on <i>Reservations</i> , to confirm the 90-day deadline for reservations to App. I and II listings, and to clarify when the withdrawal of a reservation becomes effective.	+
99.	Standard nomenclature CoP18 Doc. 99	AC, PC, Sec.	Support proposed amendments to Annex to Res. Conf. 12.11 and associated draft Decisions. Support extending Decision 17.312 to require the AC to consider the review and make recommendations to CoP 19.	+

No	Agenda item	Proponent ⁽¹⁾	Comments	Position
	Annex 5: Proposed New CITES Standard References for Nomenclature of Birds (Class Aves) CoP18 Doc. 99 A5		Take note of consultant's report on standard references for nomenclature of birds.	
	Annex 6: Proposed changes in the published literature concerning nomenclature of CITES-listed animal species for which the Animals Committee, at the time of CoP 18 document submission, has not yet reached a recommendation on adoption or rejection for CITES purposes CoP18 Doc. 99 A6			
100.	Inclusion of species in Appendix III		Agree with the proposed draft decisions and the proposed changes to Resolution Conf. 9.25 (Rev. CoP17).	+
101.	Annotations CoP18 Doc. 101	SC	Support proposed amendment to Res. Conf. 11.21 (Rev. CoP17), revision to Paragraph 7 of the Interpretation Section of the CITES Appendices, and draft decisions contained in Annex 4. Support proposed amendments to Decision 16.162 (Rev. CoP17) but remain open to potential changes depending on the outcome on annotation #15.	+
102.	Annotations for Appendix-II orchids CoP18 Doc. 102	SC	Support draft definition of the term 'cosmetics', and adoption of proposed decisions.	+
103.	Guidance for the publication of the Appendices CoP18 Doc. 103	CA	Support the draft decisions to develop guidance on the presentation of annotations and support the proposed amendments by the Sec. to avoid restricting prematurely the scope of the guidance.	+
104.	Review of Resolution Conf. 10.9 on <i>Consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II</i> CoP18 Doc. 104	SC	Support proposed repeal of the Resolution and deletion of associated Decision.	+
Proposals to amend the Appendices				
105.	Proposals to amend Appendices I and II		<i>Listing proposals are addressed in Part 2 of this document, below.</i>	
Conclusion of the meeting				
106.	Determination of the time and venue of the next regular meeting of the Conference of the Parties (no document)		No document	
107.	Closing remarks (Observers, Parties, CITES Secretary-General, Host Government) (no document)		No document	

⁽¹⁾ Sec. = CITES Secretariat, SC = Standing Committee, AC = Animals Committee, PC = Plants Committee. For country codes, see ISO 3166.

1. Listing Proposals

No	Taxon / Detail	Proposal	Proponent	Comments	Position
1.	<i>Capra falconeri heptneri</i> (Heptner's markhor) (population of Tajikistan)	I – II Transfer the population of Tajikistan from App. I to App. II	Tajikistan	Population seems to be increasing and hunting management under the CITES provisions for Appendix I species has generated revenues going back into the communities and conservation. However, the proposal does not contain strong evidence to demonstrate that the precautionary measures in Annex 4 of Res. Conf. 9.24 are satisfied. A down-listing would lead to increased volume of trade without guarantees that the revenues would be returned to conservation. IUCN recommended to continue and reinforce the current management.	–
2.	<i>Saiga tatarica</i> (Saiga antelope)	II – I Transfer from App. II to App. I	Mongolia, United States of America	The proposal considers all recent Saiga to be one species, in line with the IUCN Red List. However, the currently valid CITES taxonomic reference separates the Mongolian populations as <i>S. borealis</i> . The Union will support the interpretation of the scope of the listing suggested by the US. If this interpretation is accepted, the CoP will consider listing of the two species <i>S. borealis</i> and <i>S. tatarica</i> . <i>S. borealis</i> meets the Appendix I listing criteria and the Union will support its listing in Appendix I. The Union will support listing in Appendix I of <i>S. tatarica</i> , provided that all principal range States agree with the listing, and only if <i>S. borealis</i> is listed in Appendix I as well. The Union will oppose the listing in Appendix I of <i>S. tatarica</i> if <i>S. borealis</i> is not uplisted as well, to avoid any negative impact on the population of <i>S. borealis</i> .	0
3.	<i>Vicugna vicugna</i> (Vicuña) (population of the Province of Salta)	I – II Transfer the population of the Province of Salta (Argentina) from App. I to App. II with annotation 1	Argentina	Since 2006, the population size is increasing considerably, population monitoring seems to be good and 41 % (14 000 km ²) of the habitat is protected. The only form of planned utilisation is shearing of wild specimens. <i>Consider jointly with working document no. 91.</i>	+

No	Taxon / Detail	Proposal	Proponent	Comments	Position
4.	<i>Vicugna vicugna</i> (Vicuña) (population of Chile)	Amend the name of the population of Chile from 'population of the Primera Región' to 'populations of the region of Tarapacá and of the region of Arica and Parinacota'	Chile	Support – the proposal does not contain any substantive change to the listing and only adjusts a geographical name.	+
5.	<i>Giraffa camelopardalis</i> (Giraffe)	0 – II Include in App. II	Central African Republic, Chad, Kenya, Mali, Niger and Senegal	The current conservation status of the nine subspecies and the presence and severity of main threats show large regional variations. Taking into account overall declines recorded over the last three generations and decreasing trends of the Giraffe population, an Appendix II listing has merits in preventing this species from becoming threatened in the future. Therefore, considering the precautionary approach and acting in the best interest of the conservation of the species, the listing in Appendix II is supported by the Union.	+
6.	<i>Aonyx cinereus</i> (Small-clawed otter)	II – I Transfer from App. II to App. I	India, Nepal and the Philippines	According to IUCN, pet trade on the internet contributes to the recent rapid decline of the species. There are some indications that the level of this trade is growing in recent years.	+
7.	<i>Lutrogale perspicillata</i> (Smooth-coated otter)	II – I Transfer from App. II to App. I	Bangladesh, India and Nepal	There are low levels of recorded legal international trade, but uplisting could help protect the species as the volume of illegal trade is significant.	+
8.	<i>Ceratotherium simum simum</i> (Southern white rhinos) (population of Eswatini)	Remove the existing annotation for the population of Eswatini	Eswatini	Oppose. The population continues to meet App. II listing criteria, but removal of the annotation as proposed would not meet the precautionary safeguards set out in Para A. 2. a) in Annex 4 of Res. Conf. 9.24. Resumption of rhino horn trade would send the wrong signal at this point in time, given the high level of poaching and illegal trade. It would also undermine demand reduction action by many Parties for this species.	–
9.	<i>Ceratotherium simum simum</i> (Southern white rhinos) (population of Namibia)	I – II Transfer of the population of <i>Ceratotherium simum</i> of Namibia from Appendix I to Appendix II with the following annotation: 'For the exclusive purpose of allowing international trade in: a. live animals to appropriate and acceptable destinations; and b. hunting trophies.'	Namibia	The high levels of poaching and trafficking for this species remain of considerable concern for the Union. Successful conservation of the species in Namibia needs to be recognized, however, we should also note that more than a third part of the whole Namibian population was imported and two thirds belong	(–)

No	Taxon / Detail	Proposal	Proponent	Comments	Position
		All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.'		to private owners, and the trade in hunting trophies and live animals for non-commercial purposes, to destinations suitably equipped to house and care for them, is already possible under Annex I. If the proposal is adopted by the CoP, the Union would request that it be accompanied by a set of decisions to monitor and report periodically on the possible impact of this downlisting.	
10.	<i>Loxodonta africana</i> (African elephant)	I – II Transfer the population of Zambia from Appendix I to Appendix II subject to: 1. 1.Trade in registered raw ivory (tusks and pieces) for commercial purposes only to CITES-authorized trading partners who will not re-export. 2. Trade in hunting trophies for non-commercial purposes. 3. Trade in hides and leather goods. 4. All other specimens shall be deemed to be specimens of species in Appendix I and the trade in them shall be regulated accordingly.	Zambia	The annotation suggested by Zambia would re-open international ivory trade and cannot be supported as it stands.	–
11.	<i>Loxodonta africana</i> (African elephant) (populations of Botswana, Namibia, South Africa and Zimbabwe) Amendment of annotation 2	Amendment of annotation 2: 'For the exclusive purpose of allowing: [...] g. trade in registered raw ivory (for Botswana, Namibia, South Africa and Zimbabwe, whole tusks and pieces) subject to the following: i. only registered government-owned stocks, originating in the State (excluding seized ivory and ivory of unknown origin);	Botswana, Namibia and Zimbabwe	The requested change would result in opening up international ivory trade, and therefore does not meet the precautionary measures in Annex 4 to Res. Conf. 9.24 and is premature.	–

No	Taxon / Detail	Proposal	Proponent	Comments	Position
		ii. only to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP17) concerning domestic manufacturing and trade; iii. not before the Secretariat has verified the prospective importing countries and the registered government-owned stocks; iv. raw ivory pursuant to the conditional sale of registered government-owned ivory stocks agreed at CoP12, which are 20,000 kg (Botswana); 10,000 kg (Namibia) and 30,000 kg (South Africa); v. in addition to the quantities agreed at CoP12, government-owned ivory from Botswana, Namibia, South Africa and Zimbabwe registered by 31 January 2007 and verified by the Secretariat may be traded and despatched, with the ivory in paragraph (g) iv) above, in a single sale per destination under strict supervision of the Secretariat; vi. the proceeds of the trade are used exclusively for elephant conservation and community conservation and development programmes within or adjacent to the elephant range; and vii. the additional quantities specified in paragraph (g) v) above shall be traded only after the Standing Committee has agreed that the above conditions have been met; and h) no further proposals to allow trade in elephant ivory from populations already in Appendix II shall be submitted to the Conference of the Parties for the period from CoP14 and ending nine years from the date of the single sale of ivory that			

No	Taxon / Detail	Proposal	Proponent	Comments	Position
		is to take place in accordance with provisions in paragraphs g) i), g) ii), g) iii), g) vi) and g) vii). In addition such further proposals shall be dealt with in accordance with Decisions 16.55 and 14.78 (Rev. CoP16): [...]'			
12.	<i>Loxodonta africana</i> (African elephant) (populations of Botswana, Namibia, South Africa and Zimbabwe)	II – I Transfer the populations of Botswana, Namibia, South Africa and Zimbabwe from App. II to App. I	Burkina Faso, Côte d'Ivoire, Gabon, Kenya, Liberia, Niger, Nigeria, Sudan, Syrian Arab Republic and Togo	These four populations do not meet App. I criteria and the range States in question do not agree with the uplisting.	–
13.	<i>Mammuthus primigenius</i> (Woolly mammoth)	0 – II Include in App. II	Israel	The purpose of CITES is to protect species from overexploitation and extinction. Look-alike issues do not seem to be a sufficient argument for listing mammoth. Evidence for misidentification and laundering on a large scale has not been provided, and elephant and mammoth ivory dentine display unique characteristics which can be readily distinguished by a non-expert. Listing on App. II would not be proportionate with the scale of the risk posed (potentially generating numerous permits with no, or limited, conservation benefit).	–
14.	<i>Leporillus conditor</i> (Greater stick-nest rat)	I – II Transfer from App. I to App. II	Australia	Transfer to Appendix II recommended by the AC. The species does not occur in international trade.	+
15.	<i>Pseudomys fieldi praeconis</i> (Shark Bay mouse)	I – II Transfer from App. I to App. II	Australia	Transfer to Appendix II and a nomenclature change recommended by the AC. The species does not occur in international trade.	+
16.	<i>Xeromys myoides</i> (False swamp rat)	I – II Transfer from App. I to App. II	Australia	Transfer to Appendix II recommended by the AC. The species does not occur in international trade.	+
17.	<i>Zyzomys pedunculatus</i> (Central rock rat)	I – II Transfer from App. I to App. II	Australia	Transfer to Appendix II recommended by the AC. The species does not occur in international trade.	+

No	Taxon / Detail	Proposal	Proponent	Comments	Position
18.	<i>Symptotus reevesii</i> (Reeves's pheasant)	0 – II Include in App. II	CN	Only the population of China meets the listing criteria for inclusion in Appendix II. Open to supporting the inclusion of the species in Appendix II, and will request the proponent to restrict the scope of the listing to the Chinese population only.	(+)
19.	<i>Balearica pavonina</i> (Black crowned-crane)	II – I Transfer from App. II to App. I	Burkina Faso, Côte d'Ivoire and Senegal	As IUCN/TRAFFIC recognises, since the species is affected by international trade and the estimated population decline may be close to and could exceed 50 % over the last 45 years, <i>B. pavonina</i> is likely to meet the criteria for inclusion in Appendix I and the Union will support the proposal.	+
20.	<i>Dasyornis broadbenti litoralis</i> (Lesser rufous bristlebird)	Transfer from App. I to App. II	Australia	The proposal results from the CITES Periodic Review and concerns a species that is not in trade (considered as extinct, last observation in 1906).	+
21.	<i>Dasyornis longirostris</i> (Long-billed bristlebird)	I – II Transfer from App. I to App. II	Australia	The proposal results from the CITES Periodic Review and concerns a species that is not in trade.	+
22.	<i>Crocodylus acutus</i> (American crocodile) (population of Mexico)	I – II Transfer the population of Mexico from App. I to App. II	Mexico	Support transfer from App. I to App. II if Mexico sets a 0 quota for specimens from the wild (source code W).	(+)
23.	<i>Calotes nigrilabris</i> and <i>Calotes pethiyagodai</i> (Garden lizards)	0 – I Include in App. I	Sri Lanka	Biological criteria for listing in CITES Appendices appear to be met but insufficient evidence to demonstrate that current or anticipated levels of trade are detrimental to its survival in the wild. The Union will encourage the proponent to list the two species in Appendix III, but oppose Appendix I listing. The Union is open to consider further information on listing in Appendix II if presented by the proponent.	(–)
24.	<i>Ceratophora</i> spp. (Horned lizards)	0 – I Include in App. I	Sri Lanka	Oppose the genus listing in Appendix I, but agree to include <i>C. erdeleni</i> , <i>C. karu</i> , and <i>C. temnanti</i> in Appendix I and <i>C. stoddartii</i> and <i>C. aspera</i> in Appendix II.	(+)

No	Taxon / Detail	Proposal	Proponent	Comments	Position
				Biological criteria for Appendix I are met for the three species (out of five species in the genus): <i>C. karu</i> , <i>C. erdeleni</i> and <i>C. tenmentii</i> . Appendix II seems more warranted for <i>C. aspera</i> and <i>C. stoddartii</i> . The Union will consider on the spot any further information on the proposed listing if presented by the proponent.	
25.	<i>Cophotis ceylanica</i> and <i>Cophotis dumbara</i> (Pygmy lizards)	0 – I Include in App. I	Sri Lanka	The proposal appears to meet biological criteria; off-takes of even small numbers may have a significant impact on remaining populations. These are the only two species in this genus, and both are endemic to Sri Lanka and listed as highly threatened on Sri Lanka's National Red List (2012).	+
26.	<i>Lyrioccephalus scutatus</i> (Hump-nosed lizard)	0 – I Include in App. I	Sri Lanka	Support an Appendix II listing, since Appendix I listing criteria are not met but App. II criteria are.	(-)
27.	<i>Goniurosaurus</i> spp. (Leopard geckos) (populations of China and Vietnam)	0 – II Include species of China and Vietnam in App. II	China, European Union, Vietnam	Co-proposed by the Union.	+
28.	<i>Gekko gekko</i> (Tokay gecko)	0 – II Include in App. II	European Union, India, Philippines, United States of America	Co-proposed by the Union.	+
29.	<i>Gonatodes daudini</i> (Grenadines clawed gecko)	0 – I Include in App. I	Saint Vincent and the Grenadines	The species meets the biological criteria for listing in Appendix I. International trade reported shortly after discovery of the species and still ongoing, even though collecting in the natural habitat is not allowed.	+
30.	<i>Paroedura androyensis</i> (Grandidier's Madagascar ground gecko)	0 – II Include in App. II	European Union, Madagascar	Co-proposed by the Union.	+

No	Taxon / Detail	Proposal	Proponent	Comments	Position
31.	<i>Ctenosaura</i> spp. (Spiny-tailed iguanas)	0 – II Include in App. II	El Salvador and Mexico	The proposal meets the listing criteria: several species of the genus could become eligible for inclusion in Appendix I in the future if trade is not regulated as they have small populations, restricted areas of distribution or have experienced population declines, or a combination of these three criteria, and are highly vulnerable to either intrinsic or extrinsic factors.	+
32.	<i>Pseudocerastes urarachmoides</i> (Spider-tailed horned viper)	0 – II Include in App. II	Iran	More information needed to demonstrate that the trade criterion is met. There is limited information available in the proposal on the extent of collection from the wild and international trade of the species (with evidence of only a small handful of individuals appearing in trade outside of its range State), and although the species is classed as 'nationally endangered', there is a lack of data to indicate population size, distribution, or whether the species is in decline.	0
33.	<i>Cuora bourreti</i> (Bourret's box turtle)	II – I Transfer from App. II to App. I	Vietnam	Support transfer to App. I; a 'critically endangered' species that meets at least criterion C. i) in Annex 1 of Res. Conf. 9.24 and is heavily traded.	+
34.	<i>Cuora picturata</i> (Vietnamese box turtle)	II – I Transfer from App. II to App. I	Vietnam	Support transfer to App. I; a 'Critically Endangered' species that meets all biological criteria of Res. Conf. 9.24 for Appendix I listing and is heavily traded. The proposal is arising from a Periodic Review recommendation.	+
35.	<i>Mauremys annamensis</i> (Annam leaf turtle)	II – I Transfer from App. II to App. I	Vietnam	Support transfer to App. I; a 'Critically Endangered' species that it meets at least criterion C. i) in Annex 1 of Res. Conf. 9.24 and is heavily traded. The proposal is arising from a Periodic Review recommendation.	+

No	Taxon / Detail	Proposal	Proponent	Comments	Position
36.	<i>Geochelone elegans</i> (Star tortoise)	II – I Transfer from App. II to App. I	Bangladesh, India, Senegal and Sri Lanka	The listing is proposed jointly by the majority of range States. The illegal trade is of great concern, although harvest and trade in wild specimens is already prohibited in the range States. The concerns around mis-use of source code C and potential laundering of wild specimens through captive breeding operations is already being addressed by CITES under Resolution Conf. 17.7.	+
37.	<i>Malacochersus tornieri</i> (Pancake tortoise)	II – I Transfer from App. II to App. I	Kenya, United States of America	Support to the proposal. Most recent Red List Assessment (2018) has assessed the species as 'Critically Endangered'. Proposal seems to be proportionate to the anticipated risks to the species, which is in considerable demand from the trade sector and affected by illegal trade. Overexploitation is reported as a main factor currently affecting populations of the species. The species seems to meet the Appendix I listing criteria.	+
38.	<i>Hyalinobatrachium</i> spp., <i>Centrolene</i> spp., <i>Cochranella</i> spp., and <i>Sachatamia</i> spp. (Glass frogs)	0 – II Include in App. II	Costa Rica, El Salvador	The Union could support a narrower proposal if the proponents decide to limit it to those species for which it can be demonstrated that they meet the listing criteria. However, due to lack of population data, and as reported trade occurs mostly in species of 'Least Concern', the inclusion in App. II of all 104 species belonging to four genera does not seem proportionate. Further information is needed on those species for which trade is most prevalent.	(–)
39.	<i>Echinotriton chinhaiensis</i> and <i>Echinotriton maxiquadratus</i> (Spiny newts)	0 – II Include in App. II	China	The species meet the biological criteria for listing in Appendix I. Their conservation would benefit from international protection. Even though international trade levels appear to be low, any trade in wild specimens could be detrimental to the survival of populations, as populations are extremely small and decreasing.	+

No	Taxon / Detail	Proposal	Proponent	Comments	Position
				<i>Echinotriton</i> has been split from <i>Tylotriton</i> (listing proposal No 41) only in 1982. Therefore, listing both genera is also appropriate on the basis of the look-alike criterion.	
40.	<i>Paramesotriton</i> spp. (Asian warty newts)	0 – II Include in App. II	China, European Union	Co-proposed by the Union.	+
41.	<i>Tylotriton</i> spp. (Crocodile newts)	0 – II Include in App. II	China, European Union	Co-proposed by the Union.	+
42.	<i>Isurus oxyrinchus</i> and <i>Isurus paucus</i> (Mako sharks)	0 – II Include in App. II	Bangladesh, Benin, Bhutan, Brazil, Burkina Faso, Cabo Verde, Chad, Côte d'Ivoire, Dominican Republic, Egypt, European Union, Gabon, Gambia, Jordan, Lebanon, Liberia, Maldives, Mali, Mexico, Nepal, Niger, Nigeria, Palau, Samoa, Senegal, Sri Lanka, Sudan, Togo	Co-proposed by the Union.	+
43.	<i>Glaucostegus</i> spp. (Guitarfishes)	0 – II Include in App. II	Bangladesh, Benin, Bhutan, Brazil, Burkina Faso, Cabo Verde, Chad, Côte d'Ivoire, Egypt, European Union, Gabon, Gambia, Maldives, Mali, Mauritania, Monaco, Nepal, Niger, Nigeria, Palau, Senegal, Sierra Leone, Sri Lanka, Syrian Arab Republic, Togo, Ukraine	Co-proposed by the Union.	+
44.	<i>Rhinidae</i> spp. (Wedgefishes)	0 – II Include in App. II	Bangladesh, Benin, Bhutan, Brazil, Burkina Faso, Cabo Verde, Chad, Côte d'Ivoire, Egypt, Ethiopia, European Union, Fiji, Gabon, Gambia, India, Jordan, Kenya, Lebanon, Maldives, Mali, Mexico, Monaco, Nepal, Niger,	Co-proposed by the Union.	+

No	Taxon / Detail	Proposal	Proponent	Comments	Position
			Nigeria, Palau, Philippines, Saudi Arabia, Senegal, Seychelles, Sri Lanka, Sudan, Syrian Arab Republic, Togo and Ukraine		
45.	<i>Holothuria (Microthela) fuscogilva</i> , <i>Holothuria (Microthela) nobilis</i> , <i>Holothuria (Microthela) whitmaei</i> (Sea cucumbers)	0 – II Include in App. II	European Union, Kenya, Senegal, Seychelles, United States of America	Co-proposed by the Union.	+
46.	<i>Poecilotheria</i> spp. (Ornamental spiders)	0 – II Include in App. II	Sri Lanka, United States of America	As there is insufficient evidence that international trade contributes significantly to the decline of the species, the Union will encourage the range State to list the species in Appendix III, but would not oppose the listing in Appendix II, if agreed by the CoP by consensus. The Union will consider any further information provided by the proponents on the spot. There could be difficulties in implementation with regard to identification of captive-bred specimens.	0
47.	<i>Achillides chikae hermeli</i> (Mindoro peacock swallowtail)	0 – I	European Union, Philippines	Co-proposed by the Union.	+
48.	<i>Parides burchellianus</i> (Riverside swallowtail)	0 – I Include in App. I	Brazil	Support the proposal. <i>This species meets Appendix I listing criteria. The species occurs in trade numbers and, due to the small population size, any trade could be detrimental.</i>	+
49.	<i>Handroanthus</i> spp., <i>Tabebuia</i> spp. and <i>Roseodendron</i> spp. (Trumpet trees)	0 – II Include in App. II with annotation # 6	Brazil	Proposal withdrawn.	n/a
50.	<i>Widdringtonia whytei</i> (Mulanje Cedar)	0 – II Include in App. II	Malawi	Oppose unless Malawi presents evidence of international trade detrimental to the conservation of the species. The species may benefit from an Appendix III listing instead. The EU would nonetheless not	(–)

No	Taxon / Detail	Proposal	Proponent	Comments	Position
				oppose the listing in Appendix II in case of consensus at the CoP 18.	
51.	<i>Dalbergia sissoo</i> (North Indian rosewood)	II – 0 Delete from App. II	Bangladesh, Bhutan, India and Nepal	The species is common and does not meet the biological criteria for App. II, but most likely still meets the look-alike criterion of Res 9.24 (criterion A of Annex 2b). This proposal should also be seen in conjunction with proposed amendments to annotation #15.	–
52.	<i>Dalbergia</i> spp., <i>Guibourtia demusei</i> , <i>Guibourtia pellegriniana</i> , <i>Guibourtia tessmannii</i> (Rosewoods, Palisanders and Bubingas) Amendment of Annotation #15	II – II Amend annotation #15 as follows: 'All parts and derivatives, except: a. leaves, flowers, pollen, fruits, and seeds; b. finished products to a maximum weight of wood of the listed species of 500 g per item; c. finished musical instruments, finished musical instrument parts and finished musical instrument accessories; d. parts and derivatives of <i>Dalbergia cochinchinensis</i> , which are covered by annotation #4; parts and derivatives of <i>Dalbergia</i> spp. originating and exported from Mexico, which are covered by annotation #6.'	Canada, European Union	Co-proposed by the Union.	+
53.	<i>Pericopsis elata</i> (African rosewood) Amendment of Annotation #5	Expand the scope of the annotation for <i>Pericopsis elata</i> (currently #5) to include plywood and transformed wood as follows: 'Logs, sawn wood, veneer sheets, plywood, and transformed wood ⁽¹⁾ . ⁽¹⁾ Whereby transformed wood is defined by HS code 44.09: Wood (including strips, friezes for parquet flooring, not assembled), continuously shaped (tongued, grooved, v-jointed, beaded or the like) along any edges, ends or faces, whether or not planed, sanded or end-jointed.'	Côte d'Ivoire, European Union	Co-proposed by the Union.	+
54.	<i>Pterocarpus tinctorius</i> (African padauk)	0 – II Include in App. II	Malawi	Support preferably with an annotation (potentially the new annotation as proposed for <i>Pericopsis elata</i> in Prop. 53). The species meets the biological criteria for listing in Appendix II as well as the trade criterion	(+)

No	Taxon / Detail	Proposal	Proponent	Comments	Position
				(exploitation is a significant threat to the conservation of the species, with illegal logging having boomed over recent years to meet the Asian demand). Inclusion in Appendix II would provide leverage to combat illegal trade.	
55.	<i>Aloe ferox</i> (Bitter aloe) Amendment of Annotation #4	II – II 'Amend annotation #4 for <i>Aloe ferox</i> as follows: All parts and derivatives, except: [...] f. finished products ⁽¹⁾ of <i>Aloe ferox</i> and <i>Euphorbia antisyphilitica</i> packaged and ready for retail trade. ⁽¹⁾ This term, as used in the CITES Appendices refers to product, shipped singly or in bulk, requiring No further processing, packaged, labelled for final use or the retail trade in a state fit for being sold to or used by the general public.'	South Africa	Support but propose draft decision(s) tasking the PC to monitor the impact of the proposed amendment and implementation of management measures. The criteria of Resolution 11.21 are met.	+
56.	<i>Adansonia grandidieri</i> (Grandidier's baobab) Amendment of Annotation #16	II – II 'Seeds, fruits, oils and living plants' to the listing of <i>Adansonia grandidieri</i> in Appendix II by deleting reference to live plants, so as to read: '#16 Seeds, fruits and oils'	Switzerland	Support. The criteria of Resolution 11.21 are met.	+
57.	<i>Cedrela</i> spp. (Cedars)	0 – II Include in App. II	Ecuador	Support only if an annotation is included in the proposal with a view to restricting CITES controls to those commodities that first appear in international trade as exports from range States (to be assessed and discussed with proponents whether e.g. the new annotation as proposed for <i>Pericopsis elata</i> in Prop. 53 would be appropriate). Invite Ecuador to consider restricting the scope of the proposal to the populations of the Neotropics. The taxon meets the biological as well as the trade criteria for listing in Appendix II. The Union is a minor importer world-wide.	(+)

COUNCIL DECISION (CFSP) 2019/1720
of 14 October 2019
concerning restrictive measures in view of the situation in Nicaragua

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 21 January 2019, the Council adopted conclusions in which it firmly condemned the repression of the press and civil society as well as the use of anti-terrorist laws to repress dissenting opinions in Nicaragua. The Council emphasised that, since April 2018, demonstrations have been brutally repressed by security forces and pro-government armed groups, leading to several hundred dead and injured and the arrest of hundreds of citizens with widespread irregularities and arbitrariness in detention and judicial procedures. It recalled the need to ensure accountability for all crimes committed since April 2018, whoever the perpetrators. It urged the Nicaraguan government to re-engage in a process of meaningful and results-oriented national dialogue, including on the adoption of electoral reforms.
- (2) The Council conclusions underlined the readiness of the Union to use all its policy instruments to contribute to a peaceful negotiated way out of the current crisis and to react to a further deterioration of human rights and the rule of law in Nicaragua.
- (3) The Council remains deeply concerned about the continuing deterioration of human rights, democracy and the rule of law in Nicaragua.
- (4) In that context, targeted restrictive measures should be imposed against persons and entities responsible for serious human rights violations or abuses or for the repression of civil society and democratic opposition in Nicaragua, as well as persons and entities whose actions, policies or activities otherwise undermine democracy and the rule of law in Nicaragua, and persons associated with them.
- (5) Further Union action is needed in order to implement certain measures,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall take the measures necessary to prevent the entry into, or transit through, their territories of natural persons:
 - (a) responsible for serious human rights violations or abuses or for the repression of civil society and democratic opposition in Nicaragua;
 - (b) whose actions, policies or activities otherwise undermine democracy or the rule of law in Nicaragua;
 - (c) associated with those referred to in points (a) and (b);

as listed in the Annex.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.
3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:

- (a) as a host country of an international intergovernmental organisation;
 - (b) as a host country to an international conference convened by, or under the auspices of, the United Nations;
 - (c) under a multilateral agreement conferring privileges and immunities; or
 - (d) pursuant to the 1929 Treaty of Conciliation (Lateran Pact) concluded by the Holy See (Vatican City State) and Italy.
4. Paragraph 3 shall be considered as applying also in cases where a Member State is host country of the Organisation for Security and Cooperation in Europe (OSCE).
5. A Member State that grants an exemption pursuant to paragraph 3 or 4 shall duly inform the Council in any such case.
6. Member States may grant exemptions from the measures imposed under paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings and those promoted or hosted by the Union, or hosted by a Member State holding the Chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes the policy objectives of restrictive measures, including promoting human rights and the rule of law in Nicaragua.
7. A Member State wishing to grant exemptions referred to in paragraph 6 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the Council members raises an objection in writing within two working days of receiving notification of the proposed exemption. Should one or more of the Council members raise an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.
8. Where, pursuant to paragraph 3, 4, 6 or 7, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be strictly limited to the purpose for which it is given and to the persons directly concerned thereby.

Article 2

1. All funds and economic resources belonging to, owned, held or controlled by, natural or legal persons, entities or bodies:
- (a) responsible for serious human rights violations or abuses or for the repression of civil society and democratic opposition in Nicaragua;
 - (b) whose actions, policies or activities otherwise undermine democracy or the rule of law in Nicaragua;
 - (c) associated with the natural or legal persons, entities or bodies referred to in points (a) and (b);
- as listed in the Annex, shall be frozen.
2. No funds or economic resources shall be made available directly or indirectly to or for the benefit of the natural or legal persons, entities or bodies listed in the Annex.
3. The competent authority of a Member State may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as it deems appropriate, after having determined that the funds or economic resources concerned are:
- (a) necessary to satisfy the basic needs of the natural or legal persons, entities or bodies listed in the Annex and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
 - (b) intended exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;

- (c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources;
- (d) necessary for extraordinary expenses, provided that the competent authority has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks prior to the authorisation; or
- (e) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

4. By way of derogation from paragraph 1, the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources, provided that the following conditions are met:

- (a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in paragraph 1 was listed in the Annex, or of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to or after that date;
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the decision is not for the benefit of a natural or legal person, entity or body listed in the Annex; and
- (d) recognition of the decision is not contrary to public policy in the Member State concerned.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

5. Paragraph 1 shall not prevent a natural or legal person, entity or body listed in the Annex from making a payment due under a contract or agreement entered into, or an obligation that arose, prior to the date on which such natural or legal person, entity or body was listed therein, provided that the Member State concerned has determined that the payment is not, directly or indirectly, received by a natural or legal person, entity or body referred to in paragraph 1.

6. Paragraph 2 shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts;
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to the measures provided for in paragraphs 1 and 2; or
- (c) payments due under judicial, administrative or arbitral decisions rendered in the Union or enforceable in the Member State concerned;

provided that any such interest, other earnings and payments remain subject to the measures provided for in paragraph 1.

Article 3

By way of derogation from Article 2(1) and (2), the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources belonging to a natural or legal person, entity or body listed in the Annex, or the making available of certain funds or economic resources to a natural or legal person, entity or body listed in the Annex, under such conditions as the competent authorities deem appropriate, after having determined that the provision of such funds or economic resources is necessary for humanitarian purposes, such as delivering or facilitating the delivery of assistance, including medical supplies, food or the transfer of humanitarian workers and related assistance or for evacuations from Nicaragua.

Article 4

1. The Council, acting by unanimity upon a proposal from a Member State or from the High Representative of the Union for Foreign Affairs and Security Policy (the "High Representative"), shall establish and amend the list set out in the Annex.
2. The Council shall communicate the decision referred to in paragraph 1, including the grounds for the listing, to the natural or legal person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing such person, entity or body with an opportunity to present observations.
3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review the decision referred to in paragraph 1 and inform the natural or legal person, entity or body concerned accordingly.

Article 5

1. The Annex shall include the grounds for listing the natural and legal persons, entities and bodies referred to in Article 1(1) and Article 2(1).
2. The Annex shall also contain available information necessary to identify the natural or legal persons, entities or bodies concerned. With regard to natural persons, such information may include names and aliases, date and place of birth, nationality, passport and identity card numbers, gender, address if known, and function or profession. With regard to legal persons, entities or bodies, such information may include names, place and date of registration, registration number and place of business.

Article 6

1. The Council and the High Representative shall process personal data in order to carry out their tasks under this Decision, in particular:
 - (a) as regards the Council, for preparing and making amendments to the Annex;
 - (b) as regards the High Representative, for preparing amendments to the Annex.
2. The Council and the High Representative may process, where applicable, relevant data relating to criminal offences committed by listed natural persons, and to criminal convictions or security measures concerning such persons, only to the extent that such processing is necessary for the preparation of the Annex.
3. For the purposes of this Decision, the Council and the High Representative are designated as 'controller' within the meaning of Article 3(8) of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽¹⁾, in order to ensure that the natural persons concerned can exercise their rights under Regulation (EU) 2018/1725.

⁽¹⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

Article 7

No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Decision, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, in particular a claim for extension or payment of a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:

- (a) natural or legal persons, entities or bodies listed in the Annex;
- (b) any natural or legal person, entity or body acting through or on behalf of one of the persons, entities or bodies referred to in point (a).

Article 8

In order to maximise the impact of the measures set out in this Decision, the Union shall encourage third States to adopt restrictive measures similar to those provided for in this Decision.

Article 9

This Decision shall apply until 15 October 2020 and shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

Article 10

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 14 October 2019.

For the Council
The President
F. MOGHERINI

*ANNEX***List of natural and legal persons, entities and bodies referred to in Articles 1 and 2**

[...]

COUNCIL DECISION (CFSP) 2019/1721**of 14 October 2019****amending Decision (CFSP) 2016/1693 concerning restrictive measures against ISIL (Da'esh) and Al-Qaeda and persons, groups, undertakings and entities associated with them**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to Council Decision (CFSP) 2016/1693 of 20 September 2016 concerning restrictive measures against ISIL (Da'esh) and Al-Qaeda and persons, groups, undertakings and entities associated with them and repealing Common Position 2002/402/CFSP ⁽¹⁾,

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 20 September 2016, the Council adopted Decision (CFSP) 2016/1693.
- (2) The restrictive measures set out in Article 2(2) and Article 3(3) and (4) of Decision (CFSP) 2016/1693 apply until 31 October 2019. On the basis of a review of that Decision, the restrictive measures should be extended until 31 October 2020.
- (3) One person should be removed from the list of persons, groups, undertakings and entities in the Annex to Decision (CFSP) 2016/1693.
- (4) Decision (CFSP) 2016/1693 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Article 6 of Decision (CFSP) 2016/1693, paragraph 5 is replaced by the following:

‘5. The measures referred to in Article 2(2) and Article 3(3) and (4) shall apply until 31 October 2020.’.

Article 2

The Annex to Decision (CFSP) 2016/1693 is amended as set out in the Annex to this Decision.

Article 3

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 14 October 2019.

For the Council
The President
F. MOGHERINI

⁽¹⁾ OJ L 255, 21.9.2016, p. 25.

ANNEX

The following person, and the related entry, are removed from the list set out in the Annex to Decision (CFSP) 2016/1693:

1. Fabien CLAIN (a.k.a. Omar).
-

COUNCIL DECISION (CFSP) 2019/1722**of 14 October 2019****amending Decision (CFSP) 2018/1544 concerning restrictive measures against the proliferation and use of chemical weapons**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to Council Decision (CFSP) 2018/1544 of 15 October 2018 concerning restrictive measures against the proliferation and use of chemical weapons ⁽¹⁾,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 15 October 2018, the Council adopted Decision (CFSP) 2018/1544.
- (2) Decision (CFSP) 2018/1544 applies until 16 October 2019. On the basis of a review of that Decision, the restrictive measures set out therein should be extended until 16 October 2020.
- (3) Decision (CFSP) 2018/1544 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 8 of Decision (CFSP) 2018/1544 is replaced by the following:

'Article 8

This Decision shall apply until 16 October 2020. This Decision shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.'

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 14 October 2019.

For the Council
The President
F. MOGHERINI

⁽¹⁾ OJ L 259, 16.10.2018, p. 25.

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