

# Reference Guide

## European Community Wildlife Trade Regulations

February 2007



**TRAFFIC**  
the wildlife trade monitoring network



**[http://europa.eu.int/comm/environment/cites/home\\_en.htm](http://europa.eu.int/comm/environment/cites/home_en.htm)**

This is a revised and updated version based on the previous edition of the *Reference Guide to the European Community Wildlife Trade Regulations* originally produced in 1998 by the European Commission, TRAFFIC Europe and WWF.

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For an in depth reference to CITES, consult the 8<sup>th</sup> edition of “The Evolution of CITES” published by the CITES Secretariat in 2006 that can be downloaded from the CITES website [www.cites.org](http://www.cites.org).

For more details and information relating to the implementation and enforcement of CITES and the EC Wildlife Trade Regulations check the website of the European Commission (see above), or go to [www.eu-wildlifetrade.org](http://www.eu-wildlifetrade.org) or contact the competent authorities in the EU Member States.

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# 1. Introduction

## 1.1 Information about the Guide

The European Union (EU) represents one of the largest markets for wild animals and plants, their products and derivatives. For many years, legislation to govern this trade has been a conservation priority in the region. Since 1984, the Community has been implementing the provisions of CITES, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, through common regulations. The most recent of these are *Council Regulation (EC) No 338/97 on the Protection of the Species of Wild Fauna and Flora by Regulating Trade Therein* that was adopted on 9 December 1997 and *Commission Regulation (EC) No. 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No. 338/97* that was adopted on 4 May 2006. These two regulations must be read together to understand Community wildlife trade law.

This guide is to be used as reference material by CITES Management and Scientific Authorities, wildlife trade enforcement officials, wildlife traders and anyone interested in the legislation and the technicalities of its provisions.

This guide is divided into sections relating to particular themes. The guide is not intended to be read sequentially. The chapters are independent and may easily be extracted according to the reader's needs. Use the table of contents to move directly to the most relevant sections.

A “virtual” copy of this guide as well as the latest issued Regulations updating the existing so-called Suspensions Regulations (suspending the introduction into the Community of specimens of certain species of wild fauna and flora from certain countries) and/or Commission Regulations are available in PDF format on the European Commission's CITES website in all official languages at

**[http://ec.europa.eu/environment/cites/home\\_en.htm](http://ec.europa.eu/environment/cites/home_en.htm) and  
<http://europa.eu/scadplus/leg/en/lvb/l11023.htm>**

The first edition of the reference guide was produced in 1998 in the framework of the EC Wildlife Trade Information Campaign. This updated and revised edition has been produced by TRAFFIC Europe in collaboration with the European Commission and EU Management Authorities.

## 1.2 What is CITES?

CITES, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, is over 30 years old. It entered into force in 1975 and has since become one of the most prominent international agreements in the field of species conservation. Today (February 2007), more than 170 nations have joined and are Party to the Convention, including all 27 EU Member States.

### 1.2.1 Core Functions

The aim of CITES is to ensure that international trade in wild animals and plants is not a threat to the conservation of the species in the wild. CITES currently regulates trade in around 30,000 species of fauna and flora, and works through a system of permits and certificates that must be obtained before international trade in specimens of species covered by the Convention can take place. Species are listed in three Appendices based on their conservation status and levels of international trade.

CITES provides for a Secretariat and a Conference of the Parties, which play a major role in the functioning of the Convention. The Conference of the Parties, which is convened every three years, established a number of permanent committees which play a significant role in between its triennial meetings. The CITES permanent committees are: the Standing Committee, the Animals Committee, the Plants Committee and the Nomenclature Committee.

The remaining CITES provisions establish procedures for amending the Convention and its Appendices, address enforcement measures to be taken by the Parties, the Convention's effects on domestic legislation and on other international conventions, the resolution of disputes, ratification, accession and denunciation and allow for the entry of reservations. The listing of species in Appendices I and II requires a two-thirds majority decision by the (Conference of the) Parties. Parties can, however, list native species in Appendix III on their own initiative.

### 1.2.2 Management and Scientific Authorities

Each Party must designate one or more Management Authorities responsible for issuing CITES permits and certificates, subject to the advice from one or more Scientific Authorities designated for that purpose (see also **Chapter 11.1**). The contact details of the competent Management and Scientific Authorities for each of the 27 EU Member States can be found at [http://www.cites.org/common/directy/e\\_directy.html](http://www.cites.org/common/directy/e_directy.html) and [http://europa.eu.int/comm/environment/cites/home\\_en.htm](http://europa.eu.int/comm/environment/cites/home_en.htm)

### 1.2.3 Appendices

The animal and plant species subject to different degrees of regulation are listed in three appendices,

**Appendix I** includes species threatened with extinction, for which trade must be subject to stricter regulation and can only be authorised in exceptional circumstances for specimens of wild origin. Commercial trade in wild specimens of Appendix-I listed species is generally not allowed.

**Appendix II** includes species that are not necessarily now threatened with extinction but may become so unless trade is strictly regulated. Appendix II further contains so-called look-alike species [see Article II, paragraph 2(b) of CITES], which are controlled because of their similarity in appearance to the other regulated species, thereby facilitating a more effective control thereof.

**Appendix III** contains species that are subject to regulation within the jurisdiction of a Party and for which the co-operation of other Parties is needed to prevent or restrict their exploitation.

**Table 1** - Numbers of species listed in the CITES Appendices following the 13<sup>th</sup> meeting of the Conference of the Parties to CITES (CoP13), October 2004.

<b>Order</b>	<b>CITES I</b>	<b>CITES II</b>	<b>CITES III</b>	<b>Total</b>
Mammals	228	369	57	654
Birds	146	1 401	149	1 696
Reptiles	67	508	25	600
Amphibians	16	90	-	106
Fish	9	68	-	77
Invertebrates	63	2 030	16	2 109
<b>Sub-total Animals</b>	<b>529</b>	<b>4 466</b>	<b>247</b>	<b>5 242</b>
<b>Sub-total Plants</b>	<b>298</b>	<b>28 074</b>	<b>45</b>	<b>28 417</b>
<b>Total</b>	<b>827 species</b> (plus 52 sub-species and 19 populations)	<b>32 540 species</b> (plus 49 sub-species and 25 populations)	<b>292 species</b> (plus 12 sub-species and 2 populations)	<b>33 659 species</b> (plus 113 sub-species and 46 populations)

[Note: Numbers of subspecies and populations included in the Appendixes are not included in this Table for the individual orders but are shown for the overall total]. *Source: adapted from the CITES website [www.cites.org](http://www.cites.org)*

#### **1.2.4 Conditions required for issue of permits**

Conditions for the issue of permits and certificates for international trade in a species listed in the CITES Appendices include questions with regard to whether or not trade will be detrimental to its survival, the legal acquisition of specimens, the preparation for shipment of live specimens and, for Appendix I species, whether the importer has suitable facilities to house and care for live specimens. Imports of Appendix I specimens cannot take place if they are to be used for primarily commercial purposes.

#### **1.2.5 Permits needed**

For **Appendix-I specimens** an import permit issued by the Management Authority of the importing country and an export permit (or re-export certificate) issued by the Management Authority of the (re-)exporting country will be required. These may be issued only if the specimen is not to be used for primarily commercial purposes and if the trade will be for purposes that are not detrimental to the survival of the species.

For **Appendix-II specimens** an export permit or re-export certificate issued by the Management Authority of the State of export or re-export is required. No import permit is needed unless required by national law.

For **Appendix-III specimens** either an export permit (if exported from the country that included the species in Appendix III) or a certificate of origin (if exported from any other country) is needed.

### **1.2.6 Exemptions and derogations**

The Convention provides for several conditioned exemptions and derogations from its provisions (see Chapter 4.10). They concern transit and transshipment, specimens acquired before the Convention became applicable to them (pre-Convention specimens), certain specimens that are personal or household effects, captive-bred animals and artificially propagated plants, the exchange of specimens in the collection of scientists and scientific institutions, trade in biological samples, certificates for travelling exhibitions and CITES certificates for personal ownership. Such transactions/specimens are less strictly “regulated”.

### **1.2.7 Trade records/Annual Reports**

The monitoring of trade is an essential tool for achieving the aims of the Convention. The CITES monitoring system is based on the trade records to be kept by all Parties and to be reported to the CITES Secretariat on annual basis. The annual reports (see **Chapter 14**) of all Parties together should provide statistical information on the total volume of legal and reported world trade in CITES species, which is an invaluable element for the assessment of their conservation status. These annual reports further reflect the “performance” of Parties regarding CITES implementation when all reported exports and re-exports are compared with all reported imports.

This system is also of immediate use to Scientific Authorities, which must take into consideration the trends and actual level of trade in Appendix II species. They have to advise their Management Authorities of suitable measures to control the export of certain species whenever they determine that the export should be limited in order to maintain a species throughout its range at a level consistent with its role in the ecosystems and well above the level at which it might become eligible for inclusion in Appendix I.

### **1.2.8 Non-Parties**

There are a number of countries that are not Party to CITES. The Convention addresses this situation by providing that Parties shall require documentation from non-Parties that substantially conforms to the requirements for CITES permits and certificates.

### **1.2.9 Recommendations (CITES Resolutions and Decisions)**

Hundreds of recommendations of the Conference complicate CITES implementation and enforcement which subject the text of the Convention to interpretation. The recommendations on implementation and enforcement matters are non-binding and lead to significant differences in implementation between Parties. The provisions of the new European Community Regulations clarify which recommendations are implemented in the Community and which are not.

## 1.3 The European Community and CITES

### 1.3.1 Brief history of CITES in the European Community

Although the European Community is not yet a Party to CITES in its own right it has been implementing the Convention through common regulations since 1984 [*Council Regulation (EEC) No 3626/82*<sup>1</sup> and *Commission Regulation (EEC) No 3418/83*<sup>2</sup>]. In 1982, only five of the - by then - 10 Community Member States were Party to CITES (see **Annex VIII**). The absence of systematic border controls between Member States, as a result of the customs union, made implementation of CITES by individual Member States impossible. The two new Regulations entered into force on 1 January 1984 and were applicable in all EU Member States, including those that had not yet joined CITES at that time.

In December 1991, the Commission proposed that the Council replace the 1982 Regulation by a more comprehensive Regulation as of 1<sup>st</sup> January 1993, the date of completion of the Single Market. The almost total disappearance of internal trade controls of goods, capital, persons and services on that date made the revision of the 1982 Regulation necessary (particularly in order to increase the effectiveness of external border controls). There were other reasons for redesigning Community wildlife trade legislation. Disparate implementation by Member States of the Community Regulations and recommendations of the Conference of the Parties had led to confusion and an increasing lack of harmonisation. Further, the Regulations needed to be adapted to the evolution of wildlife trade control techniques and policies and to modern conservation and management policies.

It took the Council of the EU longer than expected to reach agreement on this new legislation. On 9 December 1996, it adopted *Council Regulation (EC) No 338/97<sup>3</sup> on the Protection of Species of Wild Fauna and Flora by Regulating Trade Therein* which entered into force on 1 June 1997.

Since then, the former Commission Regulation (EEC) No 3418/83<sup>4</sup>, that contained detailed implementation provisions, has been replaced several times in order to take into account new provisions adopted at the meetings of the Conference of the Parties (CoP) to CITES. The most recent is *Commission Regulation (EC) No. 865/2006* of 4 May 2006 which entered into force on 9 July 2006.

*Regulation (EC) No. 338/97* is directly applicable in all EU Member States and, together with Regulation (EC) 865/2006, forms the legal basis for the implementation of CITES in the EU. These legal texts regulate international as well as EU internal wildlife trade and contain additional provisions to CITES.

Although EC Wildlife Trade Regulations are directly applicable in all EU Member States, necessary enforcement provisions must be transferred into national legislation and supplemented with national laws for matters that remain under the sovereignty of each Member State such as penalties. In

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1 OJ L 384 of 31.12.82, p. 1

2 OJ L 344 of 7.12.83, p.1

3 OJ L 61 of 3.3.97, p. 1

4 OJ L 344 of 7.12.83, p. 1

addition, each EU Member State has legislation relevant to biodiversity and species conservation, veterinary and plant health provisions, animal and plant welfare and customs regulations.

### **1.3.2 The Community's accession to CITES**

In 1983 (at CoP 4 held in Gaborone, Botswana), an amendment to CITES was adopted that would allow "*accession by regional economic integration organisations constituted by sovereign States*". So far, the EU is the only organisation that complies with the requirements laid down in this amendment also referred to as "*Gaborone Amendment*". The Gaborone Amendment requires 54 ratifications (two-thirds of the 80 countries that were a Party in 1983). To date (May 2006), 43 of those Parties have deposited the necessary instruments of ratification.

Once the Community becomes a Party, the Convention would be legally binding for the Community. In addition, the CITES Secretariat, the Conference of the Parties and individual Parties would not have to address themselves to each individual EU Member States anymore, but instead to one body only, the European Commission.

## 2. Main differences between CITES and the EC Wildlife Trade Regulations

The EC Wildlife Trade Regulations not only implement the provisions of CITES fully but go beyond the Convention in some respects, for example:

- **Annexes contain non-CITES listed species:** the EC Regulations have four Annexes of which A, B and C largely correspond to the first three Appendices of the Convention but also contain some non-CITES listed species protected under EU internal legislation.
- **Annex D** has no equivalent in CITES and contains species for which import levels are monitored;
- **Stricter import conditions:** import permits are required for Annex B. Import notifications are required for Annex C and D;
- **Proper housing conditions** are required for live specimens of species listed in Annex A and in Annex B; CITES requires suitable care and housing only for imports of live Appendix I specimens.
- **Transport:** certain conditions apply for all live specimens;
- **Internal trade:** comprehensive restrictions are applicable for trade within the EU in Annex A species; CITES only regulates international trade;

Import restrictions for certain specimens: ***Regulation (EC) No. 338/97 enables the Commission to suspend imports with regard to certain species/country combinations even if the trade is allowed under CITES.***

## 3. Species covered

### 3.1 Annex A

Commercial trade from, to and within the Community is, as a general rule, prohibited for wild specimens of Annex A species<sup>5</sup>. External trade is governed by provisions comparable to those applicable to Appendix I species under CITES.

**Annex A contains** (*Regulation (EC) No. 338/97, Article 3(1)*)

- *All CITES Appendix I species*
- *Certain species of CITES II, III and non-CITES.*

Annex A also contains any species (CITES II, III, non-CITES) that is or may be in Community or international demand that is threatened with extinction or is so rare that any trade would imperil its survival in the wild. Where Appendix III species in Annex A are concerned, the species are subject to the corresponding provisions of the Regulations and not just the populations of the countries that listed them in Appendix III.

- *Look-alike species (CITES II, III, non-CITES)*

If most of the species in a genus are listed in Annex A, the remaining species in the genus can be listed if this is essential for the effective protection of the species listed in Annex A.

Although there is a similar look-alike provision for Annex B, the difference is significant and results in the following

- A minority of species in a genus that does not qualify for listing in Annex A can nevertheless be listed in order to exclude commercial trade in the entire genus. This exclusion avoids that specimens of threatened species are in trade as specimens of more common or less threatened species.
- The inclusion of *look-alike* species in Annex B is more of a technicality. Species that do not qualify for listing in Annex A or B on conservation grounds can be listed in Annex B in order to facilitate trade controls.

**Table 2 – Number of species (+subspecies) in Annex A**

Order	CITES I	CITES II	CITES III	Non-CITES	Total
Mammals	228 (+21)	80	1	1	310 (+22)
Birds	146 (+19)	71	9	10	236 (+19)
Reptiles	67 (+3)	11	0	1	79 (+3)
Amphibians	16	1	0	0	17
Fish	9	0	0	0	9
Invertebrates	93 (+5)	1	0	0	94 (+5)
<b>Total Animals</b>	<b>559 (+48)</b>	<b>164 (+1)</b>	<b>10</b>	<b>12</b>	<b>745 (+49)</b>
<b>Total Plants</b>	<b>298 (+4)</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>309 (+4)</b>
<b>Total</b>	<b>857 (+52)</b>	<b>175 (+1)</b>	<b>10</b>	<b>12</b>	<b>1054 (+53)</b>

<sup>5</sup> Captive-bred specimens of species listed in Annex A are exempted from this prohibition and can be traded for commercial purposes.



Although there is no separate provision in *Regulation (EC) No. 338/97*, CITES-listed species that are subject to a trade prohibition under Community legislation on the protection of indigenous species (Directive on the protection of wild birds<sup>6</sup> and the so-called Habitats Directive<sup>7</sup>) are automatically listed in Annex A. This is necessary to ensure compatibility between the different legislative instruments and to avoid confusion. The names of these species in Annex A are printed in bold.

### 3.2 Annex B

Annex B contains species for which trade into and from the Community requires the issuance of import permits, export permits and re-export certificates along the lines of the provisions applicable to CITES Appendix II species. There are *significant* differences between Annex B and CITES Appendix II, however, unlike for CITES Appendix II, import permits are required for imports of specimens of Annex B species and that imports can be restricted in spite of the fact that the (re-) exporting country has issued a valid CITES permit/certificate. This was the case for species in Annex C2 to *Council Regulation (EEC) No 3626/82*, which contained only a selection of CITES Appendices II and III species now listed in Annex B (see **Table 3**).

**Annex B contains** (*Regulation (EC) No. 338/97*, Article 3(2))

- CITES Appendix II species that are not included in Annex A
- Appendix I species with a “Community” reservation (currently not applicable since there are no Appendix I species subject to such reservation).
- Any species (CITES III, non-CITES) subject to levels of international trade that might not be compatible with the survival of populations in certain countries or with the maintenance of its total population at a level that is consistent with its role in its ecosystem. Where Appendix III species in Annex B are concerned, the species are subject to the corresponding provisions of the Regulations and not just the populations of the countries that listed them in Appendix III.
- Look-alike species, to be listed for effective control of trade in species above (see also remarks on look-alike under 3.1).
- Species (CITES III, non-CITES) known to pose an ecological threat to species that are indigenous to the European Community (currently only four species listed).

**Table 3 - Number of species (+subspecies) in Annex B**

Order	CITES I	CITES II	CITES III	Non-CITES	Total
Mammals	0	288 (+34)	4	3	295 (+34)
Birds	0	1330 (+8)	20	12	1362 (+8)
Reptiles	0	497 (+3)	0	3 (+2)	500 (+5)
Amphibians	0	89	0	2	91
Fish	0	68	0	0	68
Invertebrates	0	2029 (+1)	0	12	2041 (+1)
<b>Total Animals</b>	<b>0</b>	<b>4301(+46)</b>	<b>24</b>	<b>32 (+2)</b>	<b>4357 (+48)</b>
<b>Total Plants</b>	<b>0</b>	<b>25982 (+3)</b>	<b>0</b>	<b>16 (+4)</b>	<b>25998 (+7)</b>
<b>Total</b>	<b>0</b>	<b>30283 (+49)</b>	<b>24</b>	<b>48 (+6)</b>	<b>30355 (+55)</b>

6 Council Directive (EC) 409/79

7 Council Directive (EC) 43/92

### 3.3 Annex C

Annex C contains the species listed in CITES Appendix III that are not listed in Annex B. Where Appendix III species in Annex C are concerned, the species are subject to the corresponding provisions of the Regulations and not just the populations of the countries that listed them in Appendix III.

For many of these species, there may not be a conservation reason for the inclusion of many of these species in Appendix III. These species could be removed from Appendix III according to the recommendations by the Conference of the Parties. This, however, is an action that can only be carried out by the country(ies) which included them originally.

Species in Annex C are not subject to the stricter Community requirement of an import permit. Imports can take place on the basis of a CITES (re-)export certificate or a certificate of origin and an import notification. (The import notification is not a document required under CITES and is therefore a stricter Community measure).

**Annex C contains** (*Regulation (EC) No. 338/97, Article 3(3)*)

- CITES Appendix III species that are not included in Annex A or B
- Appendix II species with a “Community” reservation. (This is currently not applicable since there are no Appendix II species subject to such reservation).

**Table 4 - Number of species (+subspecies) in Annex C**

<b>Order</b>	<b>CITES III</b>	<b>Total</b>
Mammals	52 (+11)	<b>52 (+11)</b>
Birds	120	<b>120</b>
Reptiles	25	<b>25</b>
Amphibians	0	<b>0</b>
Fish	0	<b>0</b>
Invertebrates	16	<b>16</b>
<b>Total Animals</b>	<b>213 (+11)</b>	<b>213 (+11)</b>
<b>Total Plants</b>	<b>45 (+1)</b>	<b>45 (+1)</b>
<b>Total</b>	<b>258 (+12)</b>	<b>258 (+12)</b>

### 3.4 Annex D

Annex D lists species that do not have a CITES equivalent. Imports of Annex D specimens require an import notification. As the purpose of Annex B is to ensure sustainable trade in species and thus prevent them from becoming Annex A candidates, the Annex D monitoring system is intended to allow an early detection of possible conservation concerns to the species listed. Where necessary, Annex D species will be proposed for “up-listing” and brought under the trade provisions applicable to Annex B species.

**Annex D contains** (*Regulation (EC) No. 338/97, Article 3(4)*)

- Non-CITES species that are not listed in Annexes A to C and are imported into the Community in such numbers as to warrant monitoring
- Appendix III species with a reservation

**Table 5 - Number of species (+subspecies) in Annex D**

<b>Order</b>	<b>CITES III</b>	<b>Non-CITES</b>	<b>Total</b>
Mammals	3 (+4)	0	3 (+4)
Birds	0	51	51
Reptiles	0	34	34
Amphibians	0	0	0
Fish	0	0	0
Invertebrates	0	0	0
<b>Total Animals</b>	<b>3 (+4)</b>	<b>85</b>	<b>88 (+4)</b>
<b>Total Plants</b>	<b>0</b>	<b>50 (+2)</b>	<b>50 (+2)</b>
<b>Total</b>	<b>3 (+4)</b>	<b>135 (+2)</b>	<b>138 (+6)</b>

### 3.5 Annotations

Similar to CITES, the EC Wildlife Trade Regulations cover all specimens, whether alive or dead, including parts and derivatives, from animal and plant species listed in the Annexes. However, through an annotation to the listing some parts and derivatives are specified or exempted from certain provisions. *Swietenia humilis* (Honduras mahogany) for example is listed in Annex B, with an annotation that all parts and derivatives are designated, except a) seeds, spores and pollen (including pollinia); b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers; and c) cut flowers of artificially propagated plants. The trade in these exempted specimens therefore does not require any permit or certificate.

### 3.6 Hybrids

Hybrids are also covered by CITES and EC Wildlife Trade Regulations, when at least one of the two 'parents' is of a species listed in one of the four Annexes. In cases where the 'parents' of such animal or plant are of species listed in different Annexes, or of species of which only one is listed in the Annexes, the provisions of the more restrictive Annex apply. However, in the case of hybrid plants where only one 'parent' is of a species listed in Annex A its provisions shall apply only when the species is annotated to that effect and currently there is no such annotation in force.

## 4. International trade into and from the European Community

### 4.1 Overview

For any animal or plant species (or parts or derivatives made thereof) that is listed in Annex A, B or C of the EC Wildlife Trade Regulations a document is required before trade to or from the Community can take place<sup>8</sup>. The required documents shall only be issued if certain conditions are met and they must be presented to the relevant customs offices before a shipment can be authorised to enter or leave the EU. The designated Management Authority of the individual EU Member State in collaboration with its national Scientific Authority will verify whether these conditions are met.

#### There are different types of documents for trade into and from the EU

- an **Import permit** for the import of specimens of Annex A or B listed species. (*Note: The stamped and signed holder's copy of the import permit may also be used to confirm that the specimen was lawfully imported.*)
- an **Export permit** for the export of specimens of Annex A, B or C listed species.
- a **Re-export certificate** for the re-export of specimens of Annex A, B or C listed species.
- an **Import Notification** form for Annex C or D species, which is to be completed by the importer.

In certain cases, special certificates may be used in lieu of import / export permits and re-export certificates, for example, travelling exhibition certificates and personal ownership certificates (see **Chapter 4.10**).

*NB: Other documents may be needed for the trade into and from the EU for purposes other than those covered by Regulation (EC) No. 338/97 and Regulation (EC) No. 865/2006, e.g. for sanitary purposes (concerning food products, seafood, caviar, etc.), for health and veterinary purposes for live animals or animal products (blood, semen, tissue, etc.) and plants (phytosanitary certificates).*

In addition to documents issued by EU Management Authorities relevant documents will also be required from the country of (re-)export or import: for the import of species listed in Annex A or B an export permit or re-export certificate is also needed from the country of origin or re-export. For the export of species listed in Appendix I of CITES an import permit is required from the country of destination.

**Table 6** presents an overview of documents needed for trade into and from the Community.

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<sup>8</sup> For specimens of species listed in Annex D an import notification is required for imports into the Community, no documents are required for the (re-)export unless the species is listed in Appendix III of CITES (see **Table 6**).

**Table 6 - Documents needed for trade into and from the EU in species listed in Annex A, B, C or D of the EC Wildlife Trade Regulation**

<b>Annex</b>	<b>Type of trade</b>	<b>Documents Required</b> <i>(Note: documents have to be obtained before trade takes place and must be presented to customs upon introduction into/export from the EU)</i>	<b>Article of Regulation (EC) No. 338/97</b>
A	Import	Export permit issued by country of export and import permit issued by the EU Member State of destination.*	4(1)
A	Export	Export permit issued by the EU Member State of export and import permit issued by country of destination. **	5(1)-(2)
A	Re-export	Re-export certificate issued by the EU Member State and import permit issued by the country of destination. **	5(1), 5(3), 5(5)
B	Import	Export permit issued by country of export and import permit issued by the EU Member State of destination.*	4(2)
B	Export	Export permit issued by the EU Member State of export.	5(4)
B	Re-export	Re-export certificate issued by the EU Member State.	5(4)-(5)
C	Import	Export permit or certificate of origin (depending on whether or not the country of export has listed the species in Appendix III of CITES, see below) and import notification completed by the importer and presented to the customs office upon introduction into the EU.	4(3)
C	Export	Export permit from the EU Member States of export.	5(4)
C	Re-export	Re-export certificate from the EU Member State of re-export.	5(4)-(5)
D	Import	Import notification completed by the importer and presented to the customs office upon introduction into the EU.	4(4)
D	Export, Re-export	No documents required	

\* The export permit is only required from a non-EU Member State when the species is listed in the CITES Appendices.

\*\*The import permit is only required from a non-EU Member State when the species is listed in Appendix I of CITES.

## 4.2 What document for what purpose?

### 4.2.1 For the import of specimens of Annex A, B, C or D into the Community

At the first point of introduction into the Community specimens of species listed in **Annex A** or **B** to *Regulation (EC) No. 338/97* require an import permit of prior issue, which must be presented to the customs office.

**Table 7 - An import permit consists of the following**

Type of document	Form Number	Colour
Original	Form number 1	White with grey guilloche
Copy for the holder	Form number 2	Yellow
Copy for the exporting or re-exporting country (only in the case of specimens of CITES Appendix I species) <sup>9</sup>	Form number 3	Pale green
Copy for the issuing authority	Form number 4	Pink
Application form	Form number 5	White

The introduction into the Community of specimens of species listed in **Annex C** or **D** to *Regulation (EC) No. 338/97* requires the completion by the importer of an import notification and its presentation to the customs officer at the first point of introduction into the Community.

**Table 8 - An import notification consists of**

Type of document	Form Number	Colour
An original	Form number 1	White
Copy for the importer	Form number 2	Yellow

### 4.2.2 For the export or re-export of specimens of Annex A, B, C or D into the Community

The export from the Community of specimens of species listed in **Annex A, B or C** to *Regulation (EC) No. 338/97* requires the prior issue and presentation of an export permit at the customs office where export formalities are completed

The re-export from the Community of specimens of species listed in Annex A, B or C to *Regulation (EC) No. 338/97* requires the prior issue and presentation of a re-export certificate at the customs office where re-export formalities are completed.

No documents are required for the export or re-export of species listed in Annex D.

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<sup>9</sup> This copy may be replaced by a written statement that an import permit will be issued and on what conditions.

**Table 9 - Export permits and re-export certificates consist of**

Type of document	Form Number	Colour
Original	Form number 1	White with grey guilloche
Copy for the holder	Form number 2	Yellow
Copy for return by customs to the issuing authority	Form number 3	Pale green
Copy for the issuing authority	Form number 4	Pink
Application form	Form number 5	White

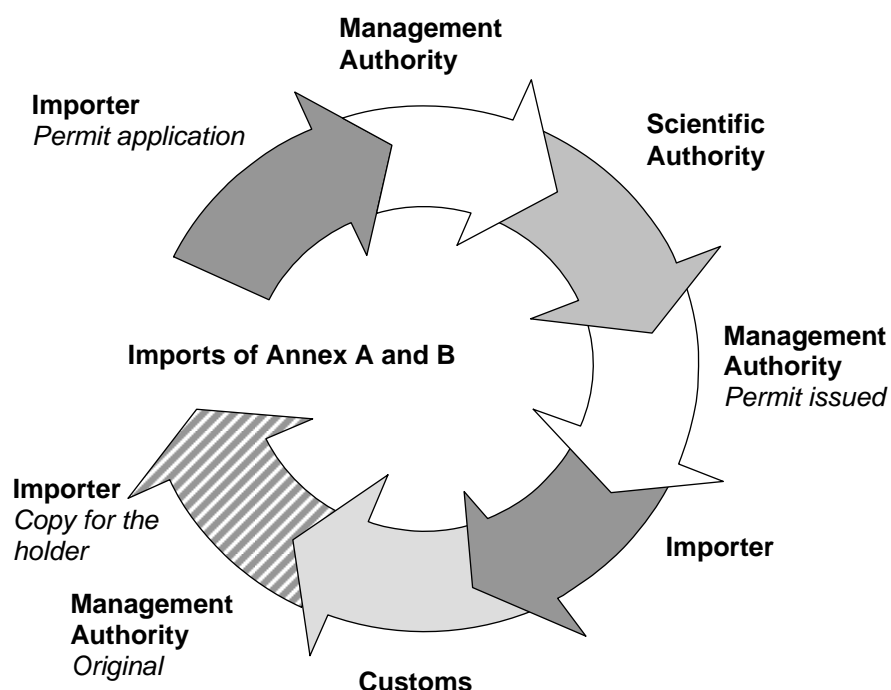
### 4.3 Import permits for specimens of Annex A or B

#### 4.3.1 From permit application to import (see Figure 1)

The importer must obtain an import permit application form (model laid down in Annex 1 to *Regulation (EC) No. 865/2006*) from the Management Authority of the Member State of destination. Import permit applications must be made in a timely manner so that a permit is issued before the arrival of shipments at the Community’s external border. Management Authorities are required to issue permits within one month from the date of submission of a full application. Permit issuance may take longer where third parties, such as the country of origin or the Scientific Authority, need to be consulted. The Commission Regulation contributes to the speedy processing of applications and requires that, where a Management Authority of another Member State is consulted by one of its counterparts, it must respond within one week. The applicant must be informed of significant delays.

The procedures described in this Chapter are similar to the ones applied when dealing with exports, re-exports (see **Chapter 4.7.1** and **Figure 6**) and internal trade within the EU (see **Chapter 5.6.3**).

**Figure 1 - The steps involved in the issuance and use of an import permit**



Specimens shall not be authorised to be assigned to a customs procedure until the necessary documents have been presented (as required for export and re-exports –see **Chapter 4.7.1**); in the absence of documents, specimens may be seized and subsequently confiscated.

Depending on the system applied in the Member State of destination, the applicant receives either the application form only or a full set of forms (also required when applying for an export or re-export –see **Chapter 4.7.1**).

**If only the application form is to be completed**, the importer must fill in boxes 1, 3 to 6 and 8 to 23 in typescript or legibly in manuscript (ink and block capitals). Erasures and alterations in the application form should be avoided as much as possible. Although each shipment of specimens requires a separate import permit, the application form may relate to more than one shipment. Where a shipment contains more than one species, the applicant must obtain and complete additional annex forms that will be attached to the permit.

**If the full set of forms is to be completed**, the importer must fill in boxes 1, 3 to 6 and 8 to 23 of the application form and boxes 1, 3, 4, 5 and 8 to 22 of the original and all copies. This must be done in typescript and not by hand. Special codes and standard references (see **Annexes** to the present guide) must be used when filling the information in permits and certificates:

- i) Codes for the description of the specimens and units of measures, e.g. kg, m<sup>2</sup>, number of individuals/pieces (see **Annex I of this Reference Guide**),
- ii) Standard references to indicate the scientific name of species (see **Annex II**),
- iii) Codes for the indication of the purpose (see **Annex III**) and
- iv) of the source (see **Annex IV**) of the specimens.

The original and copies of the import permit may not normally contain erasures and alterations and where this is the case they must be authenticated by the stamp and signature of the issuing Management Authority. A separate set must be completed for each shipment of specimens shipped together as part of one load. Where shipments contain more than one species, forms for an annex must be obtained and completed. Instructions for completing the forms can be found on the back of the original application form and all copies. Also see the annotated import permit form (**Figure 2**).

Where an annex is attached to a permit, this annex as well as the number of pages must be clearly indicated on the permit. Each annexed page must include the number of the permit and the signature and stamp or seal of the issuing authority. Annexes may also contain lists of numbers of identification marks (rings, tags and the like) for which there is no prescribed form.

The duly completed form(s) must be submitted to the Management Authority of the Member State of destination together with all the documentary evidence and information needed to allow the Management Authority to determine whether a permit may be issued (see **Chapter 4.5**).

The payment of a fee for processing the application is often required.


The above procedures are also valid when dealing with exports and re-exports (export permits, re-export certificates, etc.) (see **Chapter 4.7.1**).



## Instructions and explanations related to import permit forms (see Figure 2)

1. Must contain the full name and address of the actual exporter or re-exporter and not of an agent.
  2. Maximum 12 months.
  3. Must contain the full name and address of the actual importer and not of an agent.
  4. Country from which the goods are to be imported: the country of export can only be the country of origin of the specimens, i.e. where they were taken from the wild, bred or propagated.
  5. The Member State of final destination of the specimens.
  6. The proposed housing location for live, Annex A specimens, other than captive bred or artificially propagated, must be mentioned on the application form only. The issuing authority will decide whether or not this location will be prescribed, in which case any movement of the specimens requires prior authorization.
  7. The Management Authority of the Member State of the final destination of the specimens.
  8. This description must be as precise as possible and include a 3-letter code in accordance with **Annex VII** to the Commission Regulation.
  - 9./10. See **Annex VII** to Commission Regulation for units to be used.
  11. I, II or III.
  12. A or B.
  - 13./14. Use code in Annex IX of Commission Regulation.
  15. Country where specimens were taken from the wild, bred or propagated, see 4.
  - 16./17. Provide details of the relevant export permit.
  18. Re-exporting country from which import takes place, see 4.
  - 19./20. Provide details of the re-export certificate.
  21. The standard references for nomenclature in **Annex VIII** to the Commission Regulation must be used.
  22. A common name is not available for all species.
  23. Space for the issuing authority to impose stipulations, conditions and requirements in order to ensure compliance with Community and national legislation.
  24. Where the original of the (re-)export document is available at the time of application, it will be held by the issuing authority. Where this is not the case, the original must be handed in to customs. Space is provided to indicate details about the authority that has issued the (re-) export documents in order to facilitate this task for customs.
  25. This is the actual validation of the import permit.
  26. To be indicated by the importer at the time of importation.
  27. Quantity/net mass (kg) actually imported: if more than in box 9 or 10, customs to contact the Management Authority.
  27. Number of animals dead on arrival: only relevant for shipments of live animals.
- After completion, customs return the 'original' to the Management Authority in their country and return the 'copy for the holder' to the importer. The latter document serves as proof that the specimens concerned have been legally imported.

**Figure 2 –Annotated import permit form**

EUROPEAN COMMUNITY		Annex I				
1	1. Exporter/Re-exporter	<b>PERMIT/CERTIFICATE</b> <input checked="" type="checkbox"/> IMPORT <input type="checkbox"/> EXPORT <input type="checkbox"/> RE-EXPORT <input type="checkbox"/> OTHER	<b>No</b> <i>Unique number to be attributed by the issuing authority</i>			
			2. Last day of validity:			
1	3. Importer	 <b>Convention on International Trade in Endangered Species of Wild Fauna and Flora</b>				
		4. Country of (re)-export				
		5. Country of import				
		6. Authorized location for live specimens of Annex A species				
		7. Issuing Management Authority				
1	8. Description of specimens (incl. marks, sex/date of birth for live animals)	9. Net mass (kg)	10. Quantity			
		11. CITES Appendix	12. EC Annex			
		13. Source	14. Purpose			
		15. Country of origin				
		16. Permit No	17. Date of issue			
		18. Country of last re-export				
		19. Certificate No	20. Date of issue			
		21. Scientific name of species				
		22. Common name of species				
		23. Special conditions				
<p>This permit/certificate is only valid if live animals are transported in compliance with the CITES Guidelines for the Transport and Preparation for Shipment of Live Wild Animals or, in the case of air transport, the Live Animals Regulations published by the International Air Transport Association (IATA)</p>						
24. The (re)-export documentation from the country of (re)-export	25. The <input type="checkbox"/> importation <input type="checkbox"/> exportation <input type="checkbox"/> re-exportation of the goods described above is hereby permitted.					
<input type="checkbox"/> has been surrendered to the issuing authority <input type="checkbox"/> has to be surrendered to the border customs office of introduction	Signature and official stamp:					
	Name of issuing official:					
26. Bill of Lading / Air Waybill Number:	Place and date of issue:					
27. For customs use only	Signature and official stamp:					
<table border="1"> <tr> <td>Quantity / net mass (kg) actually imported or (re)-exported</td> <td>Number of animals dead on arrival</td> </tr> <tr> <td></td> <td></td> </tr> </table>	Quantity / net mass (kg) actually imported or (re)-exported	Number of animals dead on arrival			Customs document Type: Number: Date:	
Quantity / net mass (kg) actually imported or (re)-exported	Number of animals dead on arrival					

This permit/certificate is only valid if live animals are transported in compliance with the CITES Guidelines for the Transport and Preparation for Shipment of

### 4.3.2 Documentary evidence required by the Management Authority

In order to trade in species listed in Appendix I or II of CITES, one of the documentary evidence requirements is the presence of an export permit, re-export certificate, or copy thereof, which must accompany the shipment.

In case of Appendix I species, an export permit or re-export certificate cannot be issued by the Management Authority concerned before the importing country has issued an import permit. In that case, the importer does not receive the original of the import permit pending presentation of the export permit or re-export certificate. Instead he/she obtains the "copy for the exporting or re-exporting country" or a written statement of the Management Authority that an import permit will be issued and on what conditions, which will allow his/her (re-)exporter to obtain the (re-)export document. Such a document cannot be issued unless the Management Authority of the (re-)exporting country has the assurance that the specimens are not to be used for primarily commercial purposes. Such assurance is provided by the fact that the importing country has issued or will issue an import permit. Captive-bred specimens of species listed in Annex A are exempted from the prohibition on commercial use and can be used for primarily commercial purposes.

Where an export document concerns specimens of species that are subject to voluntarily **fixed annual export quotas**, or quotas allocated by the CITES Conference of the Parties, the document shall only be accepted if it mentions the total annual quota for the species concerned and the total number of specimens already exported - including those covered by the permit concerned. To ascertain whether such quotas exist and whether or not they have been accepted as meeting the conditions for import, check CITES website at [www.cites.org](http://www.cites.org) or check the EC Wildlife Trade Reference Database maintained by UNEP-WCMC at [www.unep-wcmc.org](http://www.unep-wcmc.org).

For Appendix III species, where export is from the country having listed the species in Appendix III, an export permit is required; where export is from any other country, a certificate of origin is sufficient, or for re-exported specimens of Appendix III species a re-export certificate will be needed<sup>10</sup>. The (re-)export documents from third countries must use the scientific standard references, source and purpose codes referred to in Article 5 of Regulation (EC) 865/2006<sup>11</sup>.

Re-export certificates shall only be accepted if they specify the country of origin of the specimens - the country from which they were taken from the wild, bred in captivity or artificially propagated, and the number and date of issue of the relevant export permit. Where applicable, the country of last re-export and the number and date of the relevant re-export certificate must be specified. If this information is not provided, the re-export certificate must contain a satisfactory justification for the omission.

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<sup>10</sup> For Appendix III species included in Annex A or B a (re-) export permit is required.

<sup>11</sup> Third country document requirements apply equally to Parties to CITES and to non-Parties. This is based on Article X of the Convention, which requires that trade with non-Parties must take place on the basis of comparable documentation, which substantially conforms with the requirements of the Convention.

### **4.3.3 Other import requirements under the EC Wildlife Trade Regulations**

Some specimens intended for import must be **marked** in accordance with the Article 64 of *Regulation (EC) No. 865/2006* (see **Chapter 7**).

For live specimens, the adequacy of proposed **housing needs** to be considered. The intended location must be specified in box 6 of the application form for an import permit where Annex A specimens other than captive bred or artificially propagated are concerned. In the case of species with particular housing requirements, this location may be prescribed as the only authorised location for keeping the specimens. A detailed description of the intended housing facilities must be submitted together with the application for all Annex A and B species in order to allow the competent authorities (Scientific Authority for Annex A and Scientific or Management Authority for Annex B) to judge their adequacy.

The **transport of live specimens** must be in accordance with Article 9(5) of *Regulation (EC) No. 338/97* that states that any live specimens transported into, from or within the Community or are held during any period of transit or transshipment, must be prepared, moved and cared for in a manner such as to minimise the risk of injury, damage to health or cruel treatment and, in the case of animals, must be in conformity with Community legislation on the protection of animals during transport (see **Chapter 6.1**). CITES Resolution Conf. 10.21 *on the Transport of Live Animals* recommends that the *Live Animal Regulations of the International Air Transport Association (IATA)* be deemed to meet the CITES *Guidelines in respect of air transport* and should be followed by all CITES Parties and incorporated into the national legislation. With regard to the transport of live plants the Plants Committee has recently developed *Guidelines for transport of live plant specimens* that are available from the CITES website [www.cites.org](http://www.cites.org). Also in view of the sanctions on non-compliance, it is essential that importers of live specimens adequately inform their (re-)exporters about these requirements.

The omission of information from the application must be justified to relevant Management Authority.

### **4.3.4 Rejection of an import application (also valid for exports –see Chapter 4.7.4)**

Applicants must be informed of the rejection of an application and the reasons for which it was rejected. The Management Authority should also inform the (re-)exporting country and the CITES Secretariat when the rejection is related to the (re-)export document presented.

Applicants must inform a Management Authority of previously rejected applications for permits relating to specimens. The application form contains a pre-printed declaration by the applicant indicating that the application has not been previously rejected.

### **4.3.5 Import requirements in compliance with other regulations and laws**

When a permit is issued, it may contain stipulations, conditions and requirements imposed by the issuing authority in order to ensure compliance with the Community Regulations and national

legislation on their implementation. The use of the document issued is without prejudice to other necessary formalities and relating documents (customs, veterinary, ...) (similar to **Chapter 4.7.5**).

#### **4.3.6 Time validity of import documents (similar for (re-)exports –see Chapter 4.7.6)**

The maximum time validity of an import permit is 12 months (see **Chapter 9.2**). The corresponding document from the (re-)exporting country shall only be considered valid when it has been issued and used for (re-)export before its last day of validity and when the introduction into the Community takes place within six months from its date of issue. Exceptionally, documents may be issued retrospectively (see **Chapter 8**). If expired, an import permit is considered void and of no legal value; it must be returned without delay to the issuing Management Authority. Unused permits must also be returned to the Management Authority. Such an expired document may be replaced by a new document, which must indicate the number of the replaced document and the reason for its replacement. This also applies to lost, stolen, destroyed or cancelled documents (similar in case of (re-)exports –see **Chapter 4.7.6**).

#### **4.3.7 At the point of introduction into the European Community**

At the time of introduction into the Community, the importer - or his/her authorised representative - must surrender the original of the permit, the "copy for the holder" and, where this is indicated in the import permit, the valid document from the (re-)exporting country to the border customs office at a designated point of introduction (see **Chapter 10**). Where appropriate, the number of the Bill of Lading or Air Waybill must be indicated in box 26 of the import permit.

The customs office shall carry out the necessary checks (as also described in **Chapters 4.6.2**, and **4.7.7**), i.e. checks of the documents and, where provided for in Community provisions or in other cases, by representative sampling of the shipment, examination of the specimens accompanied, where appropriate, by the taking of samples with a view to analysis or more detailed checks.

When the shipment and required documentation are in order, the customs office completes box 27 of the original and the "copy for the holder", returns the latter to the importer (for later proof of legal importation) and sends the original - together with the document from the (re-)exporting country - to the Management Authority of their country which in turn sends the documentation to the Management Authority of the Member State which has issued the permit. The part of the import permit to be completed by customs must also contain information on the number of dead animals in the shipment at the time of arrival (box 27 – see **Figure 2** and **Chapter 14**). This is important in view of the possible need to improve transport conditions or to restrict trade in live animals of species that are subject to high transport mortality.

When there appears to be a problem, the customs office must inform the Management Authority in that country to find a solution. Until the necessary documents are available, specimens shall not be authorised to be assigned to a customs procedure. Also see **Chapter 12**.

### 4.3.8 Later use of import documents as proof of legal importation

After the necessary customs checks at the point of entry have been completed and the shipment has been cleared for import, the importer will receive from the customs office the “copy for the holder” of the import document (yellow document). This document can be used for later proof of legal importation into the Community, which may be required for internal trade or subsequent re-exports from the Community (see **Chapter 4.7** and **5.6**). Proof of legal importation shall cease to be valid when live specimens referred in the import document have died or escaped, when specimens were destroyed, or where any of the entries in boxes 3 (only for specimens of Annex A species), 6 and 8 (see **Figure 2**) no longer reflect the actual situation. In these cases, the copy must without undue delay be returned to the issuing authority, which, where appropriate, may issue a certificate reflecting the changes. It is crucial that the certificates reflect changes. If documents are not returned, the Management Authority lacks information on whether the import has actually taken place. This makes annual reporting (see **Chapter 14**) on the basis of permits used impossible and leads to discrepancies between their annual reports and those of (re-)exporting parties to CITES. Where applicable, the latter passes the document on to the Management Authority that issued the permit.

## 4.4 Negative Opinions of the SRG and import restrictions established by the Commission

### 4.4.1 Overview

*Regulation (EC) No. 338/97* provides the European Commission with the legal authority to suspend imports into the Community with regard to certain species and countries. These import suspensions must be adopted by the whole Community and cannot be applied by individual Member States only. It is therefore essential that import suspensions are uniformly implemented, i.e. it must be ensured that, at any moment in time, all Member States issue or do not issue import permits for a given species exported from a given country.

Suspensions of import into the Community of certain species from certain countries of origin are usually decided after the Scientific Review Group (SRG) has formed a *Negative Opinion* on the import of the particular species and country and has consulted with the relevant range State(s) on the matter. Such decisions may be triggered by concerns raised by one or more Member States or by the SRG with regard to the conservation impact of the trade, following an assessment of compliance with the relevant requirements contained in Article 4(1), (2) and (6) of *Regulation (EC) No. 338/97*. According to these provisions, import permits cannot be granted (even when all other relevant provisions are met) if the competent scientific authority, after considering any opinion by the Scientific Review Group, has advised that the introduction into the Community would have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species (see the succeeding sections for more explanation).

However, such suspensions of import do not always require the prior establishment of a negative opinion by the SRG and the Commission may also establish an import suspension in the following cases (see also **Chapter 4.4.2**):

- on the basis of a decision made by the CITES Standing Committee to suspend imports from a certain country, or
- if it concerns live specimens of species listed in Annex B which have a high mortality rate during transportation or in captivity [Article 4(6)(c) of *Regulation (EC) No. 338/97*], or
- if it concerns live specimens of species that present an ecological threat to wild species of fauna and flora indigenous to the Community [Article 4(6)(d) of *Regulation (EC) No. 338/97*].

#### **4.4.2 Criteria to be considered by Scientific Authorities and the SRG**

As already indicated, one of the tasks of the Scientific Authority under Article 4(1) or (2) of *Regulation (EC) No. 338/97* is to advise its Management Authority whether there are any conservation concerns related to the import of certain specimens of species listed in Annex A or B (see also Table 4.5). The *Guidelines on Duties and Tasks of the Scientific Authorities and Scientific Review Group under Regulation (EC) No. 338/97 and Regulation (EC) No. 865/2006* (see **Annex VI of this guide** and its attachments) present a more detailed overview of the factors and conditions that must be considered by a Scientific Authority when making such non-detriment findings. They include for example, the biological status of the species (abundance, present distribution, population trends, etc.), the species' life history, harvest characteristics (volumes, trends, etc.), management regimes and monitoring programmes that are in place, or anticipated trade levels (trade history, use of export quotas, demand in the EU, etc.). In addition, they include questions related to whether there are any other factors that speak against the issuance of an import permit, such as recommendations made by the Animal or Plant Committee, or concerns about the accuracy of statements on the export permit.

With regard to the import of Annex A specimens, the Management Authority must also be satisfied that the import is taking place for certain purposes only and must consult the Scientific Authority where necessary in this regard. For example, the import may be taking place for breeding or propagation purposes that will have conservation benefits for the species, or for purposes which are not detrimental to the conservation of the species, such as well managed trophy hunting programmes (see **Annex VI**).

#### 4.4.3 Establishment of a negative opinion and import restrictions

The usual procedures for the establishment of a negative opinion and, where necessary, a subsequent import suspension for species listed in Annex A or B is described in the following paragraphs (see also **Figure 3**):

**1) Making non-detriment finding at national level (art. 4.1 (a) (i) and art 4.2.(a) of 338/97)**

If a Scientific Authority of a Member State advises its Management Authority under Article 4(1) or (2) of *Regulation (EC) No. 338/97* not to authorise imports of certain specimens, it must be immediately ensured that no import permits are issued on the basis of Article 4(1) or (2) by any of the other Management Authorities in the EU. Subsequently, the Commission must be informed and must, in turn, instruct all other Member States to refrain from issuing import permits on the basis of Article 4(1) or (2) until the opinion of the other Scientific Authorities can be sought, for example, by a written procedure or in a meeting of the SRG.

**2) Uniform application at EU level (art. 4.1 (a) (i) and art 4.2.(a) of 338/97, art. 17.2 of 338/97)**

Once EU Member States have been advised by the Commission to refrain from issuing import permits for a certain species and country, for example in response to the negative opinion of a Scientific Authority of an EU Member State, the opinion of the other Scientific Authorities in the EU (e.g. by a written procedure and/or in a meeting of the SRG) is sought. If the initial negative opinion of the Member State is confirmed, the SRG forms a negative opinion. For as long as this opinion is in place, Member States shall reject all import permit applications for the specimens/country combination of concern. If the SRG on the other hand concludes that a non-detriment finding has been made, i.e. the negative opinion is not confirmed by the other Scientific Authorities, the SRG forms a *Positive Opinion* and imports can be resumed.

Negative and positive opinions of the SRG can also originate at meetings of the SRG, for example through the regular review of trade levels of certain species from certain countries or of trends in annual export quotas that are established voluntarily by the country of origin.

The SRG, in its regular reviews of trade levels, can also conclude, in the absence of trade or lack of specific data, to a "no opinion" for certain species/country combinations. This implies that national Scientific Authorities and/or SRG need to form an opinion at a later stage when trade (re-)occurs and import applications are being made or when additional data is available. It can also conclude that for imports in Member States from certain species/country combinations all applications are to be referred to the SRG for further opinion making.

Reversion of a negative opinion into a positive opinion may be based on information received from the country of export (paragraph 3), but it is also possible that a non-detriment finding is made on the basis of additional scientific information, e.g. from another Scientific Authority, or the SRG. On the other hand, positive opinions can be reversed into negative opinions by the SRG if circumstances have changed or additional information has become available.



### **3) Range State consultation (art. 4.(6) of 338/97)**

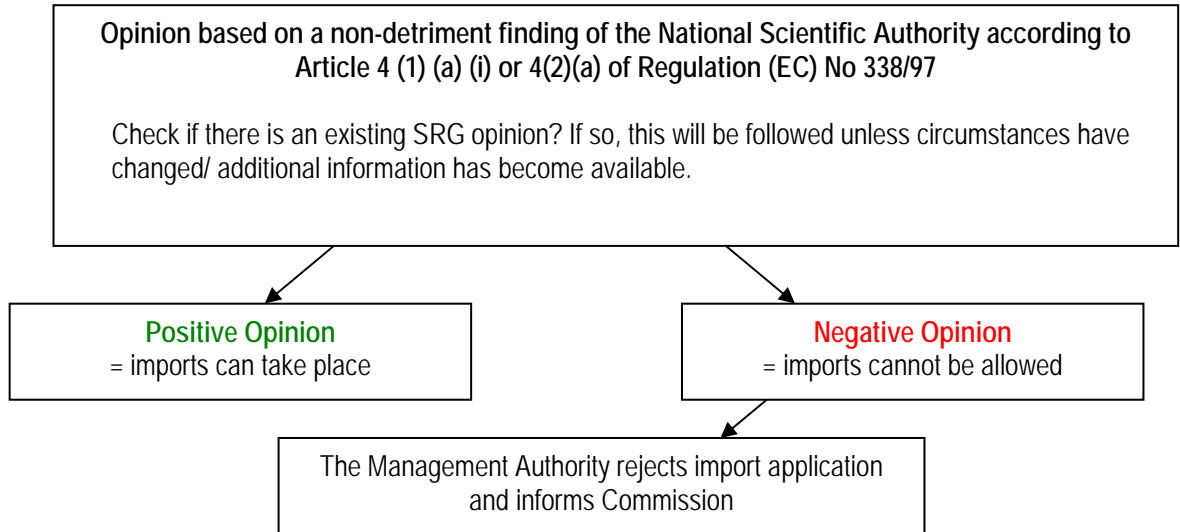
In case the SRG has formed a negative opinion, the Commission then consults with the affected range State to ask for additional biological and trade information on the species of concern. If the range State responds and provides this information, the SRG reconsiders its decision on the basis of the information received and, if this leads to a non-detriment finding, the negative opinion is transformed into a positive opinion and imports can be resumed.

### **4) Establishment of an official import restriction (art 4.(6) of 338/97)**

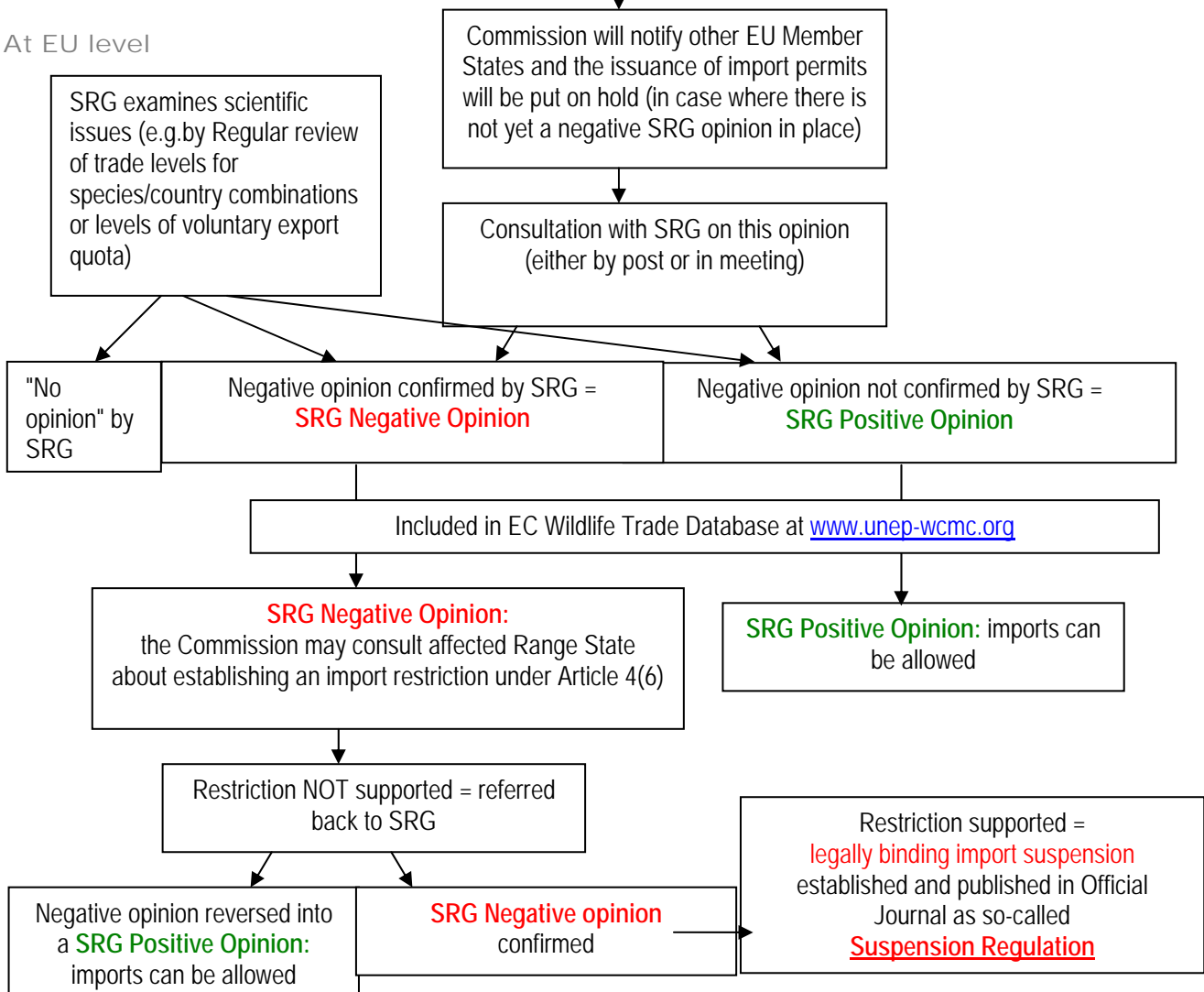
If no new information is provided by the range State or other sources, or if the information received is not sufficient to make a non-detriment finding, the negative opinion will be confirmed and can be transformed by the Commission into an official import suspension through a publication in the Official Journal of the European Communities. It is important to note that the published import suspensions are reversible if new information is received. This will then enter into force once the updated suspension Regulation has been published. Where an Article 4(6) import restrictions is established by the Commission, all Member States must immediately reject all permit applications for as long as that restriction is in place (Article 71(1) of *Regulation (EC) No. 865/2006*).

**Figure 3 – Overview procedures to establish positive and negative opinions and import restrictions for species listed in Annex A or B**

At National level



At EU level



#### **4.4.4 General exemptions from Article 4(6) import restrictions**

Article 71(4) of *Regulation (EC) No. 865/2006* provides that, unless specifically decided otherwise, restrictions in Article 4(6) of *Regulation (EC) No. 338/97* do not apply to:

- specimens that are born and bred in captivity in accordance with the criteria laid down in Article 54 of *Regulation (EC) No. 865/2006* (see **Chapter 4.10.1**);
- specimens that are being imported for one of the purposes referred to in Article 8(3)(e) to (f) of *Regulation (EC) No. 338/97* (see **Chapter 5.2**) and to
- specimens, alive or dead, that are part of the household possessions of persons moving into the Community to take up residence there (see **Chapter 4.10.5**).

It is important to inform every importer that each and every application will be considered on its own merits and that the absence of a negative opinion or an import restrictions at the time of the application does not mean that a permit will be issued. It would therefore be extremely unwise to conclude definitive contracts, to pay for ordered specimens and to arrange for their shipment in the absence of an import permit or, at least, of a sufficient guarantee that a permit will be issued.

#### **4.4.5 Special exemptions: “Hardship clause”**

For these cases, Article 71(2) of *Regulation (EC) No. 865/2006* contains a "hardship clause" to ensure harmonised treatment of applications made before a restriction is established. It provides that an import permit may be issued:

- where an application was submitted prior to the establishment of the restriction; and
- where the competent management authority is satisfied that a contract or order exists for which payment has been made or as a result of which the specimens have already been shipped.

This requires some further explanation. A provision of this kind should not lead to a situation in which imports continue to take place in spite of the fact that the conditions for import are not met. The option should therefore only be used in relation to restrictions under Article 4(6) mentioned in the last paragraph of Chapter 4.4.1 as "*Other reasons for the restriction of imports*". It should in general not be used, besides in exceptional cases, where import permits are to be rejected on the basis of the considerations referred to in Chapter 4.4.3 and certainly not at the time when these cases are established as a general import restriction under Article 4(6). To further reduce the possibility for abuse, Article 71(3) of *Regulation (EC) No. 865/2006* provides that import permits issued under the derogation shall only be valid for one month.

#### **4.4.6 Where to access information on negative opinions and import restrictions**

Article 4(6) import restrictions are to be published by the Commission in the Official Journal of the European Communities on a regular basis. The situation with regard to negative opinions and import restrictions under Article 4(1), (2) and (6) can, however, be checked on the EC Wildlife Trade Database created for that purpose by the UNEP-WCMC as commissioned by the European Commission at [www.unep-wcmc.org/species](http://www.unep-wcmc.org/species)

## 4.5 Summary: Conditions for the issue of import permits for Annex A or B

Annex	Conditions <sup>12</sup>
<b>A</b> <b>B</b>	Commission has not established an import restriction in accordance with Article 4(6) [ <i>Regulation (EC) No. 338/97</i> , Article 4(1) and 4(2)].  The Scientific Review Group has not established a negative opinion on the import of the species and country of origin.
<b>A*</b>	Management Authority is satisfied that the specimens are not to be used for primarily commercial purposes, i.e. will be used for purposes of which the non-commercial aspects clearly predominate [ <i>Regulation (EC) No. 338/97</i> , Article 4(1)(d) and Article 2(m)]. Note: This applies to wild specimens only; the prohibition on commercial use of Annex A specimens does not apply to captive-bred specimens (see <b>Chapter 4.3</b> ).
<b>A</b> <b>B</b>	Scientific Authority has advised the Management Authority of its finding (taking into account possible opinion of the Scientific Review Group) that <sup>13</sup> :
<b>A*</b> <b>B*</b>	Import would not have a harmful effect on the conservation status of the species or the extent of the territory occupied by the species concerned (and for Annex B also "taking account current or anticipated level of trade") [ <i>Regulation (EC) No. 338/97</i> , Article 4(1)(a)(i); Article 4(2)(a)*];
<b>A*</b>	Import is under exceptional circumstances required for the advancement of science or for essential biomedical purposes; species is the only one suitable and there are no captive-bred animals [ <i>Regulation (EC) No. 338/97</i> , Article 4(1)(a)(ii), first indent];
<b>A*</b>	Specimens are intended for captive breeding (animals) or propagation (plants) from which conservation benefits will accrue to the species concerned [ <i>Regulation (EC) No. 338/97</i> , Article 4(1)(a)(ii), first indent];
<b>A*</b>	Specimens are intended for research or education aimed at the preservation or conservation of the species [ <i>Regulation (EC) No. 338/97</i> , Article 4(1)(a)(ii), first indent];
<b>A*</b>	Import is for other purposes that are not detrimental to the survival of the species concerned [ <i>Regulation (EC) No. 338/97</i> , Article 4(1)(a)(ii), second indent] <sup>14</sup> .
<b>A</b> <b>B*</b>	Management Authority in consultation with the Scientific Authority are satisfied that there are no other conservation factors against import [ <i>Regulation (EC) No. 338/97</i> , Article 4(1)(e) / 4(2)(c)].
<b>A</b> <b>B*</b>	Scientific Authority <sup>15</sup> is satisfied that intended accommodation for live animals/plants at the place of destination is adequately equipped to conserve and care for them properly [ <i>Regulation (EC) No. 338/97</i> , Article 4(1)(c)].

<sup>12</sup> For marking requirements, see **Chapter 7**.

\* Does not apply to re-imports and specimens acquired before 1 June 1947 [*Regulation (EC) No. 338/97*, Article 4(5)]

<sup>13</sup> NB. For Annex B species, the Scientific Authority does not need to advise the Management Authority of its non-detriment finding on a case-by-case basis; its opinion on this (taking account of current and anticipated levels of trade) is valid for subsequent imports as long as it, or the Scientific Review Group, does not come to another finding [*Regulation (EC) No. 338/97*, Article 4(2)(a)].

<sup>14</sup> An example of such a non-detrimental purpose is the import of hunting trophies obtained under an approved management plan for the species which is beneficial to its conservation (see **Chapter 4.10**). For a number of species hunting trophy quotas are established by the CITES Conference of the Parties.

<sup>15</sup> NB. For Annex B specimens, the Scientific Authority is not necessarily involved; Article 4(2)(b) only provides that the applicant must provide documentary evidence that he has adequate housing for the specimens. The Management Authority may therefore take a decision on this itself.

<b>A</b> <b>B</b>	Applicant to provide documentary evidence that specimens were obtained in accordance with legislation on the protection of the species: for CITES specimens an export permit or re-export certificate, or copy thereof [ <i>Regulation (EC) No. 338/97</i> , Article 4(1)(b) and 4(2)(c)]. Where a copy of an export permit or re-export certificate was the basis for the issue of an import permit, the latter shall only be valid if at the time of introduction it is accompanied by the valid original (re-) export document [ <i>Regulation (EC) No. 338/97</i> , Article 11(4)].
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## 4.6 Import notifications for specimens of Annex C or D

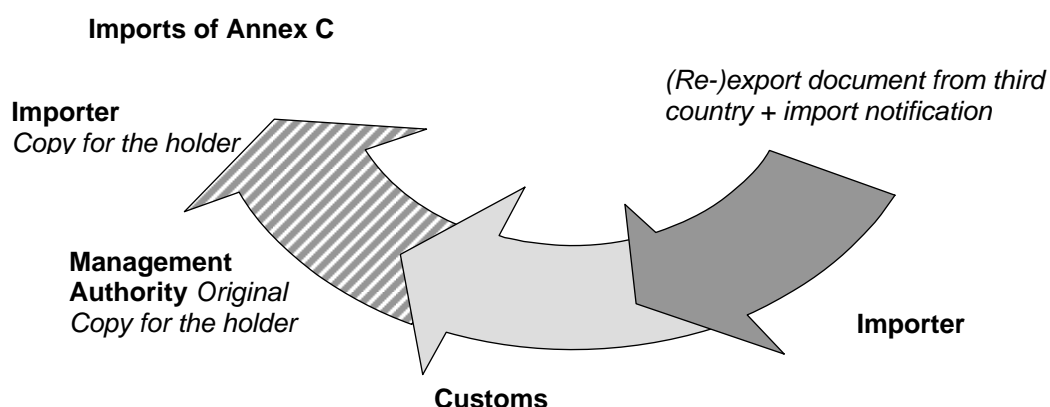
For import of species listed in Annex C or D import notification is required for import into the Community. For species listed in Annex C and Appendix III of CITES (re-)export documents must be obtained and presented together with the import notification.

### 4.6.1 An easy procedure (see Figure 4)

The forms to be used for import notifications are contained in Annex 2 to *Regulation (EC) No. 865/2006* and can be obtained from the competent authorities of each Member State. Also see annotated import notification in Figure 5. The importer or his/her authorised representative completes boxes 1 to 13 of the original and the "copy for the importer" in accordance with the instructions given at the back of the forms and surrenders them to a designated border customs office at the first point of introduction into the Community.

**Transport of live specimens** must be in accordance with the CITES *Guidelines for Transport* or the IATA Live Animals Regulations and live animals must be conveyed to their destination as soon as possible (see **Chapter 6.1**). Also in view of the sanctions for non-compliance, it is essential that importers of live specimens adequately inform their (re-)exporters about these requirements.

**Figure 4 - A shortcut for import notification for the import of Annex C or D (but without documents from a third country in case of Annex D) specimens**



### 4.6.2 At the point of introduction into the European Community

The customs office shall carry out the necessary checks (as also described in **Chapters 4.3.7 and 4.7.7**), i.e. checks of the documents and - in cases where this is provided for in Community provisions or in other cases by representative sampling of the shipment - examination of the specimens, where appropriate accompanied by the taking of samples for analysis or more detailed checks. Customs then complete box 14 of the original and the "copy for the importer", returns the latter to the importer (for later proof of legal importation) and the original - together with any document from the (re-) exporting country - to the Management Authority of the country in which it is located. Returning the originals and documents to the Management Authority is absolutely essential for the drawing up of annual reports on trade by the Management Authority. When there appears to be a problem, the customs office must inform the Management Authority of his country and consult on steps to take. Also see **Chapter 12**.

## **Instructions and explanations related to the import notification (see Figure 5)**

1. Enter full name and address of importer or authorized representative.

4. The country of origin is the country where the specimens were taken from the wild, born and bred in captivity, or artificially propagated.

5. Only applies where the country from which the specimens are imported is not the country of origin.

6. Description must be as precise as possible.

9. The scientific name must be the name used in Annex C or D to Council Regulation (EC) No 338/97.

10. Enter III for species listed in Appendix III to CITES.

12. Enter the letter (C or D) of the Annex to Council Regulation (EC) No 338/97 in which the species is listed.

13. The importer has to submit the signed 'original' and 'copy for the importer', where appropriate together with CITES Appendix III documents from the (re-) exporting country to the customs office of introduction into the Community.

14. The customs office shall send the stamped 'original' to the management authority of his country and return the stamped 'copy for the importer' to the importer or his authorized representative.

**Figure 5 - Annotated import notification**

Number and name of form	1. Importer		<b>IMPORT NOTIFICATION</b>		
			<b>Council Regulation (EC) No 338/97 and Commission Regulation (EC) No. 865/2006 on the protection of species of wild fauna and flora by regulating trade therein</b>		
	2. Member State of import		3. Date of import		
	4. Country of origin		5. Country of (re)-export		
	A	6. Description of specimens (incl. (re)-export document number for CITES Appendix III species)	7. Net mass (kg)	8. Quantity	
			9. Scientific name of species		10. CITES Appendix
			11. Common name of species		12. EC Annex
	B	6. Description of specimens (incl. (re)-export document number for CITES Appendix III species)	7. Net mass (kg)	8. Quantity	
			9. Scientific name of species		10. CITES Appendix
			11. Common name of species		12. EC Annex
	C	6. Description of specimens (incl. (re)-export document number for CITES Appendix III species)	7. Net mass (kg)	8. Quantity	
			9. Scientific name of species		10. CITES Appendix
			11. Common name of species		12. EC Annex
D	6. Description of specimens (incl. (re)-export document number for CITES Appendix III species)	7. Net mass (kg)	8. Quantity		
		9. Scientific name of species		10. CITES Appendix	
		11. Common name of species		12. EC Annex	
E	6. Description of specimens (incl. (re)-export document number for CITES Appendix III species)	7. Net mass (kg)	8. Quantity		
		9. Scientific name of species		10. CITES Appendix	
		11. Common name of species		12. EC Annex	
F	6. Description of specimens (incl. (re)-export document number for CITES Appendix III species)	7. Net mass (kg)	8. Quantity		
		9. Scientific name of species		10. CITES Appendix	
		11. Common name of species		12. EC Annex	
13. For specimens above which are of species listed in Appendix III to CITES, I attach the necessary documents from the (re)-exporting country.		14. Official stamp of border customs office:			
<hr/> Signature of importer or his authorised representative					



## 4.7 (Re-)export documents for specimens of Annex A, B or C

An **export permit** is required for specimens taken from the wild, bred in captivity or artificially propagated in the Community.

A **re-export certificate** is required for specimens of species that were previously imported into the Community.

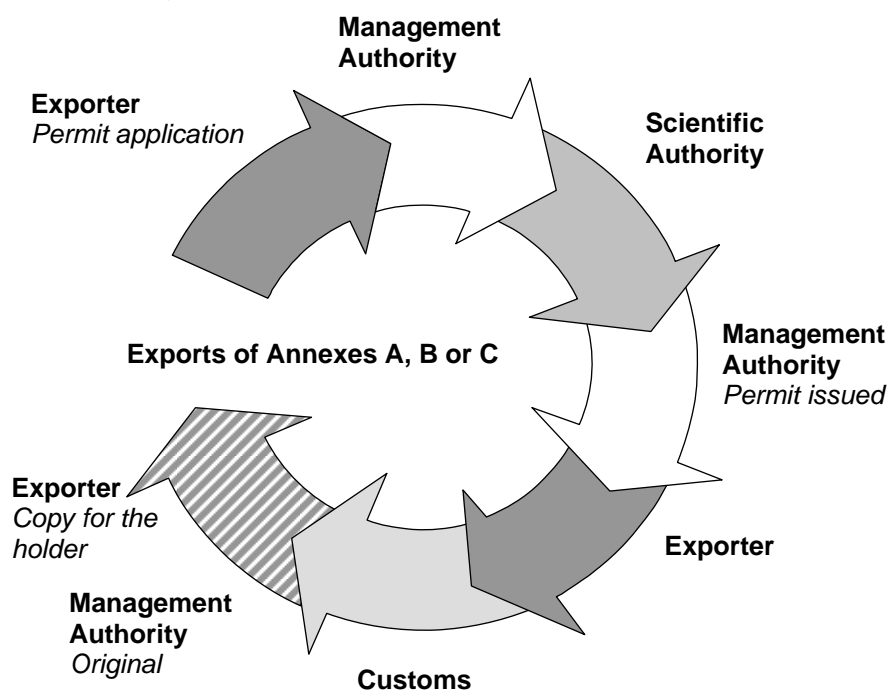
The export permit or the re-export certificate must be issued by the Management Authority of the Member State in which the specimens are located and presented by the carrier at the customs office at which the export formalities are completed (which is not necessarily at the border).

### 4.7.1 From application to export or re-export (see also Figure 6)

The (re-)exporter must obtain a form for an export permit / (re-)export certificate application [model laid down in Annex 1 to *Regulation (EC) No. 865/2006*] from the Management Authority of the Member State in which the specimens are located.

Management Authorities are required to issue an export permit or a re-export certificate within the same timeframe as for the issuance of an import permit (see **Chapter 4.3.1**), namely one month from the date of submission of a full application, but this may take longer where third parties need to be consulted. The Commission Regulation contributes to the speedy processing of applications: where a Management Authority of another Member State is consulted by one of its counterparts, it must respond within one week. Applications for export permits or re-export certificates must therefore be made in a timely fashion in order for the document to be issued prior to the (re-)export of shipments from the Community. The applicant must be informed of significant delays.

**Figure 6 - Steps required for obtaining an export permit or re-export certificate for specimens of Annex A, B or C**



The procedures described in this Chapter are similar to the ones required when dealing with imports (see **Chapter 4.3.1** and **Figure 1**) and internal trade within the EU (see **Chapter 5.6.3**).

Specimens shall not be authorised to complete customs formalities until after the presentation of the necessary documents; they may even be seized and subsequently confiscated in the absence thereof.

Depending on the system applied, and as required in for imports, the applicant either receives a full set of forms (the application form, the original and all three copies) or just the application form:

**If only the application form is to be completed**, the applicant must fill in boxes 1, 3 to 5 and 8 to 23 in typescript or legibly in manuscript (ink and block capitals). Erasures and alterations are to be avoided at all costs. Although each shipment of specimens requires a separate import permit, the application form may relate to more than one shipment. Where a shipment contains more than one species, the applicant must obtain and complete additional annex forms that are needed to complete the annexes that will be attached to the permit or certificate.

**If the full set of forms is to be completed**, the applicant must fill in boxes 1, 3 to 5 and 8 to 23 of the application form and boxes 1, 3 to 6 and 8 to 22 of the original and all copies. The forms must be completed in typescript and not in manuscript. The original and copies may not normally contain erasures and alterations. Where this is the case they must be authenticated by the stamp and signature of the issuing Management Authority. A separate set must be completed for each shipment of specimens shipped together as part of one load. Instructions for completing the forms are contained on the back of the application form, the original and all copies. Also see the annotated export permit / re-export certificate form (**Figure 7**).

The annex attached to a permit and the number of pages must be clearly indicated on the permit. Each annexed page must include the number of the permit and the signature and stamp or seal of the issuing authority. Also see above, but annexes may also contain lists of numbers of identification marks (rings, tags and the like) for which there is no prescribed form for the Annex.

The duly completed form(s) must be submitted to the Management Authority of the Member State in which the specimens are located, together with the documentary evidence necessary to allow the Management Authority to determine whether a permit/certificate should be issued, see the tables in **Chapter 4.8** (Export) and **Chapter 4.9** (Re-export).

The payment of a fee for processing the application may be required.

#### **4.7.2 Documentary evidence required by the Management Authority**

For the export of a specimen originating in another Member State, a certificate is required to prove legal acquisition (see **Chapter 5.6**).

For the re-export of specimens imported by another Member State, a “copy for the holder” of the relevant import permit, or a certificate must be available to prove the legal introduction into the Community. These documents are the best basis for this purpose, but are also the documents that contain the necessary information on country of origin, country of re-export, relevant document numbers and dates thereof, all of which are to be included in the application.

## Instructions and explanations related to (re-)export permit forms (see Figure 7)

1. Must contain the full name and address of the actual exporter or re-exporter and not of an agent.

2. Maximum 6 months.

3. Must contain the full name and address of the actual importer and not of an agent.

4. Member State from which the goods are to be exported

5. The country of final destination of the specimens.

6. Not applicable for export and re-export

7. The Management Authority of the Member State in which the specimens are located.

8. This description must be as precise as possible and include a 3-letter code in accordance with **Annex VII** to the Commission Regulation.

9./10. See **Annex VII** to Commission Regulation for units to be used.

11. I, II or III.

12. A, B or C.

13. Use code in **Annex IX** of Commission Regulation.

15. Where specimens were taken from the wild, bred or propagated, see 4.

16. Not to be completed if country of origin is a Member State

18. In case of re-export from Community, the country of last re-exporting is third country from which specimens were imported before being re-exported from Community.

19. Provide details of the relevant re-export certificate.

21. The standard references for nomenclature in **Annex VIII** to the Commission Regulation must be used.

22. A common name is not available for all species.

23. Space for the issuing authority to impose stipulations, conditions and requirements in order to ensure compliance with Community and national legislation.

24. Not applicable for export and re-export.

25. This is the actual validation of the export permit or export certificate.

26. To be indicated by the exporter at the time of export.

27. Quantity/net mass (kg) actually exported or re-exported. (Number of animals dead on arrival not applicable for export and re-export)

After completion, customs return the 'original' to the exporter or re-exporter and the 'copy for return to the issuing authority' to the Management Authority in their country. The original is necessary for import by the country of destination under CITES.



### **4.7.3 Other (re-)export requirements under the EC Wildlife Trade Regulations**

Certain specimens need to be **marked** before re-export (see **Chapter 7**).

The **transport of live specimens** must be in accordance with the CITES *Guidelines for Transport* or the IATA Live Animals Regulations and live animals must be conveyed to their destination as soon as possible (see **Chapter 6**).

The omission of information from the application must be justified.

### **4.7.4 Rejection of (re-)export applications** (also valid for imports –see Chapter 4.3.4)

Applicants must be informed of the rejection of an application and the reasons for which it was rejected. The Management Authority should also inform the (re-)exporting country and the CITES Secretariat when the rejection is related to the (re-)export document presented.

Applicants must inform a Management Authority of previously rejected applications for permits relating to specimens. The application form contains a pre-printed declaration by the applicant indicating that the application has not been previously rejected. This is also valid if a Management Authority of another EU Member State rejected the application.

### **4.7.5 (Re-)Export requirements in compliance with other regulations and laws**

Where a permit/certificate is issued, it may contain stipulations, conditions and requirements imposed by the issuing authority in order to ensure compliance with the Community Regulations and national legislation on their implementation. The use of the document issued is without prejudice to other necessary formalities and related documents (tariffs, health, ...) (as in **Chapter 4.3.5**).

### **4.7.6 Time validity of (re-)export documents**

The maximum time validity of an export permit or re-export certificate is six months (see **Chapter 9.2**). Documents may exceptionally be issued retrospectively (see **Chapter 8**). If expired, an export permit or re-export certificate is considered void and of no legal value; it must be returned without undue delay to the issuing Management Authority. The same is true for unused permits (also similar to **Chapter 4.3.6**). Such an expired document may be replaced by a new document, which indicates the number of the replaced document and the reason for its replacement. This also applies to lost, stolen, destroyed or cancelled documents. The Management Authority must inform the country of destination and the CITES Secretariat of any cancelled, lost, stolen, or destroyed export permits and re-export certificates.

### **4.7.7 At the point of (re-)export**

At the time of (re-)export from the Community, the (re-)exporter - or his authorised representative - must surrender the original of the permit, the "copy for the holder" and the "copy for return to the issuing authority" to a designated customs office. Where appropriate the number of the Bill of Lading or Air Waybill must be indicated in box 26 of the export permit or re-export certificate.

The customs office shall carry out the necessary checks (as also described in **Chapters 4.3.7** and **4.6.2**), i.e. checks of the documents and - in cases where this is provided for in Community provisions or in other cases by representative sampling of the shipment - examination of the specimens, where appropriate accompanied by the taking of samples with a view to analysis or more detailed checks.

When the shipment and documents are found to be in order, the customs office completes box 27 of the original, the "copy for the holder" and the "copy for return to the issuing authority", returns the first two to the (re-)exporter or his authorised representative and the latter to the Management Authority of the country in which it is located. It is crucial that documents are returned to the Management Authorities. If documents are not returned, the Management Authority lacks information on whether the export or re-export has actually taken place. This makes annual reporting (see **Chapter 14**) on the basis of permits used impossible. Where applicable, the latter passes the document on to the Management Authority that issued the permit.

When there appears to be a problem, the customs office must inform the Management Authority of his country and consult on steps to take. Until such time as the requisite documents are available, specimens shall not be authorised to be assigned to a customs procedure. Also see **Chapter 12**.

#### 4.8 Summary: Conditions for the issue of export permits for Annex A, B or C

Annex	Conditions <sup>16</sup>
A* B* C*	Scientific Authority has advised its Management Authority in writing that the capture or collection of the specimens in the wild and their export will not have a harmful effect on the conservation status of the species or extent of the territory occupied by the relevant population of the species [ <i>Regulation (EC) No. 338/97, Article 5(2)(a) and 5(4)</i> ] <sup>17</sup>
A B C	Management Authority must receive documentary evidence from the applicant that the specimens were obtained in accordance with legislation on their protection; where specimens originate in another Member State, a certificate is required [ <i>Regulation (EC) No. 338/97, Article 5(2)(b) and 5(4)</i> ] except where specimens have been individually marked under the supervision of a Management Authority so as to allow an easy reference to the documents concerned [ <i>Regulation (EC) No. 865/2006, Article 26(8)</i> ].  In the absence of supporting documentary evidence, the Management Authority shall establish the legal acquisition, where necessary in consultation with a Management Authority of another Member State.
A B C	Management Authority is satisfied about preparation for shipment and transport arrangements [ <i>Regulation (EC) No. 338/97, Article 5(2)(c)(i) and 5(4)</i> ].
A*	Management Authority is satisfied that specimens will not be used for primarily commercial purposes by the intended importer; where a CITES Appendix I species is concerned an import permit must have been issued by the country of destination [ <i>Regulation (EC) No. 338/97, Article 5(2)(c)(ii)</i> ].
A B C	Management Authority in co-operation with the Scientific Authority are satisfied that there are no other factors against export [ <i>Regulation (EC) No. 338/97, Article 5(2)(d) and 5(4)</i> ].

<sup>16</sup> For marking requirements (see Chapter 7).

\* Does not apply to worked specimens acquired 50 years before Regulation and dead specimens legally acquired before *Regulation (EC) No. 338/97*, Regulation (EEC) 3626/82 or Convention became applicable to them [*Regulation (EC) No. 338/97, Article 5(6)*].

<sup>17</sup> Scientific Authority is to monitor exports of Annex B species and if it is of the opinion that export should be limited advise its Management Authority in writing of suitable measures. Management Authority to inform Commission which may recommend export restrictions [*Regulation (EC) No. 338/97, Article 5(7)*].

#### 4.9 Summary: Conditions for the issue of re-export certificates for Annex A, B or C

Annex	Conditions <sup>18</sup>
<b>A</b> <b>B</b> <b>C</b>	Management Authority is satisfied with preparation for shipment and transport arrangements [ <i>Regulation (EC) No. 338/97</i> , Article 5(2)(c)(i), 5(3) and 5(4)].
<b>A*</b>	Management Authority is satisfied that specimens will not be used for primarily commercial purposes by the intended importer; where a CITES Appendix I species is concerned an import permit must have been issued by the country of destination [ <i>Regulation (EC) No. 338/97</i> , Article 5(2)(c)(ii) and 5(3)].
<b>A</b> <b>B</b> <b>C</b>	Management and Scientific Authorities are satisfied that there are no other factors against export [ <i>Regulation (EC) No. 338/97</i> , Article 5(2)(d), 5(3) and 5(4)].
<b>A</b> <b>B</b> <b>C</b>	<p>Management Authority is satisfied that specimens were introduced in accordance with Regulation 338/97, Regulation 3626/82, CITES, or were legally introduced into a Member State before applicability of these Regulations/Convention to species or in the Member State concerned [<i>Regulation (EC) No. 338/97</i>, Article 5(3)(a)-(d) and 5(4)]. Where this import took place in another Member State, its Management Authority must be consulted [<i>Regulation (EC) No. 338/97</i>, Article 5(5)]. Where specimens have been individually marked under the supervision of a Management Authority so as to allow an easy reference to the documents concerned [<i>Regulation (EC) No. 865/2006</i>, Article 26(8)] the physical presentation of such documents shall not be required.</p> <p>In the absence of supporting documentary evidence, the Management Authority shall establish the legal introduction into the Community, where necessary in consultation with a Management Authority of another Member State.</p>

<sup>18</sup> For marking requirements, see Chapter 7.



## 4.10 Derogations from import and export conditions

### 4.10.1 Import and (re-)export of captive-bred animals/artificially propagated plants

#### Overview

Because trade in animals that were born and bred in captivity and plants that were artificially propagated does not have the same potential impact on wild populations of fauna and flora, CITES and the EC Wildlife Trade Regulations include provisions that are less strict for trade in such specimens. For example, specimens of Annex A animal or plant species will be treated as Annex B specimens if they were bred in captivity in accordance with the criteria outlined in Article 54 of *Regulation (EC) No. 865/2006* or artificially propagated in accordance with Article 56 of *Regulation (EC) No. 865/2006*. It is important to note that there are no restrictions on the purpose of the import of captive-bred or artificially propagated specimens which means that a specimen produced by a non-commercial captive breeding/artificial propagation operation can be imported for commercial purposes and vice-versa.

#### Relevant definitions

Article 1 of *Regulation (EC) No. 865/2006* provides definitions with regard to specimens that were born and bred in captivity and/or artificially propagated:

- Date of acquisition means the date on which a specimen was taken from the wild, born in captivity or artificially propagated.
- Second-generation offspring (F2) and “subsequent generation offspring (F3, F4, etc.)” means specimens produced in a controlled environment from parents that were also produced in a controlled environment (first-generation offspring (F1) specimens that are produced in a controlled environment from parents at least one of which was conceived in or taken from the wild are not covered by this definition);
- Breeding stock means all the animals in a breeding operation that are used for reproduction.
- A controlled environment means an environment that is manipulated for the purpose of producing animals of a particular species, that has boundaries designed to prevent animals, eggs or gametes of the species from entering or leaving the controlled environment, and the general characteristics of which may include, but are not limited to: artificial housing, waste removal, health care, protection from predators and the artificial supply of food.

#### Import and export of captive-bred animals and artificially propagated plants

Captive-bred or artificially propagated specimens of Annex A species are treated as specimens of Annex B species for import, export and re-export. This means that they can be imported for commercial purposes. However, these provisions only apply if the specimens were captive-bred (or artificially propagated) in accordance with the criteria of Article 54 (or Article 56) of *Regulation (EC) No. 865/2006*. The criteria of Articles 54 and 56 of *Regulation (EC) No. 865/2006* also apply to specimens of species listed in Annex B and, where the criteria are met, this of course has an effect on the considerations of the Scientific Authority regarding whether or not the import or export is harmful to the conservation of the species. Import restrictions established under Article 4(6) of *Regulation (EC) No 338/97* will normally not apply to captive-bred or artificially propagated specimens (see **Chapter 4.4**).

### **Special provisions for captive-bred animals**

Animal species shall only be considered to be born and bred in captivity when a competent Management Authority, in consultation with a competent Scientific Authority of the Member State, is satisfied that the criteria of Article 54 are met. Where in doubt, the authority can request proof through DNA testing for animals species (Article 55 of *Regulation (EC) No. 865/2006*). In such cases, the analysis, or the necessary samples, must be made available to the authority.

The Community does not implement the recommendations of the Conference of the Parties to CITES set out in Resolution Conf. 12.10 (Rev.CoP13) *Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes* with regard to restrictions on trade in specimens of Appendix I animal species produced by commercial captive breeding operations. Registration of such operations with the CITES Secretariat is not a requirement for trade from or to the Community.

For the provisions of marking of captive-bred specimens see **Chapter 7**.

### **Special provisions for artificially propagated plants**

For artificially propagated Annex B and C plants and hybrids of unannotated<sup>19</sup> Annex A plants, phytosanitary certificates may be used instead of import permits, export permits or re-export certificates. In these cases the certificate must include the scientific name at species level or, if this is impossible, at the generic level but only for those taxa included by family in the Annexes. Artificially propagated Annex B orchids and cacti may be referred to as such. Plant health certificates must also include the type and quantity of specimens and bear a stamp, seal or other specific indication stating that *'the specimens are artificially propagated as defined by CITES'* [art.. 7.1 (b) (i) of 338/97 and art. 17 of 865/2006].

**Commercial nurseries** that propagate plants listed in Annex A may obtain pre-issued export permits from the relevant Management Authority if they have registered in accordance with the guidelines outlined in CITES Resolution Conf. 9.19 (Rev.CoP13) *Guidelines for the registration of nurseries exporting artificially propagated specimens of Appendix-I species*. Article 29 of *Regulation (EC) No. 865/2006* requires that *the registration number of the nursery as well as the following statement must be included* in these pre-issued certificates, as well as the following statement:

**“PERMIT VALID ONLY FOR ARTIFICIALLY PROPAGATED PLANTS AS DEFINED BY CITES RESOLUTION CONF. 11.11 (Rev. Cop13). VALID ONLY FOR THE FOLLOWING TAXA: ...”.**

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<sup>19</sup> Hybrids are also covered by CITES and EC Wildlife Trade Regulations, when at least one of the two 'parents' is of species listed in one of the four Annexes. In cases where the 'parents' of such animal or plant are of species listed in different Annexes, or of species of which only one is listed in the Annexes, the provisions of the more restrictive Annex apply. Exemption: In the case of hybrid plants where only one 'parent' is of a species listed in Annex A, its provisions shall apply only when the species is annotated to that effect. However, currently there is no such annotation in force (see **Chapter 3.6**).

#### 4.10.2 Transit of CITES specimens through the EU

Specimens of species listed in the Annexes that are in transit between two “third” countries (i.e. two non-EU countries) do not need an import permit or notification for entering the EU or a re-export certificate to leave the EU. However, for CITES species a valid CITES export permit or re-export certificate that clearly indicates the final destination of the shipment must have been issued by the exporting country. Without such a valid (re-)export document or proof of its existence, specimens must be seized and may be confiscated provided that a document is not issued retrospectively [Article 7(2)(a) and (b) of *Regulation (EC) No. 338/97*]. Also see **Chapter 8**.

“*Transit*” refers only to specimens that remain in customs control and are in the process of shipment to a named consignee. Introduction into bonded warehouses equals import into the Community and therefore requires a permit. For a definition of “Transit” under the EU Regulations see **Chapter 15** and Article 2(v) of *Regulation (EC) No. 338/97*.

As it is not always the case that CITES shipments are transported together with CITES documents, this is certainly not an easy provision to implement and enforce, but this does not necessarily make shipments illegal as the documents may simply be with the exporter and/or importer. Where trade takes place between two non-Parties to the Convention, there is not likely to be a CITES document at all, but in that case a comparable document issued by the designated authority of the non-Party must be presented.

However, if the shipment in transit is not accompanied by valid CITES documents (or the comparable documents from a non-Party) it shall be seized.

Resolution Conf. 9.7 of the CITES Conference of the Parties recommends that, when an illegal shipment in transit is discovered but cannot be seized, the country of destination and the CITES Secretariat are provided with all relevant information.

#### 4.10.3 Trade in wildlife ‘antiques’ (= worked specimens acquired before 1 June 1947)

Under the EC Wildlife Trade Regulations worked specimens of Annex A, B, C or D that were acquired more than 50 years before the Regulations entered into force (hence before 1 June 1947) are considered antiques and are exempted from certain provisions [[Article 4 (5) and article 5 (6) of *Regulation (EC) No. 338/97*, article 62 of *Regulation (EC) No. 865/2006*]

Worked specimens of species listed in the Annexes of *Regulation (EC) No. 338/97*, or containing parts or derivatives thereof, are defined as specimens that were removed from the wild and significantly altered from their natural state for jewellery, adornment, art, utility or musical instruments, before 1<sup>st</sup> June 1947. They must have been acquired in this condition and require no further carving, crafting or manufacture to effect their purpose (see definition under Article 2(w) of *Regulation (EC) No. 338/97* and **Chapter 15**).

Antiques acquired before that date but that remain substantially unaltered from their natural state do not qualify for these exemptions. For example, a raw unworked rhino horn would not qualify even if it could be shown to have acquired before 1947. Similarly, a tiger skin ‘rug’ acquired before 1947

may qualify if it could be shown that it was a genuine rug in its own right and not merely a skin which could also be fashioned into some other item at a later date. Stuffed animals, for example mounted and stuffed birds, are also considered to be worked specimens and may qualify for the exemption if they have been acquired before 1 June 1947.

Worked specimens that have been acquired before 1 June 1947 must remain in their original state and should not be subsequently altered. In practice, this means that specimens that have been altered subsequently for some other use may no longer qualify for the exemptions. For example, crocodile skin watch straps made from old handbags would not qualify.

In addition, worked specimens whose restoration had involved the use of material from specimens of species listed in the Annexes of a more recent origin (after 1 June 1947) are not considered to qualify for the exemptions.

It is not necessary that the person who acquired the specimens before 1 June 1947 is also the present owner for the purpose of this definition. 'Acquired' also means receiving a specimen as a gift, or inheriting it, killing the animal or plant and taking them then into one's own possession.

#### **What documents are required for trade in worked specimens into and from the EU?**

*For import of specimens of Annex A, B or C (Article 4 (5) of Regulation (EC) No. 338/97)*

For specimens of species in Annex A or B an import permit issued by the Management Authority of destination is required. For specimens of species listed in Annex C an import notification is required.

Before the Management Authority can issue this import permit it needs to be satisfied that

- the specimen was legally obtained in the country of origin through export permit (Annex A);
- there are no other conservation factors that prevent the issue of a permit (not required for specimens in Annex B or C).;

Therefore, for specimens of species in Annex A a copy of the permit issued by the (re-)exporting country is required. For the import of Annex B specimens, prior sight of the export permit or (re-)export certificate is not required, nor does the Management Authority have to consider whether there are any conservation reasons why the permit should not be issued.

*For (re)export of specimens of Annex A, B or C (Article 5 (6) of Regulation (EC) No. 338/97)*

- an export permit or re-export certificate is needed for the (re)export of specimens of species listed in Annex A, B or C.

Before the Management Authority can issue an export permit / re-export certificate

- For exports: evidence must be provided that confirms that the specimens were acquired before June 1947;
- For re-exports: evidence must be provided that shows that the specimens were imported into the EU in accordance with the relevant regulations, or if the import occurred before 1984, in accordance with CITES, or before the Convention became applicable (see **Chapter 4.10.4**).
- for the (re-)export of CITES Appendix-I-listed species, prior checking of the import permit issued by the country of destination is not required;

*For internal trade in worked specimens: see **Chapter 5.4.4***

#### 4.10.4 Exports or re-exports of ‘pre-Convention’/‘pre-Regulation’ specimens

A special derogation exists for the conditions on issuance of export or re-export permits of dead specimens, as well as parts and derivatives of species listed in Annex A, that were acquired before the date CITES or the EC Wildlife Trade Regulations<sup>20</sup> became applicable to them in the country they were acquired. In these cases, export documents can be issued without the prior sight of an import permit or reference to the Scientific Authority [Article 5(6) of *Regulation (EC) No. 338/97*]<sup>21</sup>.

This derogation does not apply for imports into the Community. So import permits (without derogations on the conditions for issuance) are required for specimens acquired before CITES or the EC Wildlife Trade Regulations became applicable to them, unless they have been acquired before 1 June 1947 and are considered worked specimens (see **Chapter 4.10.3**).

The derogation for the conditions of issuance of exports or re-exports applies, for example, in the following cases:

For EU Member States that joined the EU before 1984 (i.e. before the EU implemented CITES through a common Regulation):

- The specimen was legally acquired before 1984 and was, at the time of acquisition, not listed in CITES Appendix I;
- The specimen was legally acquired before 1984 and was, at the time of acquisition, listed in CITES Appendix I but the relevant EU Member State was not a Party to CITES.

For EU Member States that joined the EU after 1984:

- The specimen was legally acquired before or after 1984, at the time a country (future EU Member State) was:
  - already a Party to CITES but had not yet joined the EU; and
  - when the species was not yet listed on CITES Appendix I.

However, the derogation for conditions of issuance of exports or re-exports does not apply when:

- the specimen was legally acquired in an EU Member State;
- at the time the species was listed in Annex A but not in CITES Appendix I; and
- when the relevant country was already a Member of the EU.

The European Community Regulations do not, therefore, include the concept of “pre-Convention” specimens, as understood by other CITES Parties. Consequently, CITES pre-Convention certificates issued by third countries are normally *not* accepted in the EU. The rules in the EU are based on the date when the provisions of the EC Wildlife Trade Regulations or CITES became applicable to the specimen in the EU Member State of concern (i.e. when the EU Member State joined CITES or became a Member to the EU), and not only on the date the species was listed in the CITES Appendices or the EU Annexes. The table in **Annex VIII** contains the details on the year of EU Membership and accession to CITES for each EU Member State that have to be taken into account when considering this derogation.

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20 Including Regulation (EEC) 3626/82 that entered into force in 1984

21 Note: If the specimen is considered a ‘worked’ specimen and has been acquired before 1 June 1947 the conditions outlined in **Chapter 4.10.3** may apply.

#### 4.10.5 Personal effects and household goods including hunting trophies

**General provisions** (Article 7 (3) of *Regulation (EC) No. 338/97*, article 57 and 58 of *Regulation (EC) No. 865/2006*)

Similar to CITES, EC Wildlife Trade Regulations contain less strict provisions and permit requirements for trade to and from the EU in specimens of species listed in the Annexes that are considered ‘personal effects and household goods’ [see definition in Article 2(j) of Regulation 338/97]. However, this only applies to specimens made of dead animals or plants contained in the personal luggage of travellers or in the personal property of a person transferring her or his normal place of residence to or from the EU. The derogation *does not apply to live animals and plants* (although live animals that are pets may obtain a special certificate – see **Chapter 4.10.9**), to goods purchased over the internet, by mail or by phone, nor to dead specimens or parts and derivatives that are to be given away as a gift or used for commercial purposes; this includes display for commercial purposes, keeping for sale, offering for sale or transport for sale. Tourist souvenirs made of dead specimens of species listed in the Annexes may fall within the scope of the definition of personal and household effects and will be subject to the provisions outlined below.

To qualify as personal effects, the goods must be carried on the person or contained in personal luggage of the traveller. Only hunting trophies (imported for non-commercial purposes) and house removal containers for persons taking up residence in the EU may be transported separately from the importer and introduced in the Community at a later date, i.e. after his or her own arrival.

**Table 10** provides an overview of the documents needed by EU residents for trade into and from the Community in specimens considered as personal effects and household goods under CITES and the EC Wildlife Trade Regulations.

There are differences in the treatment of persons normally residing in the Community or taking up residence and of persons that are residents of third countries.

Persons normally residing in or taking up residence in the Community, introducing into the Community personal or household effects which are specimens of species listed in Annex A, are required to have both an export permit and an import permit. For Annex B specimens, either an export permit issued by third countries or, in case such export permit is not issued by third countries, an import permit is required. For certain specimens general exemptions apply (see paragraph on general exemptions below).

Persons that are not normally residing in the Community do not require an import permit for personal effects of dead specimens listed in Annex A or B as long as they are not used for commercial purposes or to be given away as gift and contained in the personal luggage of the traveller. Export permits of the third countries in which the person normally resides are only needed if these are applied for by the third country subject to national legislation. When these non-residents leave the Community again, re-export certificates from the Community are not needed either.

The internal trade prohibitions of Article 8 of *Regulation (EC) No. 338/97* (see **Chapter 5.1.1-3**) disallow residents of third countries to sell Annex A specimens imported into the Community under the personal effects and household goods exemption. (For a definition of what is understood by ‘a

person normally residing in the Community' refer to the definition in Article 1(5) of *Regulation (EC) No. 865/2006*).

### **General Exemptions**

For certain items made of species listed in Annex B no documents are required for the (re-) introduction and (re-)export. That is currently the case for a maximum of:

- a) Caviar of sturgeon species (*Acipenseriformes* species) up to a maximum of 250 grams per person;
- b) Rainsticks of *Cactaceae* spp. Up to three per person
- c) Dead worked specimens of *Crocodylia* spp. (excluding meat and hunting trophies) up to four per person;
- d) Shells of *Strombus gigas*, up to three per person.

### **Introduction into the EU of hunting trophies as personal effects**

Hunting trophies that are introduced into the EU for non-commercial purposes are considered personal effects under the EC Wildlife Trade Regulations and hence similar rules apply to the import of such specimens into the EU (see **Table 10**). However, it should be noted that many of the popular hunting species are listed in Annex A of the EC Wildlife Trade Regulations and are very often also subject to national legislation in the country of origin. In addition, the Scientific Review Group has imposed import suspensions on the import of certain species that may be subject to hunting and hence trophies of these species can not be imported (no import permit being issued; see **Chapter 4.4**).

**Table 10 - Documents needed by EU residents for the trade in personal effects and household goods made of animal and plant species regulated under CITES and the EC Wildlife Trade Regulations**

<b>Annex</b>	<b>Article</b>	<b>Import into and/or export from EU</b>	<b>Documents Required:</b> <i>Issued before travelling and presented to customs officer</i>
<b>Regulation (EC) 865/ 2006</b>			
A	57(2)	<b>Introduction</b> (1 <sup>st</sup> import into the EU)	<b>Export permit</b> (issued by country of origin of specimen)* <b>and Import permit</b> (issued by an EU Member State)
A	57(4)	<b>Reintroduction</b> (returning again to the EU)	<b>“Copy for the holder”</b> of a Community export/import permit (presented at first exit from or entry in the EU) or <b>Evidence of purchase</b> in the EU (when applicable), e.g. invoice / receipt, or <b>Stamped copy of a (re-)export document</b> (presented at first entry in the EU) or <b>Import permit</b> (issued by an EU Member State)
A	58(2)	<b>Export</b> (leaving the EU for 1 <sup>st</sup> time)	<b>Export permit</b> (issued by an EU Member State) <b>and Import permit</b> (issued by country of destination)**
A	58(3)	<b>Re-export</b> (leaving the EU again)	<b>“Copy for the holder”</b> of a Community export/import permit (presented at first exit from or entry in the EU) or <b>Evidence of purchase</b> in the EU (when applicable), e.g. invoice / receipt, or <b>Stamped copy of a (re-)export document</b> (presented at first entry in the EU) or <b>Re-export certificate</b> (issued by country of re-export)
B	57(3)	<b>Introduction</b> (1 <sup>st</sup> import into the EU)	<b>Export permit</b> (issued by country of origin of specimen)* , ***
B	57(4)	<b>Re-introduction</b> (returning again to the EU)	<b>“Copy for the holder”</b> of a Community export/import permit (presented at first exit from or entry in the EU) or <b>Evidence of purchase</b> in the EU (when applicable), e.g. invoice / receipt, or <b>Stamped copy of a (re-)export document</b> (presented at first entry in the EU) or <b>Import permit</b> (issued by an EU Member State) ***
B	58(2)	<b>Export</b> (leaving the EU for 1 <sup>st</sup> time)	<b>Export permit</b> (issued by an EU Member State) ***
B	58(3)	<b>Re-export</b> (leaving the EU again)	<b>“Copy for the holder”</b> of a Community export/import permit (presented at first exit from or entry in the EU) or <b>Evidence of purchase</b> in the EU (when applicable), e.g. invoice / receipt, or <b>Stamped copy of a (re-)export document</b> (presented at first entry in the EU) or <b>Re-export certificate</b> (issued by country of re-export) ***
<b>Regulation (EC) No. 338/97</b>			
C	7(3)		<b>No permit, certificate or notification required</b>
D	7(3)		<b>No permit, certificate or notification required</b>

\* If the exporting country is not able to issue an export permit (e.g. country that is not a Party to CITES), an import permit from the EU Member State of destination should be obtained prior to importation.

\*\* The import permit is only required when the species is also listed in Appendix I of CITES

\*\*\* General exemptions apply for certain specimens of Annex B (see list in this chapter)




#### 4.10.6 Exchange between scientific institutions

Scientists and scientific institutions often exchange specimens of species listed in the CITES Appendices or in the Annexes of *Regulation (EC) No. 338/97*, as part of a non-commercial loan or donation. In order to facilitate this exchange and minimise the administrative burden, Article 7(4) of *Regulation (EC) No. 338/97* provides for simplified procedures for the movement of dead animal and plant specimens as well as for live plants, and allows the use of labels instead of permits or certificates. Annex VI of *Regulation (EC) No. 865/2006* lays down the model of the label (see **Figure 8**) and Article 52 of the same Regulation contains further details.

The label shall only be used for the movement between registered scientists and scientific institutions of non-commercial loans, donations and exchanges of herbarium specimens, preserved, dried or embedded museum specimens and live plant material for scientific study. The registration of the scientist or scientific institution must be done by the Management Authority of the Member State in which they reside.

The scientists or scientific institution will then be attributed with a unique registration number consisting of five digits to be indicated on each label. The first two digits of that number shall be the 2-letter ISO country code for the Member State concerned and the last three digits a unique number assigned to each institution by the competent Management Authority.

Figure 8 – Label provided for in Articles 2(6) and 52 of Regulation (EC) No. 865/2006

	<b>Convention on International Trade in Endangered Species of Wild Fauna and Flora</b>
	<i>Article VII (6)</i>
	<b>SCIENTIFIC MATERIAL</b>
	<b>1. Contents:</b> <div style="border: 1px solid black; height: 60px;"></div>
	<b>2. From (full name and address):</b> <div style="border: 1px solid black; height: 60px;"></div>
<b>3. Registration Number:</b>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
<b>4. To (full name and address):</b> <div style="border: 1px solid black; height: 60px;"></div>	
<b>5. Registration Number:</b>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Label No:	
----- ✂ -----	
<b>This part to be returned to the Management Authority immediately after use</b>	
<b>Registration Number of sender</b>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
<b>Registration Number of recipient</b>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
<b>Contents:</b> <div style="border: 1px solid black; height: 60px;"></div>	
Label No:	

#### **4.10.7 Simplified procedures for trade in biological samples and (re-) export of dead specimens**

##### **Pre-issued permits and certificates with regard to Trade in biological samples**

In certain circumstances, such as biomedical research or screening of fresh tissues for poisons, specimens of Annex-listed species must be prepared and shipped as fast as possible. To expedite this process, Article 18 of *Regulation (EC) No. 865/2006* provides for pre-issued permits and certificates with regard to certain trade in biological samples of specimens of species listed in the Annexes / the CITES Appendices. The type of samples covered by pre-issued permits and certificates and their use are specified in Annex XI of *Regulation (EC) No. 865/2006* (included in this Reference Guide as **Annex VII**).

Pre-issued and partially completed permits and certificates may be issued by the Management Authority to designated persons and bodies, provided that such persons and bodies have been approved by the Scientific Authority and that a register thereof is maintained by the Management Authority. The main criterion for approval by the Scientific Authority is that multiple transactions involving the biological samples would not have a harmful effect on the conservation status of the species in question.

In addition to noting the names of persons and bodies registered to use pre-issued permits and certificates, the register should also include the species that the person / body may trade under the simplified procedures. This register must be reviewed by the Management Authority every five years.

Registered persons and bodies must be empowered by the Management Authority to enter specific information on the permit / certificate providing that the Management Authority has entered into Box 23, or an appropriate annex, the following:

- a) A list of the boxes that registered persons or bodies are authorised to complete for each shipment;
- b) A place for the signature of the person who completed the document.

The container in which biological samples are shipped must also bear a label that specifies 'CITES Biological Samples' and the CITES document number.

##### **Pre-issued permits and certificates with regard to export or re-export of dead specimens**

Export or re-export of dead specimens of species listed in Annexes B and C, including parts and derivatives thereof, may also be carried out with pre-issued permits or certificates providing that such trade is otherwise in accordance with Article 5(4) and Article 5(5) of *Regulation (EC) No. 338/97* (Article 19(2) of *Regulation (EC) No. 865/2006*). The Scientific Authority must also advise that such export / re-export will not be detrimental to the conservation status of the species concerned.

Only registered persons or bodies may make use of these simplified procedures and the register of persons and bodies must be reviewed by the Management Authority every five years. No guidance is provided in Article 19 regarding which persons or bodies may benefit from the simplified

procedures; it is therefore at the discretion of the Management Authority as to who is eligible for inclusion in the list of ‘registered persons and bodies’. Registered persons and bodies must be empowered by the Management Authority to enter specific information on the permit / certificate into boxes 3, 5, 8 and 9 or 10, provided that they

- a) Sign the completed permit or certificate in box 23
- b) Immediately send a copy of the permit or certificate to the issuing Management Authority; and
- c) Maintain a record which shall be produced to the competent Management Authority on request and which shall contain details of the specimens sold (including the species name, type and source of specimen), the date of sale, and the names and addresses of the persons to whom they were sold.

#### 4.10.8 Travelling Exhibition Certificates

Travelling exhibition certificates, (Articles 30 to 36 of *Commission Regulation (EC) No. 865/2006*), are used for specimens of species listed in the Annexes that are frequently transported across borders in order to be displayed to the public in travelling exhibitions. A travelling exhibition is a sample collection, travelling circus, menagerie or a plant exhibition that is used for commercial display to the public. A travelling exhibition certificate makes travelling with Annex-listed specimens much easier because it may be used more than once providing that all conditions are met. Therefore, it precludes the need for application for CITES permits each time an international border is crossed. The type and colour of the paper used for the travelling exhibition certificates should be in accordance with Articles 3(5) and 3(6), as detailed below.

##### Type and colour of the paper used for the travelling exhibition certificates

Type of document	Form Number	Colour
Original	Form number 1	Yellow with grey guilloche
Issuing Management Authority	Form number 2	Pink
Application form	Form number 3	White
Continuation sheets & labels		White

##### Issuance of and applicability for travelling exhibition certificates

Travelling exhibition certificates are only applicable for specimens which were legally acquired and which were:

- born and bred in captivity in accordance with Articles 54 and 55;
- artificially propagated and in accordance with Article 56;
- acquired or introduced into the Community before CITES provisions or Community Regulations were applicable to them (see **Chapter 4.10.4** on ‘pre-Convention / ‘pre-Regulation’ specimens).

In the case of live animals, a travelling exhibition certificate shall cover one specimen only.

##### Use of travelling exhibition certificates

Prior to the introduction of travelling exhibition certificates in the EU Regulations in 2006, import and export permits, and re-export certificates were required for movement of specimens of species

listed in the Annexes into and from the EU. Furthermore, exemption from the prohibitions of commercial use (sale, offer for sale, display to the public for commercial purposes, etc) of Annex A specimens referred to in Article 8(1) of *Regulation (EC) No 338/97* was enabled by issuance of a certificate on a case-by-case basis where certain conditions were met. A certificate exempting the holder from the prohibitions in Article 8(1) where the specimens met the conditions outlined in Article 8(3) was issued in accordance with Article 10. Subsequently, these certificates are referred to by some Member States as ‘an Article 10’ although other Member States refer to them as ‘internal trade certificates’.

A travelling exhibition certificate replaces many of these requirements and may be used in lieu of an import permit, export permit or re-export certificate. It may also be used as an internal trade certificate, exempting the holder from the prohibition to display the specimens to the public for commercial purposes.

### **Where to get a travelling exhibition certificate and conditions when using a travelling exhibition certificate**

If the travelling exhibition originates in the Community, the applicant should apply to the Management Authority of the Member State from which the travelling exhibition originates. Detailed steps regarding application and issuance of a travelling exhibition certificate are provided in **Figure 9**.

If the travelling exhibition originates in a country outside of the Community, the Management Authority of the EU Member State that is the first country of destination for the travelling exhibition should issue the travelling exhibition certificate. In the latter case, a travelling exhibition certificate should be issued only when equivalent documentation has been provided by the country of export. **Figure 10** provides an example of the certificate.

If an animal covered by a travelling exhibition certificate gives birth whilst the exhibition is in another Member State, the Management Authority of that State must be notified and a certificate issued, or a permit issued if the specimen is to be used for purposes other than the travelling exhibition. All specimens must be uniquely and permanently marked either in accordance with Article 66 in the case of live animals— see **Chapter 7 Marking Methods**, or in a way which enables the authorities of each Member State to verify that the animal covered by the travelling exhibition certificate corresponds to the specimen.

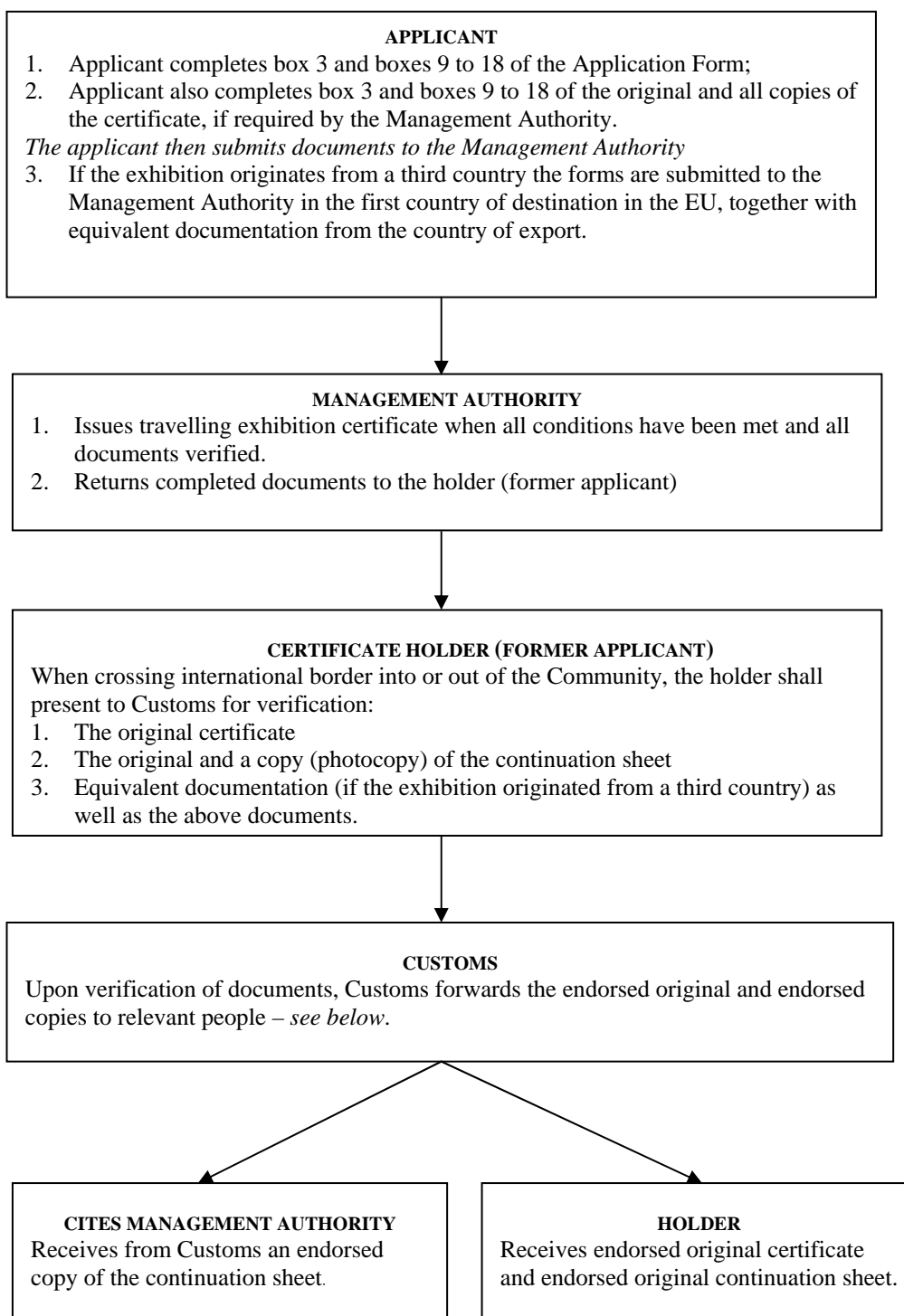
Specimens which are covered by a travelling exhibition certificate must be registered by the issuing authority unless the specimens originated from a country outside of the Community. Specimens covered by a travelling exhibition certificate must also be returned to the Member State in which they are registered prior to the expiry of the certificate unless they originated from a country outside of the Community. Where the specimens originated from outside of the Community (a third country), the certificate must include the following text in box 20 of the form:

*‘This certificate is not valid unless accompanied by an original travelling exhibition certificate issued by a third country’.*

### **Who sees the certificate**

Relevant forms for travelling exhibition certificates are provided in Annexes III and IV of the *Regulation (EC) No. 865/2006*, and also for reference as **Figure 10** of this guide.

**Figure 9 Steps involved in the application and issuance of a Travelling Exhibition Certificate**







#### **4.10.9 Personal Ownership Certificate**

Personal ownership certificates, (Articles 37 to 44 of *Commission Regulation (EC) No. 865/2006*), are used only for live animals listed in Annexes A, B or C of the EC Wildlife Trade Regulations that are held for personal non-commercial purposes. Personal ownership certificates are not issued for plants or dead animals, their parts or derivatives. A personal ownership certificate may be used more than once, providing that all conditions are met, thereby precluding the need for application for CITES permits each time an international border is crossed.

##### **Issuance of personal ownership certificates**

Personal ownership certificates may only be issued for live specimens which were legally acquired, which are for personal non-commercial use and which were:

- born and bred in captivity in accordance with Articles 54 and 55;
- acquired or introduced into the Community before CITES provisions or Community Regulations were applicable to them (see **Chapter 4.10.4** on ‘pre-Convention / ‘pre-Regulation’ specimens).

A personal ownership certificate can only cover one specimen.

##### **Use of personal ownership certificates**

A personal ownership certificate may be used in lieu of an import permit. If the country of destination agrees, it may also be used as an export permit or re-export certificate. The specimen must be accompanied by the owner when crossing an international border.

##### **Where to get a personal ownership certificate and requirements for the personal ownership certificate**

The form to be used for a personal ownership certificate is the same as for an import or export permit or a re-export certificate (see **Figure 2 and Table 7**). However, the box ‘Other’ should be crossed. Detailed steps on application and issuance are provided in **Figure 11**.

If the specimen originates from within the Community, the applicant should apply to the Management Authority of the Member State from which the specimen originates.

If the specimen originates from a country outside of the Community, the Management Authority of the EU Member State that was the first country of destination for the specimen issues the personal ownership certificate, on the condition that equivalent documentation from the country of export has been provided by the holder to that Management Authority.

In box 23 of the personal ownership certificate, or in an appropriate annex to the certificate, the following text must be inserted:

*‘Valid for multiple cross-border movements where the specimen is accompanied by its owner. Legal owner to retain original form.*

*The specimen covered by this certificate may not be sold or otherwise transferred except in accordance with Article 43 of Commission Regulation (EC) No. 865/2006. This certificate is non-transferable. If the specimen dies, is stolen, destroyed, or lost, or if it is sold or ownership of the specimen is*

*otherwise transferred, this certificate must be immediately returned to the issuing management authority.*

*This certificate is not valid unless accompanied by a continuation sheet, which must be stamped and signed by a customs official at each border crossing.*

*This certificate shall in no way affect the right of States to adopt stricter domestic measures regarding restrictions or conditions for the holding/keeping of live animals.’*

If an animal covered by a personal ownership certificate gives birth whilst in another Member State, the Management Authority of that State must be notified and a certificate issued, or a permit issued if the specimen is to be used for other purposes.

### **Conditions for a personal ownership certificate**

All live animal specimens must be uniquely and permanently marked in accordance with Article 66 – *Marking Methods* (see **Chapter 7**) in order that the authorities may verify that the animal covered by the personal ownership certificate corresponds to the animal being imported / exported.

Specimens which are covered by a personal ownership certificate must be registered by the certificate-issuing authority and returned to the Member State in which they were registered prior to the expiry of the certificate, unless they originated from a country outside of the Community. Where the specimens originated from outside of the Community (a third country), the certificate must include the following text in box 20 of the form:

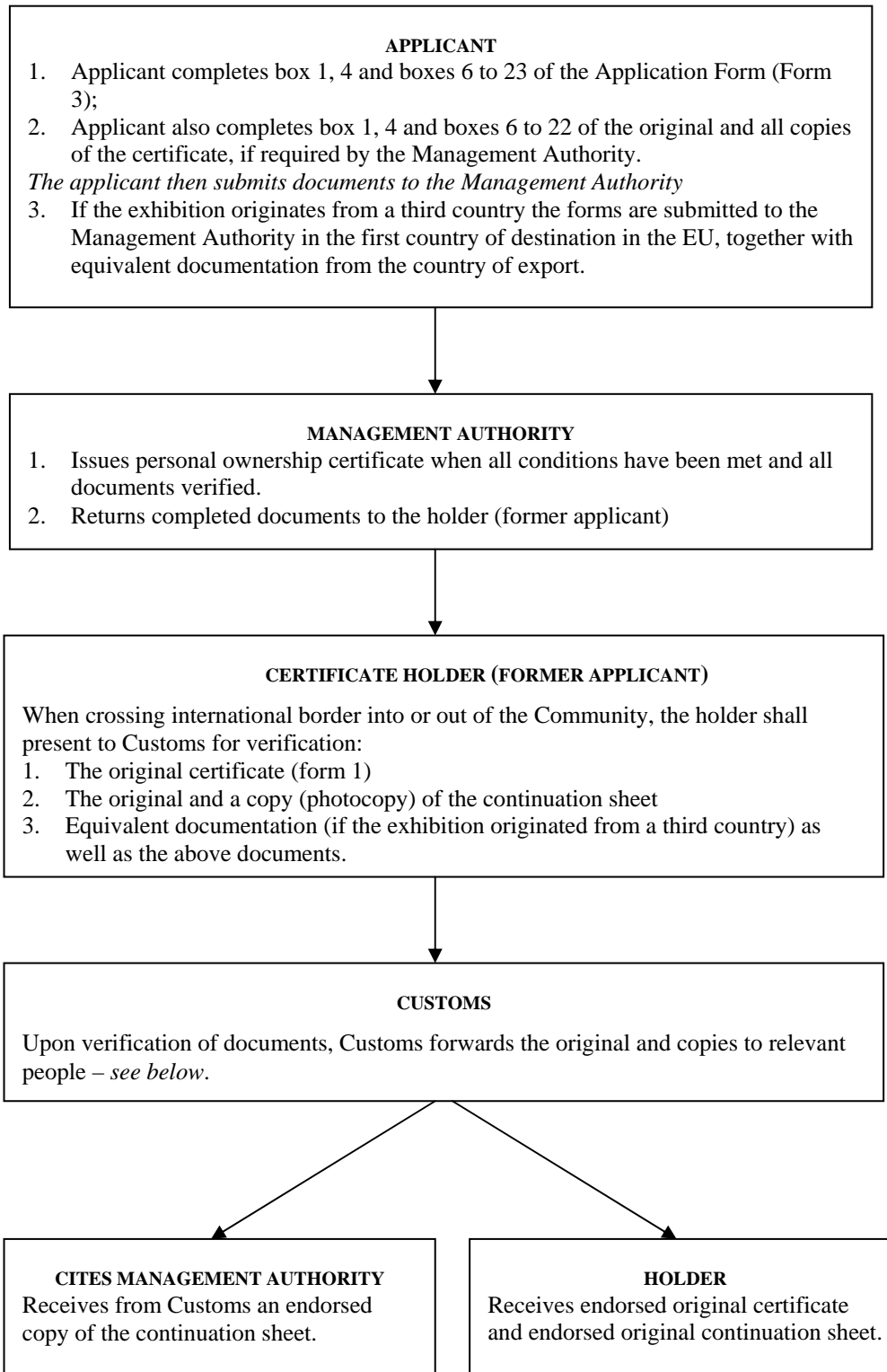
*“This certificate is not valid unless accompanied by an original personal ownership certificate issued by a third country and unless the specimen to which it relates is accompanied by its owner.”*

Specimens covered by a personal ownership certificate may not be used for commercial purposes. If the owner wishes to sell the specimen, s/he must first surrender the certificate to the issuing authority and, if the specimen is listed in Annex A, and apply to the relevant authority for a certificate in accordance with Article 8(3) of *Regulation (EC) No. 338/97* (see **Chapter 5.6**).

### **How to apply for and to whom one must show the certificate**

The forms on which personal exhibition certificates should be drawn up must conform to the model set out in Annex I and, for the continuation sheet, to the model set out in Annex IV of *Commission Regulation (EC) No. 865/2006*.

**Figure 11 Steps involved in the application and issuance of a personal ownership certificate**



## 5. Internal trade within the European Community

### 5.1 General provisions

Internal trade in the EU includes both trade within one EU Member State and trade between individual EU Member States. Due to the establishment of the EC single market, there are no internal border controls in the EU and generally goods can be moved and traded freely inside the EU. Wild specimens of species listed in Annex A are generally not allowed to be used for commercial purposes and their movement inside the EU is also regulated. For the movement of specimens of a species listed in Annex B, C or D inside the EU, no permits or certificates are needed although individual EU Member States have the power to restrict the holding of certain types of specimens (see below). However, this applies to such specimens only if they have been acquired and/or imported into the EU in accordance with the provisions of CITES, the EC Wildlife Trade Regulations and other legislation that may be applicable in an individual Member State.

#### 5.1.1 Prohibition of commercial use of Annex A species

Wild specimens of species listed in Annex A are generally not allowed to be used for commercial purposes. Article 8(1) of *Regulation (EC) No. 338/97* prohibits the following commercial activities involving Annex A specimens:

- purchase,
- offer to purchase,
- acquisition for commercial purposes,
- display to the public for commercial purposes,
- use for commercial gain
- sale,
- keeping for sale,
- offering for sale,
- transport for sale.

*NB: Article 8(2) provides that Member States may prohibit the holding of specimens and in particular of live Annex A specimens. Measures of this kind must be justifiable under the Treaty.*

#### 5.1.2 Prohibition of commercial use of Annex B species

Article 8(5) makes the prohibitions of Article 8(1) applicable to specimens of species listed in Annex B for which it cannot be proved to the satisfaction of the competent authorities of Member States that they were acquired (and, where applicable, introduced into the Community) in accordance with conservation legislation. It should be noted that this proof cannot be prescribed to take place by means of a certificate. However, certificates may be issued where the holder of Annex B specimens applies for them.

## 5.2 Specific exemptions from internal trade prohibition for Annex A

There are some exemptions from the internal trade prohibition and under certain conditions specimens of species listed in Annex A are allowed to be used for commercial purposes inside the EU. Article 8(3) of *Regulation (EC) No. 338/97* provides that a Management Authority of a Member State where the specimens are located, may grant exemptions from the prohibitions of Article 8(1)<sup>22</sup> through the issuance of a certificate (see **Figure 9** and **Figure 12**) and on a case-by-case basis. Such a specific exemption is of course not necessary for specimens subject to a general derogation under Article 8(4), see **Chapter 5.4**.

Specific exemptions from the internal trade prohibition for Annex A specimens may only be granted on the following conditions, in accordance with Article 8(3):

- a) the specimens are considered ‘pre-Convention’ or ‘pre-regulation’, i.e. were acquired in or introduced into the Community before the provisions relating to Annex A of *Regulation (EC) No. 338/97*, Annex C1 of *Regulation (EEC) 3626/82*, or Appendix I of CITES became applicable to them (see **Chapter 4.10.4**);
- b) specimens are worked specimens that were acquired before 1 June 1947 (see **Chapter 4.10.3**); NB: The above two provisions, together with the provisions of Article 4, imply that any Annex A specimen acquired outside the Community is subject to all import conditions (e.g. cannot be imported for primarily commercial purposes) and internal trade prohibitions no matter when it was acquired. The Community does therefore not recognise pre-Convention certificates issued by third countries. An exception is only made for specimens acquired before 1 June 1947, which are in addition subject to a general derogation from the provisions of Article 8(1).
- c) specimens introduced in compliance with *Regulation (EC) No. 338/97* which are to be used for non-detrimental purposes For example: an animal imported for a captive breeding programme which has become redundant can be sold for the same or another non-detrimental purpose, such as the one referred to in g) below.
- d) specimens were born and bred in captivity or artificially propagated in compliance with the criteria laid down in Article 54 and 56 of *Commission Regulation (EC) No. 865/2006* (see **Chapter 4.10.1**). See also the general derogation provided for (see **Chapter 5.4**); A certificate can only be issued if the applicant has satisfied the Management Authority, the latter having consulted the Scientific Authority, that the conditions in Article 48 and criteria in Articles 54 and 56 are met.
- e) specimens are required under exceptional circumstances for the advancement of science or essential biomedical purposes [Directive 86/609/EEC (animal experimentation) applies]. The specimens must further be of the only suitable species and there must be no captive-bred specimens available. A certificate can only be issued if the applicant has satisfied the management authority, the latter having consulted the Scientific Authority, that the conditions are met;
- f) specimens are intended for breeding/propagation from which conservation benefits will accrue to the species concerned. A certificate can only be issued if the applicant has satisfied the

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<sup>22</sup> These exemptions must be in accordance with the requirements of other Community legislation on the conservation of wild fauna and flora such as the Birds (Council Directive 79/409/EEC) and Habitats Directive (Council Directive 92/43/EEC), and other relevant national legislation.

Management Authority, the latter having consulted the Scientific Authority, that the conditions are met;

- g) specimens are intended for research or education aimed at the preservation or conservation of the species. This, together with the prohibition to display specimens to the public for commercial purposes (with the exception of travelling exhibition certificates – see point h) below), limits the transfer to and use by zoos, dolphinariums and other fauna and flora exhibitions. Such establishments must therefore either be involved in captive breeding, artificial propagation or research with conservation benefits for the species involved, or provide an educational programme aimed at the conservation of the species. The judgement of whether these requirements are met is a matter for the Scientific and Management Authorities of the Member State concerned, although the Commission can establish restrictions under Article 4(6) of *Regulation (EC) No. 338/97* (see **Chapter 4.4**);
- h) the specimens were taken legally from the wild in a Member State, i.e. in accordance with the Birds and Habitats Directives and national legislation on the conservation of the species concerned.

Furthermore, display for commercial purposes of specimens of species listed in the Annexes, which are part of a travelling exhibition, is allowed with the prior issuance of a travelling exhibition certificate (see (art 31 (3) of *Regulation (EC) No.865/2006*; see **Chapter 4.10.8**). A travelling exhibition certificate may be used as an internal trade certificate, exempting the holder from the prohibition to display the specimens to the public for commercial purposes.

Certificates are "**transaction specific**" unless the specimens covered by such certificates are uniquely and permanently marked in accordance with *Regulation (EC) No. 338/97* (see **Chapter 7**). A '**Transaction specific**' certificate is valid for specified transactions only within the territory of the issuing Member State.

In case the specimens are uniquely and permanently marked (which is in particular relevant for live vertebrates), a '**Specimen-specific**' certificate that remains with the specimen can be issued. This certificate is to be passed on to the purchaser along with the specimen at the time of the sale. Specimen-specific certificates are valid for the first and subsequent sales of a live vertebrate specimen provided that the description of the specimen (see box 4 of the certificate in **Figure 12**) has not changed. Specimen-specific certificates issued in any EU Member State are valid throughout the EU. The Management Authorities can also restrict the certificate to a specific holder. In such cases a certificate is transaction specific.

## Instructions and explanations related to the certificate (see Figure 12)

1. Complete name and full address of the holder of the certificate, not of the agent.
2. Only to be completed in case the import permit for the specimens concerned prescribes the location at which they are to be kept, or where specimens that were taken from the wild in a Member State shall be required to be kept at an authorised address. Any movement, except for urgent veterinary treatment and provided that the specimens are returned directly to their authorized location, from the location indicated shall then be subject to prior authorization from the competent management authority (see box 19).
3. The Management Authority of the Member State in which the specimens are located.
4. Description must be as precise as possible and include one of the 3-letter codes provided for in **Annex VII** to the Commission Regulation.
- 5./6. Use units mentioned in **Annex VII** to Commission Regulation.
7. I, II or III.
8. A or B.
9. Use codes in **Annex IX** of Commission Reg.
11. Country where specimens were taken from the wild, bred or propagated.
12. Only applicable where country of origin is not a Member State.
14. Only applicable for specimens originating outside the Community.
15. Details of the import permit issued by importing Member States.
16. Use name in accordance with standard references referred to in **Annex VIII** to the Commission Regulation.
17. Not available for all species, see Annexes to Council Regulation.
20. Space for the issuing authority to impose stipulations, conditions and requirements in order to ensure compliance with Community and national legislation.

**Figure 12 - Annotated certificate form**

Number and name of form	1. Holder	<b>CERTIFICATE</b> <i>Not for use outside the European Community</i>		<b>No.</b> <i>Unique number to be attributed by the issuing authority</i>
	Council Regulation (EC) No 338/97 and Commission Regulation (EC) No. 865/2006 on the protection of species of wild fauna and flora by regulating trade therein			
	2. Authorised location for live wild-taken specimens of Annex A species	3. Issuing Management Authority		
	4. Description of specimens (incl. marks, sex/date of birth for live animals)	5. Net mass (kg)	6. Quantity	
7. CITES Appendix		8. EC Annex	9. Source	
10. Country of origin				
11. Permit No		12. Date of issue		
16. Scientific name of species		13. Member State of import		
17. Common name of species		14. Document No	15. Date of issue	
18. It is hereby certified that the specimens described above:				
1 <input type="checkbox"/> were taken from the wild in accordance with the legislation in force in the issuing Member State				
2 <input type="checkbox"/> are abandoned or escaped specimens that were recovered in accordance with the legislation in force in the issuing Member State				
3 <input type="checkbox"/> are captive born-and-bred or artificially propagated specimens				
4 <input type="checkbox"/> were acquired in or introduced into the Community in compliance with the provisions of Council Regulation (EC) No 338/97.				
5 <input type="checkbox"/> were acquired in or introduced into the Community before 1 June 1997 in accordance with Council Regulation (EEC) No 3626/82.				
6 <input type="checkbox"/> were acquired in or introduced into the Community before 1 January 1984 in compliance with the provisions of CITES				
7 <input type="checkbox"/> were acquired in or introduced into the issuing Member State before the provisions of the Regulations under 4 and 5 or of CITES became applicable in this territory				
8 <input type="checkbox"/> are to be used for the advancement of science/breeding or propagation/research or education or other non-detrimental purposes				
19. This document is issued for the purpose of :				
1 <input type="checkbox"/> confirming that a specimen to be (re-) exported has been acquired in accordance with the legislation in force on the protection of the species in question				
2 <input type="checkbox"/> exempting Annex A specimens from the prohibitions relating to commercial activities listed in Article 8.1 of Regulation 338/97				
3 <input type="checkbox"/> authorising the movement within the Community of a live Annex A specimen from the location indicated in the import permit or in any certificate				
20. Special conditions				
<input type="checkbox"/> certificate valid only for holder named in box 1 (issued under Article 20.3 (e) or Article 30 of Regulation xxx/2001)				
<i>This part is either the application or the certification/authorisation. Some Member States may print originals which only contain the applicable certification/authorisation instead of "tick boxes"</i>				
Name of issuing official		Place and date		Signature and stamp



### 5.3 Trade on the Internet

The provisions of the EC Wildlife Trade Regulations also apply to “cyber trade” (on the Internet) in specimens of species listed in the Annexes. That means that specimens of Annex A species offered via the Internet by persons residing in the Community must be accompanied by valid certificates issued by the Member State in whose territory the specimen is located. Consequently, trade in Annex A species via the Internet by persons residing in the Community where the specimens are not located in the Community or where their location is unknown is not allowed.

### 5.4 General exemptions and derogations from internal trade prohibitions

The Commission can define, based on article 8(4) of *Regulation (EC) No. 338/97*, general derogations for any Annex A species from the prohibitions of commercial use and trade laid down in Article 8(1) of *Regulation (EC) No. 338/97*. There are several conditioned exemptions in which internal trade in species listed in the Annexes of *Regulation (EC) No. 338/97* is less strictly regulated. These are laid down in Articles 59 to 63 of *Regulation (EC) No. 865/2006* and cover:

- Trade between scientific institutions
- Bird species that are commonly bred in captivity in the EU
- Commercial use of artificially propagated plants listed in Annex A
- Trade in worked specimens that have been acquired before 1 June 1947 (“Antiques”)

The Commission can further define general derogations for species listed in Annex A for look-alike reasons. The Commission Regulation does not differentiate between the reasons for the general derogations it defines.

#### 5.4.1 Certificates for scientific institutions

Zoos, botanical gardens or similar establishments can be exempted from the prohibition to use Annex A specimens for commercial purposes (which includes the display of a specimen to the public) by its Management Authority (Article 60 of *Regulation (EC) No. 865/2006*). However, these exemptions can only be granted to institutions that have been approved by the Management Authority in consultation with a Scientific Authority as being involved in captive breeding, artificial propagation or research with conservation benefits for the species concerned, or if they provide an educational programme aimed at the conservation of the species. Under this exemption, a Management Authority may grant a single certificate to the scientific institution it has approved for the purpose of this exemption, which allows it to carry out any of the activities referred to in Article 8(1) of *Regulation (EC) No. 338/97* that would normally require the issue of a certificate on a case-by-case basis. If there is a prescribed location for live specimens of Annex A species, the movement of such specimens still requires prior authorisation from the Management Authority (see **Chapter 6.3**). Another limitation is that sale without a specific authorisation can only be to another scientific institutions holding a similar certificate under this exemption.

#### **5.4.2 Bird species that are commonly bred in captivity in the European Community**

No certificates are needed for specimens of captive born and bred bird species listed in Annex X of *Regulation (EC) No. 865/2006* and hybrids thereof, provided that specimens of annotated species are marked in accordance with Article 66(1) of *Regulation (EC) 865/2006* (see **Chapter 7**). At present none of the species is annotated, so marking of these species is not required.

This Annex includes bird species that are bred in such numbers that it is felt unnecessary for them to be uniquely marked. The general exemption concerned therefore represents no risk for the conservation of the species concerned, which would make the need for specific exemptions and certificates an unnecessary administrative burden. [Article 62(1) of *Regulation (EC) No. 865/2006*]

#### **5.4.3 Commercial use of artificially propagated plants listed in Annex A**

No certificates are required for internal trade in and commercial use of artificially propagated plants listed in Annex A. However, where there is doubt about the origin of the specimen, the owner may have to provide evidence of artificial propagation when he/she intends to use the plant for the commercial purposes referred to in Article 8(1) of *Regulation (EC) No. 338/97* [Article 62(2) of *Regulation (EC) No. 865/2006*].

#### **5.4.4 Trade in antiques made of species listed in the Annexes**

Worked specimens of species listed in the Annexes that were acquired more than 50 years before the Regulations entered into force (hence before 1 June 1947) are considered antiques (see also **Chapter 4.10.3**). Commercial trade in these specimens where they are from species listed in Annex A is permitted and no certificate is required to sell such specimens [Article 62(3) of *Regulation (EC) No. 865/2006*]. However, the vendor of the specimens may be asked to provide documentary evidence to the Management Authority that his/her specimen meets the conditions of a 'worked' specimen acquired before 1 June 1947.

For a definition of what type of specimen may qualify as a 'worked' specimen see **Chapter 15** and definition in Article 2(w) of *Regulation (EC) No. 338/97*.

### **5.5 The use of pre-issued certificates**

Breeders of Annex A listed animal species need a certificate if they intend to use these specimens for commercial purposes. Certificates can also be required for the parents, even if only the offspring is to be used commercially. In addition, the parents will also be subject to marking requirements (see **Chapter 7**). Article 63(1) of *Regulation (EC) No. 865/2006* allows Management Authorities to provide pre-issued certificates to breeders. These breeders must be approved by the relevant Management Authority and must maintain breeding records, which shall, on request, be produced to the competent Management Authority. Such certificates shall, in box 20, include the following statement:

'CERTIFICATE ONLY VALID FOR THE FOLLOWING TAXON / TAXA: .....

### **Pre-issued certificates for dead captive-bred / wild Annex A specimens**

A Management Authority can provide pre-issued certificates to persons that have been approved to sell dead captive-bred Annex A specimens and/or small numbers of dead specimens that were legally taken from the wild within the EU. However, traders are required to maintain records of the specimens sold and acquired, and submit an annual report to the Management Authority [Article 63(2) of *Regulation (EC) 865/2006*].

This general derogation allows for the use of pre-issued certificates by taxidermists approved for that purpose by a Management Authority.

## **5.6 The use of internal Community certificates**

### **5.6.1 Purpose of Certificates**

Internal Community / trade certificates (see **Figure 12**) are necessary for a number of purposes, and are issued in accordance with Article 10 of *Regulation (EC) No. 338/97*:

- To provide documentary evidence that an Annex A specimen acquired in one Member State and to be exported from another was taken from the wild in accordance with the legislation of the Member State of origin [*Regulation (EC) No. 338/97*, Article 5(2)(b)] (see **Chapter 4.8**).
- To provide documentary evidence for Annex A or B specimens to be re-exported that they were imported in accordance with *Regulation (EC) No. 338/97* (after 1 June 1997), *Regulation (EEC) 3626/82* (between 1 January 1984 and the last day of validity of an import permit issued under that Regulation), before 1984 in accordance with CITES, or before any of these became applicable to the species or in the Member State of acquisition (see **Chapter 4.9**).
- To grant a specific exemption from the prohibitions of Article 8(1) of *Regulation (EC) No. 338/97* (see **Chapter 5.2**).
- To authorise the movement of live specimens of Annex A species from a prescribed location (see **Chapter 6.3**).

Certificates can only be used for the purposes laid down in the Regulations and Member States cannot require the issue of certificates for any other purpose.

### **5.6.2 Other purposes for which internal Community certificates can be issued**

Article 47 of *Regulation (EC) No. 865/2006* specifies the different types of certificates to be issued by the Management Authority of the Member State in which specimens are located.

- **As documentary evidence that the specimen was legally obtained.** Such documentary evidence may be needed for the export or re-export of specimens listed in Annex A, B or C. Certificates issued for that purpose shall state that specimens:
  - (a) were taken from the wild in accordance with the legislation in force on its territory; or

- (b) are abandoned or escaped specimens that were recovered in accordance with the legislation in force on its territory; or
  - (c) were acquired in, or were introduced into the Community in accordance with the provisions of *Regulation (EC) No. 338/97*; or
  - (d) were acquired in, or were introduced into the Community before 1 June 1997 in accordance with Regulation (EEC) 3626/82; or
  - (e) were acquired in, or were introduced into the Community before 1 January 1984 in accordance with the provisions of the Convention; or
  - (f) were acquired in, or were introduced into the territory of a Member State before the provisions of the Regulations referred to in (c) or (d) or the Convention became applicable to them, or became applicable in that Member State.
- **As an exemption from the prohibition of trade in Annex A species** in accordance with Article 8(3) of *Regulation (EC) No. 338/97*, and issued in accordance with Article 10. Certificates issued for that purpose shall state that specimens of species listed in Annex A are exempted from one or more of the prohibitions of Article 8(1) because they:
    - (a) were acquired in, or were introduced into, the Community when the provisions relating to species listed in that Annex or in Appendix I to the Convention or in Annex C1 to Regulation (EEC) 3626/82 were not applicable to them; or
    - (b) originate in a Member State and were taken from the wild in accordance with the legislation in force on its territory; or
    - (c) are abandoned or escaped specimens that were recovered in accordance with the legislation in force on its territory; or
    - (d) are, or are parts of, or are derived from animals born and bred in captivity; or
    - (e) are authorised to be used for one of the purposes referred to in Article 8(3)(c) and (e) to (g) of *Regulation (EC) No. 338/97*.
  - **To authorise the movement of live Annex A specimens** from a prescribed location as referred to in Article 9 of *Regulation (EC) No. 338/97*. Certificates issued for that purpose shall state that the movement of live specimens of a species listed in Annex A from the prescribed location indicated in the import permit, or in a previously issued certificate, is authorised.

### 5.6.3 Procedures: from application to issuance of a certificate

The applicant must obtain a form for a certificate application (model laid down in Annex V to *Regulation (EC) No. 865/2006*) from the Management Authority of the Member State in which the specimens are located. Management Authorities are required to issue certificates within one month from the date of submission of a full application, but this may take longer where third parties need to be consulted. Applications must therefore be made in a timely fashion. The applicant must be informed of significant delays. It goes without saying that s/he must also be informed of the rejection of his/her application and the reasons for which it was rejected.

The procedures described in this Chapter are similar to the ones applied when dealing with imports (see **Chapter 4.3.1** and **Figure 1**) as well as exports or re-exports (see **Chapter 4.7.1** and **Figure 6**).

A certificate form for internal trade within the EU consists of

Type of document	Form Number	Colour
Original	Form number 1	Yellow with grey guilloche
Copy for the issuing authority	Form number 2	Pink
Application	Form number 3	White

Depending on the system applied in a particular Member State, the applicant either receives a full set of forms or just the application form.

**If only the application form is to be completed**, the applicant must fill in boxes 1, 2 and 4 to 19 in typescript or legibly in manuscript (ink and block capitals). Erasures and alterations should be avoided at all costs.

When a certificate is required for more than one species, the applicant must obtain and complete additional annex forms that are needed to complete the annexes to be attached to the certificate.

**If the full set of forms is to be completed**, the applicant must fill in boxes 1, 2 and 4 to 19 of the application form and boxes 1 and 4 to 18 of the original and the copy for the issuing authority. This must be done in typescript and not in manuscript. The original and copies of the certificate may not normally contain erasures and alterations and where this is the case they must be authenticated by the stamp and signature of the issuing Management Authority.

Where a certificate is required for more than one species, forms for an annex must be obtained and completed. Where an annex is attached to a certificate, this as well as the number of pages must be clearly indicated on the certificate. Each annexed page must include the number of the certificate and the signature and stamp or seal of the issuing authority.

Instructions for completing the forms are contained on the back of the application form and of the original.

The duly completed form(s) must be submitted to the Management Authority of the Member State in which the specimens are located together with all the documentary evidence and information that is necessary to allow the Management Authority to determine whether a certificate should be issued.

The payment of a fee for processing the application may be required.

For live specimens of Annex A species that are taken from the wild in a Member State and for live wild-taken specimens of Annex A species for which a location was prescribed in the import permit or an earlier certificate, the proposed address must be specified in box 2 of the application for a certificate. In the case of species with particular housing requirements, this address may then be prescribed as the only authorised location for keeping the specimens. Also see **Chapter 6.3**.

The omission of information from the application must be justified.

When an application is made for a certificate relating to specimens for which such an application has previously been rejected, the Management Authority must be informed thereof. The applicant must also be informed of the rejection of his application and the reasons thereof.

When a certificate is issued, it may contain stipulations, conditions and requirements imposed by the issuing authority in order to ensure compliance with the Community Regulations and national legislation on their implementation. The use of the document issued is without prejudice to other necessary formalities and relating documents.

## 6. Transport, keeping and movement of live specimens

### 6.1 Transport of live specimens

The transport of live animals from, to and within the Community is subject to through *Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations*. However, this does not apply to transport within the Community of animals for distances of less than 50 kilometres nor to the movement of personal pets.

Additionally, Article 9(5) of *Regulation (EC) No. 338/97* states that any live specimens that are transported into, from or within the Community or are held during any period of transit or transshipment, have to be prepared, moved and cared for in a manner such as to minimise the risk of injury, damage to health or cruel treatment and these requirements apply to all live specimens of Annex A, B, C or D.

Based on the Directive and the EC Wildlife Trade Regulation all live specimens of animal species listed in the Annexes must be transported in compliance with the *IATA Live Animals Regulations* for air transport and the *CITES Guidelines on the transport of live animals* for other modes of transport. Also in the view of sanctions on non-compliance it is essential that importers of live specimens adequately inform their (re-)exporters about these requirements.

The CITES Parties have adopted several CITES Resolutions and Decisions dealing with the transport of live animal and plant species. Among these, the most relevant is Resolution Conf. 10.21 *on the Transport of Live Animals*. With regard to the transport of live plants the Plants Committee has recently developed the *Guidelines for transport of live plant specimens* which are available at the CITES website ([www.cites.org](http://www.cites.org)).

### 6.2 Keeping of live specimens

One of the import conditions for live specimens of Annex A or B species is the availability of adequate housing facilities at the place of destination [Article 4(1)(c) and 4(2)(b) of *Regulation (EC) No. 338/97*]. For wild taken Annex A specimens the intended housing location must be specified on the application form; in the case of species with particular housing requirements this location may be prescribed as the only authorised location for keeping the specimen. For all live specimens of species listed in Annex A or B a detailed description of the intended housing facilities must be submitted together with the application in order to allow the competent authorities to judge their adequacy.

In addition, for live Annex A specimens also any subsequent housing facilities must be approved and authorised by a Scientific Authority, if a location is prescribed in the import permit or in a certificate. This, however, does not apply to live specimens of species listed in Annex B.

Nonetheless, Article 9(4) of *Regulation (EC) No. 338/97*, prescribes that the holder of live specimens of Annex B species may only relinquish the specimen to a new owner after he/she has ensured that the

intended recipient is adequately informed of the required accommodation, equipment and practices to ensure that the specimen will be properly cared for.

This provision is meant to encourage pet traders and sellers of live animals and plants to provide information on the keeping and caring of the specimens concerned to their potential customers, for example through care sheets, books and expert advice on the specific requirements of the animal or plant. Although the above provisions are mainly designed to provide for the welfare of animals, it is in fact based on conservation considerations and intended to contribute to the long-term survival of live specimens in captivity, in particular animals, and thereby reducing the replacement needs which may cause a drain on certain wild populations.

Where specimens are known to be imported for a specific purpose, e.g. sale to private individuals, the Commission can restrict imports for species that are unlikely to survive in captivity for a considerable proportion of their potential life span (see **Chapter 4.4**).

### **6.3 Movement of live specimens within the Community**

The movement of live specimens of Annex A species within the Community requires the prior authorisation by the Management Authority where the import permit or a certificate indicate the location at which the specimen must be kept (Article 9 of *Regulation (EC) No. 338/97*). However, the prescription of such a location is optional and is normally limited to wild-taken specimens of Annex A species. It must be used for specimens of species with particular housing requirements, so for example not where the purpose for import implies the frequent movement of the animals or plants concerned (e.g. for breeding exchanges or in the case of falconry).

Where a specimen is to be moved from a prescribed location, the new location for the specimens must have been approved by the Scientific Authority of the Member State concerned. If it is, the Management Authority of the Member State of the current location can issue a certificate, which authorises the movement. Where applicable, a copy thereof must be sent to the Management Authority of the other Member State.

Live animals that require urgent veterinary treatment are exempted from the requirement to obtain prior authorisation for their movement if they are returned directly to their authorised location afterwards (Article 9(3) of *Regulation (EC) No. 338/97*).

These provisions apply only to live specimens of species listed in Annex A. Live specimens of species listed in Annex B, C or D can be moved without the prior authorisation, however the transport requirements outlined in **Chapter 6.1** apply of course to all live specimens listed in the Annexes.



## 6.4 Species that pose an ecological threat

The Commission may establish restrictions on the holding and movement of live specimens of species subject to import restrictions under Article 4(6)(d) because they are known to pose an ecological threat to species that are indigenous to the Community [Article 9(6) of *Regulation (EC) No. 338/97*]. The following species are subject to an Article 4(6) import restriction, the Ruddy duck (*Oxyura jamaicensis*), the American bull frog (*Rana catesbeiana*), the red-eared terrapin (*Trachemys scripta elegans*) and Painted turtle (*Chrysemys picta*) (see **Chapter 4.4**).

## 7. Marking of specimens

There are certain specimens of species listed in the Annexes of *Regulation (EC) No. 338/97* that have to be uniquely marked, for internal EU trade control purposes (e.g. in live Annex A animals) or for the purposes of controlling trade to and from the EU (e.g. crocodylian skins and caviar). Specimens of species covered by a travelling exhibition certificate or by a personal ownership certificate are also required to be uniquely marked. Ultimately these marking requirements have been developed to prevent fraud and to curtail illegal trade in specimens and products that are controlled by the EC Wildlife Trade Regulations. For example, the details of the mark such as the unique number code have to be provided on the permit or certificate of the specimens to ensure that the specimens are indeed those referred to in the accompanying document.

### 7.1 Marking of live vertebrates listed in Annex A

All live vertebrates (mammals, birds, reptiles, amphibians and fish) listed in Annex A that are exempt from the prohibition of commercial use, for example captive-bred specimens [Article 8(3) of *Regulation (EC) No. 338/97*, see **Chapter 5.1**], must be uniquely marked in accordance with the criteria described in Article 66 of *Regulation (EC) No. 865/2006* (unless the physical properties of the specimens involved do not allow the safe application of any marking method) before an internal trade certificate can be granted for their commercial use. Furthermore marking is required for issuance of travelling exhibition certificates, personal ownership certificates or export permits with regard to live vertebrates of species in Annex A. The full details of the mark have to be provided on the permit or certificate of the specimen [Article 68(2) of *Regulation (EC) No. 865/2006*].

#### 7.1.1 Specific marking methods approved for live captive-bred Annex A animals

There are specific marking provisions for live Annex A birds and for all other live Annex A vertebrates [Article 66 of *Commission Regulation (EC) No. 865/2006*]:

- Captive born or bred Annex A birds must be marked with a uniquely marked close ring. In cases where this is not possible due to the physical or behavioural characteristics of the bird, an unalterable microchip transponder conforming to ISO Standards 11784:1996 and 11785:1996 (E) should be used.
- All other live Annex A vertebrates should be marked with an unalterable microchip transponder conforming to ISO Standards 11784:1996 and 11785:1996 (E). In cases where this is not possible due to physical or behavioural characteristics of the animal, a ring, band, tag, tattoo or another appropriate method should be used.

The marking must be undertaken with due regard to the humane care, well-being and natural behaviour of the specimens concerned [Article 67 of *Regulation (EC) No. 865/2006*], and in cases where this can not be guaranteed (e.g. for juveniles) the Management Authorities can both authorise and recognise alternative methods or procedures.

Marking methods approved in one EU Member State should be recognised by the Management Authority of another EU Member State [Article 68(1) of *Regulation (EC) No. 865/2006*]

### 7.1.2 Exemptions from the marking provisions

In some cases certain live animals are exempt from the marking requirement of Article 66, these are:

- ***Certain commonly bred bird species:*** Captive-born and bred bird species listed in Annex X of *Regulation (EC) No. 865/2006*, and hybrids thereof unless they are annotated in Annex X. At present none of the species is annotated, so marking of these species is not required. These species are bred in such numbers that it is felt unnecessary for them to be uniquely marked unless annotated. The bird species listed in Annex X are also covered by a general exemption and no specific sales certificate is needed for the commercial use of these specimens.
- ***For animal welfare reasons:*** An exception may also be made in cases where the physical properties of the animal do not allow the safe application of the required marking method. This may for example be the case for juvenile specimens. In such cases, the Management Authority may apply an alternative marking technique, as the appropriate method. In some cases the Management Authority will exempt the animal from the marking requirement and will record this on the transaction specific certificate or, where marking can be carried out at a later date, a special condition may be included, for example, specifying when the animal has to be marked. Specimen-specific certificates, travelling exhibition certificates and personal ownership certificates shall not be issued for such specimens.

### 7.1.3 The use of alternative marking methods

In cases where the required marking method (i.e. close ring for birds and microchip for all other live vertebrates) cannot be safely applied to a specimen, EU Member States can apply alternative marking methods for live Annex A vertebrates. Some Member States have developed guidelines (e.g. Italy) that specify which marking method can be used for which species and specimens, and some Member States have developed specific national legislation (e.g. Austria, Germany) with regard to the marking of live animals and the approved method to be used. In some instances, these guidelines and legislation go beyond the requirement of the EC Regulations. .

## 7.2 Marking requirements for other specimens listed in Annex A or B

In addition to the requirements outlined above, certain other specimens of species listed in Annex A or B of *Regulation (EC) No. 338/97* have to be uniquely marked before they can be imported into the EU, i.e. before the Management Authority can issue an import permit. This applies to certain live animals as well as to dead specimens and parts of these species such as skins, trophies or caviar (Article 64 of *Regulation (EC) No. 865/2006*). For these specimens the Conference of the Parties to CITES determined the approved or recommended marking method and information on these can be obtained through the relevant CITES Resolutions. This concerns the following,

- 1.

- a) specimens that derive from a CITES approved captive breeding operation<sup>23</sup> or from a ranching operation that was approved by the Conference of the Parties to the Convention<sup>24</sup>;
- b) specimens that derive from a ranching operation that was approved by the Conference of the Parties to the Convention;
- c) specimens from a population of a species listed in Appendix I to the Convention for which an export quota has been approved by the Conference of the Parties to the Convention<sup>25</sup>;
- d) raw tusks of African elephant and cut pieces thereof that are both over 20 cm in length and 1 kg in weight<sup>26</sup>;
- e) raw, tanned or finished crocodylian skins, flanks, tails, throats, feet, back strips and other parts thereof that are exported to the Community and entire raw, tanned, or finished crocodylian skins and flanks that are re-exported to the Community<sup>27</sup>;
- f) live vertebrates of species listed in Annex A to Council Regulation (EC) No 338/97 that belong to a travelling exhibition;
- g) any container of caviar (tin, jar, or box into which caviar of *Acipenseriformes* spp. is directly packed) based on the application of non reusable labels on each primary container that is imported into the Community;

2.

For all commercial activities with caviar (the purpose of Article 8(5) of Regulation (EC) No 338/97), all caviar containers (tins, jars or boxes into which caviar of *Acipenseriformes* spp. is directly packed) shall be marked in accordance with the method approved or recommended by the Conference of the Parties to the Convention, subject to the additional provisions set out in Article 66(7).

### 7.3 Caviar labelling

In April 1998, the decisions to list all species of sturgeon and paddlefish (*Acipenseriformes*) in the CITES Appendices entered into effect, covering all live specimens, as well as any parts and products derived from these species (such as caviar, meat, leather, fertilised eggs, cartilage, etc.). These specimens may only be traded in accordance with the provisions of CITES and the EC Wildlife Trade Regulations.

In April 2000, CITES Parties agreed on a universal labelling system for the identification of caviar that came into effect in the EU on 1 January 2002. The labelling system was revised in November 2002 (CITES CoP 12) and again in October 2004 in order to improve the traceability of the product (see Resolution Conf. 12.7 (Rev. CoP13) – *Conservation of and trade in sturgeons and paddlefish*). The labelling requirements for the identification of caviar are detailed in Art.66(6) of *Regulation (EC) No. 865/2006*. Under the new Resolution all primary containers, irrespective of size and including containers of repackaged caviar, must be affixed with a non-reusable label that includes a unique code (see **Figures 13 and 14**). The uniform labelling system applies to all caviar produced for commercial

23 There are only vague recommendations on the use of a uniform marking system by registered commercial breeding operations for Appendix I species and the development of marking systems that meet the requirements of the uniform marking system for ranched specimens (Resolution Conf. 12.10 (Rev. CoP 13), which is further not implemented by the Community - see **Chapter 4.10**).

24 Marking requirements currently contained in Resolution Conf. 11.16

25 Universal tagging system for crocodylian skins currently in Resolution Conf. 11.12. The marking requirements for leopard skins (hunting trophies and skins for personal use) are currently in Resolution Conf. 10.14 (Rev. CoP13) or for hunting trophies of Markor *Capra falconeri* from Pakistan in CITES Res. Conf. 10.15 (Rev. CoP12). There is no recommended marking for cheetah hunting trophies.

26 In Resolution Conf. 10.10 (Rev. CoP12)

27 In Resolution Conf. 11.12

and non-commercial purposes and includes re-packaged caviar and all caviar sold on domestic markets.

For the purposes of facilitating the marking requirements for caviar, the Management Authority must license facilities (or plants) that process, package or repackage caviar and must attribute a unique registration number to these facilities. The facilities must also maintain adequate records of the quantities of caviar imported, exported, re-exported, produced *in-situ* or stored that must be available for inspection by the management authority in the relevant Member State.

### **Requirements for caviar packaged in countries of origin**

All containers of caviar (tin, box, jar, or other container into which caviar is directly packed) produced by the countries of origin, must have a non-reusable label, regardless of their size or destination, whether domestic or international. The non-reusable label affixed by the processing or packaging plant in the country of origin (first country of export) must include the information as shown in the example below using the codes agreed in Annexes 1 and 2 of the CITES Resolution Conf. 12.7 (Rev. CoP13) (see <http://www.cites.org/eng/res/12/12-07R13.shtml>). Import and export permits and re-export certificates may only be issued when the Management Authority is satisfied that the caviar container is marked in accordance with Article 66(6) of *Regulation (EC) No. 865/2006*.

### **Figure 13 - Description of label to be affixed in the country of origin on all primary caviar containers**

HUS/W/RU/2000/xxxx/yyyy

HUS: Standard species code, here “*Huso huso*”  
W: Source code of the caviar, here “wild”  
RU: ISO code of the country of origin, here “Russian Federation”  
2000: Year of harvest, here 2000  
xxxx: Number for the processing plant  
yyyy: Lot identification number

### **Requirements for re-packaged caviar**

All containers in which caviar is repackaged must also be affixed with a new non-reusable label, regardless of its size and destination, whether it is destined for re-export or the domestic market. As required for the label affixed in the country of origin, the new label should allow authorities to trace the origin of the caviar. It must therefore contain the information shown below using the codes agreed in Annexes 1 and 2 of CITES Resolution Conf. 12.7 (Rev. CoP13) (see [www.cites.org](http://www.cites.org)).

### **Figure 14 - Description of label to be affixed in the country of re-packing on all secondary caviar containers**

PER/W/IR/2001/IT-wwww/zzzz

PER: Standard species code, here “*Acipenser persicus*”  
W: Source code of the caviar, here “wild”  
IR: ISO code of the country of origin, here “Islamic Republic of Iran”  
2001: Year of repackaging, here 2001  
IT-wwww: The official registration code of the repackaging plant, which incorporates the ISO two-letter code of the country of repackaging if different from the country of origin

zzzz: Lot identification number, or CITES export permit number, or re-export certificate number

## 8. The retrospective issuance of permits and certificates

It is possible that an importer receives an unexpected shipment at a Community border for which s/he is indicated as the consignee. If that is the case s/he must immediately inform the competent Management Authority of the relevant Member States of the arrival of the shipment. Only in exceptional cases may a Management Authority issue the relevant documents in retrospect for species listed in Annex B or C. For specimens of Annex A species, the document may only be issued if the specimens are being reintroduced into the Community (i.e. not imported for the first time) or are worked specimens that were acquired before 1 June 1947 (see **Chapter 4.10.3**).

Before doing so, however, the Management Authority must be satisfied, where appropriate in consultation with the competent authorities of the third country involved, that any of the occurred irregularities are not attributable to the (re-) exporter and/or the importer and that the transaction concerned is otherwise in compliance with the provisions of Community Regulations, the Convention and the relevant legislation of the third country involved.

It should be noted that an importer's or (re-)exporter's claim that he or she was unaware of the permit/certificate requirement is not normally an acceptable reason for the retrospective issuance of documents. This is particularly unacceptable where professionals are concerned. A private individual may have a better chance of defending his/her case and it is the Management Authority that decides. Also importers should allow sufficient time (four weeks) when applying for an import permit from EU authorities to allow its issuance prior to the arrival of the shipment.

Retrospectively issued permits and re-export certificates must clearly indicate that they have been issued retrospectively and why.

Simple declarations about the legality of exports or re-exports by authorities of the third country involved are not acceptable, nor are declarations about the validity of documents that do not meet the requirements of the Regulations and/or the provisions of CITES.

## 9. Validity of and special conditions related to permits and certificates

### 9.1 Community-wide validity

In principle, permits and certificates issued by one Member State in accordance with the EC Wildlife Trade Regulations shall be valid throughout the Community [Article 11(1) of *Regulation (EC) No. 338/97*]. This may, however, not be the case where a Member State has stricter measures in place with regard to the specimens concerned. The fact that - for Annex A or B species - import permits must be issued by the Member State of destination and export permits and re-export certificates by the Member State in which the specimens are located would seem to limit the applicability of this principle. There is, however, no provision in the Regulations to the effect that an import permit cannot be used for import into another Member State.

Imports of specimens of Annex A species can only be authorised for a specified purpose and for live specimens there may be a prescribed housing location. Such permits must therefore contain conditions and stipulations to ensure that the destination of specimens is not changed after import without prior authorisation of the relevant Management Authority. As far as Annex B specimens are concerned, there is no reason to refuse import into another Member State other than stricter national measures related to indigenous species. The necessary changes must be made in accordance with the provisions described below.

Permits and certificates shall be deemed void if it is established (by a competent authority or the Commission, in consultation with the issuing authority) that they were issued on the false premise that the conditions for their issue were met. The specimens covered by such a document must be seized and may subsequently be confiscated [Article 11(2) of *Regulation (EC) No. 338/97*].

Both Article 11(3) of *Regulation (EC) No. 338/97* and Article 8(1) of *Regulation (EC) No. 865/2006* provide that permits and certificates may stipulate conditions and requirements imposed by the issuing authority to ensure compliance with the applicable legal provisions on the implementation of the Regulations.

### 9.2 Time validity of permits and certificates

Article 10 of *Commission Regulation (EC) No. 865/2006* lays down rules with regard to the time validity of permits and certificates:

- **Import permits issued by an EU Management Authority** (and the copy for the holder) are valid for twelve months. However, they are not valid in the absence of a valid export permit or re-export certificate.
- **Export permits/Re-export certificates** (and the copy for the holder) issued by an EU Management Authority are for six months.



After their expiration, the documents shall be considered as void and are of no legal value whatsoever. The documents will also cease to be valid if the specimen is sold, lost or stolen, or if the ownership of the specimen is otherwise transferred. The holder shall return the original and all copies of expired or unused documents to the issuing management authority without undue delay.

### **9.2.1 Other certificates (Internal Community certificates, Travelling Exhibition Certificates and Personal Ownership Certificates)**

Certificates cease to be valid when the live specimens referred to have died, escaped or where any information contained in the certificate, for example with regard to its authorised location of the specimen or its unique mark, has changed and no longer reflects the actual situation. In these cases a new certificate has to be obtained by the holder. In some cases, certificates also cease to be valid when the holder of the specimens has changed, i.e. in the case of specimens required for research or breeding purposes of benefit to the conservation of the species or the exchange of specimens between scientific institutions [Article 48(1)(d) and Article 60 of *Regulation (EC) No. 865/2006*]. However, in most cases certificates are specimen-specific and no new certificate has to be issued (see **Chapter 5.2**). In the case of personal ownership certificates, if the specimen dies, is stolen, destroyed, or lost, or if it is sold or ownership of the specimen is otherwise transferred, the certificate must be immediately returned to the issuing management authority. If an animal covered by a personal ownership certificate gives birth whilst in another Member State, the Management Authority of that State must be notified and a certificate issued, or a permit issued if the specimen is to be used for other purposes (**Chapter 5.6**). Regarding travelling exhibition certificates, if an animal covered by a travelling exhibition certificate gives birth whilst the exhibition is in another Member State, the Management Authority of that State must be notified and a certificate issued, or a permit issued if the specimen is to be used for purposes other than the travelling exhibition (**Chapter 5.6**).

### **9.3 Replacement of permits and certificates**

- *Import permits, export permits and re-export certificates* can be replaced in case they have been cancelled, lost, stolen, destroyed, or expired. In that case the new permit or certificate shall indicate the number of the replaced document and the reason for the replacement in the box reserved for the entry of special conditions (box 23). When an export permit or re-export certificate has been cancelled, lost, stolen, or destroyed, the issuing Management Authority shall inform the Management Authority of the country of destination and the Secretariat of the Convention thereof [Article 12(1) and 12(2) of *Regulation (EC) No. 865/2006*].
- *Internal Community certificates* issued in accordance with Articles 46 and 48 of *Regulation (EC) No. 865/2006* can be replaced if they have been cancelled, lost, stolen, destroyed, or when the entries no longer reflect the actual situation; certificates that have been lost, stolen or destroyed can only be replaced by the authority that issued it [Article 51(3) of *Regulation (EC) No. 865/2006*].

When certificates are issued to replace an import permit, import notification or a previously issued certificate the 'old' document shall be retained by the Management Authority [Article 51(2) of *Regulation (EC) No. 865/2006*].

## 9.4 Adaptation of permits and certificates

Internal Community certificates may also be issued in cases where a shipment which is covered by an import permit, an import notification or certificate is split, or where for other reasons the entries in such a document no longer reflect the actual situation. In these cases, the Management Authority may make the necessary amendments and has to authenticate these in accordance with Article 4(2) of *Regulation (EC) No. 865/2006*, or issue one or more corresponding certificates in accordance with Article 48. However, the Management Authority must first establish the validity of the document to be replaced, where necessary in consultation with a Management Authority of another Member State. This authority must respond within a period of one week to such as request [Article 51(4) of *Regulation (EC) No. 865/2006*].

## 9.5 What makes documents invalid as evidence for legal acquisition

Certificates referred to in Articles 46 and 48 of *Regulation (EC) No. 865/2006* and copies for the holder of used import permits shall cease to be valid when the specimens referred therein died, escaped, or were destroyed, or where the information has changed. For example, a certificate will cease to be valid where the authorised location (box 2) or the unique mark (box 4) has changed. Specimen-specific certificates will not cease to be valid when the holder changes (as specified in box 1) as long as the other information contained has not changed. The copy for the holder of an import permit will also cease to be valid when the information in box 3 (importer), and for Annex A specimens, the information in box 6 (authorized location for live wild-taken specimens of Annex A species) and box 8 (description of the specimens, i.e. marks) no longer reflect the actual situation [Article 11 of *Regulation (EC) No. 865/2006*]. Such documents shall without undue delay be returned to the issuing authority which may issue a certificate reflecting such changes (see **Chapter 9.3**).

## 10. Places of introduction and export

Article 12(1) of *Regulation (EC) No. 338/97* obliges Member States to designate customs offices for carrying out the *checks and formalities* (see **Chapter 12**) required under the Regulation and to state which officers are specifically intended to deal with live specimens. The latter will necessarily have to be the same as those designated under Community veterinary legislation. The list of designated customs offices must be communicated to and published by the Commission in the Official Journal [Article 12(3) of *Regulation (EC) No. 338/97*]. The list can also be obtained from the European Commission's website under [http://ec.europa.eu/environment/cites/pdf/points\\_entry.pdf](http://ec.europa.eu/environment/cites/pdf/points_entry.pdf).

Designated offices must have sufficient and adequately trained staff. They must further have accommodation for live animals in accordance with Community legislation on the transport and accommodation of live animals. Member States must also take adequate steps with regard to accommodating live plants at designated customs offices [Article 12(2) of *Regulation (EC) No. 338/97*].

Article 12(4) of *Regulation (EC) No. 338/97* envisages that in exceptional cases a non-designated customs office may be used for introduction or (re-)export, criteria for which are to be defined by the Commission. This possibility has been created to prevent avoidable additional travel time for live animals. No provisions for the implementation of this possibility have been established so far.

It is important for checks on shipments introduced into the Community to take place at the first point of introduction irrespective of the shipment's final destination within the Community. An exception to this rule may, however, be necessary and is made possible in Article 4(7) of *Regulation (EC) No. 338/97* and Article 53 of *Regulation (EC) No. 865/2006*. Under this exception, for a shipment that is introduced into the Community and which arrives at a border custom office by sea, air, or rail and that will be dispatched by the same mode of transport and without intermediate storage to another designated customs office, the completion of the necessary checks and the presentation of the import documents shall take place at the second customs office [Article 53(1) of *Regulation (EC) No. 865/2006*].

Shipments are frequently dispatched from a first customs office at the outside border to another customs office. At that second customs office the possibilities for physical checks are normally greater because the shipment will be cleared for "free circulation". In these cases the second customs office shall require presentation of the 'copy for the holder' of an import permit or the 'copy for the importer' of an import notification and may carry out any checks it deems necessary in order to establish compliance with the provisions of *Regulation (EC) No. 338/97* and of Article 53(2) *Regulation (EC) No. 865/2006*.

# 11. Co-ordination at national and EU level between the relevant authorities

## 11.1 At the national level

### 11.1.1 Management Authorities

The complexity of the Regulations and the workload involved in the assurance of their proper implementation and enforcement requires an adequately staffed and equipped Management Authority. Its work is clearly not limited to the issue of permits and certificates, although this aspect may absorb a significant part of the available human resources. The joint development of systems for computerised issuance of documents, production of annual reports and electronic means of communication between the 27 Management Authorities and the many other actors involved in implementation and enforcement of the Regulations and CITES should be a clearly established priority.

Each Member State must at least designate one Management Authority, which shall have primary responsibility for the implementation of the Regulations and for communication with the Commission [a similar requirement exists under CITES and concerns communication with the CITES Secretariat and the (currently around 170) Parties to the Convention] [Article 13(1) of *Regulation (EC) No. 338/97*]. A representative of the primary Management Authority also represents his or her Member State in the **Committee on Trade in Wild Fauna and Flora** (the Committee), which meets three times per year (see **Chapter 11.2.1** and **Figure 15**). Member States may also include experts from other sectors in their Management Authorities, such as fisheries or timber experts, if they find this useful.

Additional Management Authorities and other competent authorities to assist in implementation may be designated, in which case the primary Management Authority shall be responsible for providing them with all information necessary for a correct application of the Regulation. Representatives of additional authorities may attend Committee meetings.

The contact details of the primary management Authorities of the 27 Member States are available at [http://europa.eu.int/comm/environment/cites/home\\_en.htm](http://europa.eu.int/comm/environment/cites/home_en.htm) and [www.cites.org](http://www.cites.org).

### 11.1.2 Scientific Authorities

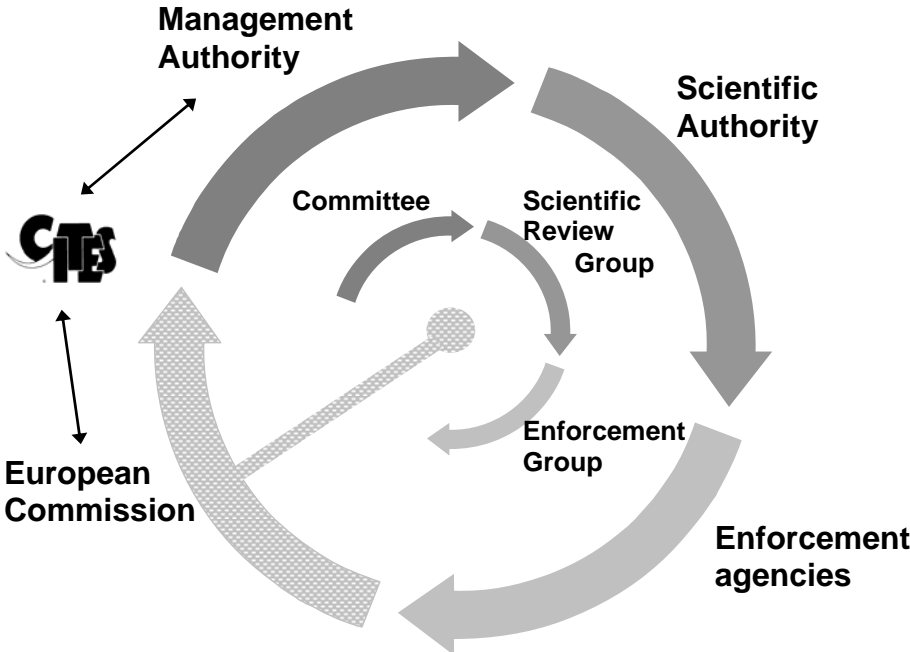
Each Member State must designate at least one Scientific Authority which must have appropriate qualifications and which duties must be separate from those of any designated Management Authority. A representative of the Scientific Authority also represents his or her Member State in the Scientific Review Group (see **Chapter 11.2.2**). Member States may also include experts from other sectors in their Scientific Authorities, such as fisheries or timber experts, if they find this useful.

Member States may have additional Scientific Authorities or as is the case in several countries have one for animals and one for plants. There are also Member States where the Scientific Authority consists of a committee of scientists from various scientific institutions. In that case the existence of a permanent secretariat would appear to be essential in order to ensure a proper co-ordination and a fixed partner for dialogue with the Commission and the Scientific Authorities of the other Member States. Participation in the Scientific Review Group by scientists involved is decided within the Scientific Authority. This may depend on the agenda and the expertise required to ensure a proper scientific input.

In this context it is worth looking at the content of CITES Resolution Conf. 10.3 *Designation and role of Scientific Authorities*. The absence of a properly designated and notified Scientific Authority may lead third countries to refuse imports. The Resolution further contains useful recommendations on the tasks to be carried out by the Scientific Authority under the Convention.

It is, however, important to note that the Regulations - and Article 4 of *Regulation (EC) No. 338/97* in particular - contain a large number of additional tasks to be carried out. The most significant example is the need for Scientific Authorities to be able to provide the Management Authority with advice on the conservation aspects regarding potential imports of around 4,000 animal species and over 22,000 plant species.

**Figure 15 Co-operation and co-ordination between the different institutions at EU and national level**



### 11.1.3 Enforcement Authorities

Normally there are several authorities in each EU Member State that are responsible for the enforcement and monitoring of the compliance with the provisions of the Regulations, including customs, police and environmental inspection services. These authorities must take the appropriate steps to ensure compliance or to instigate legal action if they have reason to believe that provisions are being infringed.

## 11.2 At the European level

### 11.2.1 The Committee on Wildlife Trade

Article 18 of *Regulation (EC) No. 338/97* establishes a *Committee on Trade in Wild Fauna and Flora* that consists of representatives of Member States' Management Authorities and is chaired by a representative of the Commission. The Committee meets approximately three times a year in Brussels and decides on measures to improve the implementation of the EC Wildlife Trade Regulations. The meeting agenda and summaries can be obtained from the European Commission's CITES website [http://europa.eu.int/comm/environment/cites/home\\_en.htm](http://europa.eu.int/comm/environment/cites/home_en.htm).

Many of the Articles of *Regulation (EC) No. 338/97* refer implementation issues to measures to be adopted by the Commission in accordance with the Committee procedure. Proposals for such measures require a positive opinion from the Committee that is established by a qualified majority. In the absence of a positive opinion from the Committee, the Commission must immediately submit its proposal to the Council.

In this case, the Regulation provides for two different procedures:

- For measures related to issues mentioned in Article 19(1) and (2) of *Regulation (EC) No. 338/97* (all of the necessary provisions of an administrative nature and Article 4(6) import restrictions) the Commission can adopt the proposed measures if the Council has not acted (by qualified majority) within three months from the date of their referral to the Council.
- For measures related to issues mentioned in Article 19(3) and (4) [amendments to the Annexes and measures to implement CITES Resolutions and recommendations on issues not covered in 19(1) and (2)], the Commission can do the same, but within the 3-month period the Council can decide against the proposed measures by a simple majority.

### 11.2.2 The Scientific Review Group

Article 17 of *Regulation (EC) No. 338/97* establishes a *Scientific Review Group* (SRG) that consists of representatives of each Member State Scientific Authority and is chaired by a representative of the Commission. The SRG meets approximately three times a year in Brussels and examines all scientific questions related to the application of the EC Wildlife Trade Regulations. It also assesses whether trade has a harmful effect on the conservation status of species. The meeting agenda and summaries can be obtained from the EU Commission's CITES website

[http://europa.eu.int/comm/environment/cites/home\\_en.htm](http://europa.eu.int/comm/environment/cites/home_en.htm).

The SRG can also form opinions on whether or not imports of certain species from a particular country of origin comply with the conditions set out in the Regulations (see **Chapter 4.4**). In cases where a negative opinion is established by the Commission based on the advice of the SRG, import of the particular specimens from a certain country of origin will not be allowed. Opinions of the Scientific Review Group are to be conveyed to the Committee by the Commission.

### **11.2.3 The Enforcement Group**

Article 14(3) of *Regulation (EC) No. 338/97* establishes the *Enforcement Group* that consists of representatives of Member States authorities in charge of wildlife trade controls (e.g. customs, police services and environmental inspectorates) and is chaired by a representative of the Commission. The Enforcement Group meets twice a year in Brussels and its task is to examine any technical questions relating to the enforcement of the Regulations, either on the initiative of the chairman or at the request of a member of the group or the Committee. The meeting agenda is available on the European Commission's CITES website [http://europa.eu.int/comm/environment/cites/home\\_en.htm](http://europa.eu.int/comm/environment/cites/home_en.htm). Opinions of the Enforcement Group are to be conveyed to the Committee by the Commission.

### **11.2.4 The European Commission**

The European Commission ensures the implementation of the EC Wildlife Trade Regulations in co-operation with the Member States. One of the main roles of the Commission is to prepare proposals for CITES legislation. Representatives of the Commission chair the meetings of the Committee, Scientific Review Group and the Enforcement Group. The Commission facilitates communication between Member States and also communicates with third Parties. The Commission ensures that the EU Member States act on the basis of a common position at meetings of the CITES CoPs.

## 12. Enforcement

There are several Articles of *Regulation (EC) No. 338/97* that deal with aspects of enforcement and the co-ordination thereof. These are, for example, Articles 14 (Monitoring of compliance and investigation of infringements), 15 (Communication of information) and 16 (Sanctions).

The competent authorities of the Member States are responsible for monitoring compliance with the provisions of the Regulations [Article 14(1)(a)]. These authorities must take the appropriate steps to ensure compliance or to instigate legal action if they have reason to believe that provisions are being infringed [Article 14(1)(b)]. The Commission and (where CITES-listed species are concerned) the CITES Secretariat must be informed of any steps taken in relation to significant infringements of the Regulation. These significant cases include seizures and confiscations [Article 14(1)(c)].

The Commission in its turn can draw the attention of the competent authorities of the Member States to matters where it considers investigation necessary. The result of any subsequent investigation must be provided to the Commission and, where appropriate, to the CITES Secretariat [Article 14(2)].

Article 15 more generally addresses communication and requires that Member States and the Commission shall communicate to one another the information necessary to implement the Regulation. The Commission must further communicate with the CITES Secretariat to ensure that CITES is effectively implemented throughout the territory to which the Regulations apply.

Article 14(3) of *Regulation (EC) No. 338/97* establishes the Enforcement Group, which consists of representatives of each Member State's authorities with responsibility for monitoring compliance with the Regulations (see **Chapter 11.2**).

Article 16 is one of the most significant assets of *Regulation (EC) No. 338/97* where enforcement is concerned. It provides that Member States shall take appropriate measures to ensure the imposition of sanctions for infringements and contains a minimum list of infringements to be sanctioned. It further provides that **sanctions shall be appropriate to the nature and gravity of infringements and must include provisions on seizure and confiscation.**

Article 16(3) of *Regulation (EC) No. 338/97* provides that, where specimens are confiscated, they shall be entrusted to a competent authority of the Member State concerned which shall - after consultation with its Scientific Authority - place or otherwise dispose of them under appropriate conditions, which are consistent with the purposes and provisions of CITES and the Regulations. According to Article 8(6) of *Regulation (EC) No. 338/97*, confiscated specimens of Annex B, C or D species may be sold by the competent authorities of the Member States, provided they are not directly returned to those from which they were confiscated or who were party to the offence. They may then be treated as legally acquired specimens.

Live specimens may, after consultation with the State of export, be returned to that state at the expense of the convicted person [*Regulation (EC) No. 338/97*, Article 16(3)(b)].



Article 16(4) of *Regulation (EC) No. 338/97* finally provides that live specimens of Annex B or C species arriving without valid permits or certificates must be seized/confiscated, or that - where the consignee refuses to acknowledge the specimens - the competent authority may require the carrier to return the specimens to the place of departure.

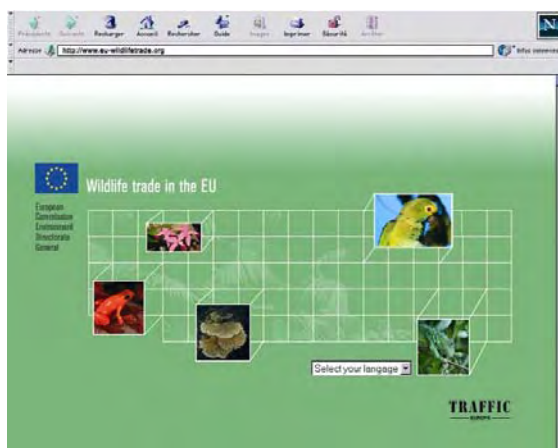
The CITES Conference of the Parties devoted a lot of attention to the confiscation and disposal of confiscated specimens and adopted comprehensive recommendations on the issue which can currently be found in Resolutions Conf. 9.9, Conf. 9.10 (Rev. CoP13) and Conf. 10.7. The latter contains the very detailed CITES Guidelines for the disposal of confiscated live specimens.

## 13. Public awareness

Article 15(1) of *Regulation (EC) No. 338/97* requires the Commission and the Member States to ensure that the public is sufficiently informed of the provisions regarding implementation of CITES and Community Regulations.

Article 12(4) specifically provides that Member States shall ensure that the public is informed of the implementing provisions at border crossing points.

The financing by the European Commission of the TRAFFIC Europe/WWF information campaign in 2003 regarding the implementation of the Regulations was a significant step towards a greater public awareness of the Community's regulations on wildlife trade. The campaign has resulted in the availability of information material in the form of leaflets, posters, brochures, in-flight materials such as magazine articles/ads and videos. A significant element of the campaign is the information provided to travellers via display/exhibition units at international airports.



In 2003, the website [www.eu-wildlifetrade.org](http://www.eu-wildlifetrade.org) was launched by the European Commission and TRAFFIC Europe. This website is the result of a publicity initiative targeting commercial stakeholders involved in wildlife trade in the EU. The website is accessible in all relevant languages of the Community (as of July 2006) although pdf files on the website are available only in English, French and German. It contains information on the regulation of wildlife trade in the EU, including permit requirements, national legislation as well as information on marking, captive breeding, keeping of live specimens and other welfare aspects.

In addition to this several Member States, often in co-operation with non-governmental organisations, have undertaken similar campaigns at national level or contributed in different forms to raising the public awareness regarding the EC Wildlife Trade Regulations and CITES. Further information can be found in the biennial reports of the Member States or obtained directly from the relevant authorities (for contact details see [http://europa.eu.int/comm/environment/cites/home\\_en.htm](http://europa.eu.int/comm/environment/cites/home_en.htm)).

## 14. Annual and biennial reports

Each Management Authority is required to report annually on all trade in specimens of species covered by the EC Wildlife Trade Regulations. These reports are called the 'Annual Report'. Every two years an additional report, the 'Biennial Report' must be submitted reporting on legislative, regulatory and administrative measures adopted by the country to implement and enforce the regulations. The annual report on the Community's trade in wildlife covered by the EC Wildlife Trade Regulations and the Biennial reports of the Member States are published via the Commission website [http://europa.eu.int/comm/environment/cites/info\\_en.htm](http://europa.eu.int/comm/environment/cites/info_en.htm).

### 14.1 Annual reports

Article 15(4) of *Regulation (EC) No. 338/97* prescribes that the Management Authorities of the Member States shall submit their annual report referred to in Article VIII(7)(a) of CITES for the previous year to the Commission before 15 June each year. The Commission must publish an annual report on Community trade in wildlife covered by the Regulations by the Commission before 31 October of each year. Member States must report on trade in CITES and non-CITES species listed in the Annexes.

Article 69 of *Regulation (EC) No. 865/2006* provides further details on the information that must be contained in these reports:

The reports shall contain information on imports into as well as exports and re-exports from the Community that have taken place on the basis of permits and certificates issued by CITES Management Authorities, irrespective of the actual place of introduction or (re)export. The information shall be submitted in a computerised form and in accordance with the Guidelines for the preparation and submission of CITES annual reports issued by the CITES Secretariat<sup>28</sup>. These reports shall include data on imports into, exports and re-exports from the Community that have taken place on the basis of permits and certificates issued by their Management Authority. The annual report shall also include information on seized and confiscated shipments.

The information shall be presented in two separate parts:

1. on imports, exports and re-exports of specimens of species listed in the Appendices to the Convention and
2. on imports, exports and re-exports of specimens of other species listed in Annex A, B or C to *Regulation (EC) No. 338/97* and on the introduction into the Community of specimens of species listed in Annex D.

With regard to imports of shipments containing live animals, Member States shall - where possible - maintain records of the percentage of specimens of species listed in Annex A or B to *Regulation (EC) No. 338/97* which were dead at the time of introduction into the Community. The information shall be communicated to the Commission for each calendar year before 15 June of the following year on a

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<sup>28</sup> The guidelines concerned are contained in the CITES Secretariat Notification to the Parties No 2006/030 of 2 May 2006.

species-by-species basis and per country of (re-)export.

## 14.2 Biennial reports

Article 15(4)(c) of *Regulation (EC) No. 338/97* also requires that every two years Member States prepare a biennial report, as also required in Article VIII(7)(b) of CITES. The biennial reports shall include details on legislative, regulatory and administrative measures taken to implement and enforce the provisions of the EC Wildlife Trade Regulations [Article 15(4)(c) of *Regulation (EC) No. 338/97*].

The biennial reports must reach the Commission before 15 June every second year. The Commission establishes the format for the biennial reports, based on the guidelines issued by the CITES Secretariat<sup>29</sup>, and subsequent additional guidelines for information to be submitted under the EC wildlife trade regulations.

The first biennial report was due on 15 June 1999, so biennial reports are due every other year. The Commission is to publish the biennial reports via its website at:  
[http://europa.eu.int/comm/environment/cites/home\\_en.htm](http://europa.eu.int/comm/environment/cites/home_en.htm).

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<sup>29</sup> The guidelines concerned are contained in the CITES Secretariat Notification to the Parties No 2005/035 of 6 July 2005

## 15. Definitions

Article 2 of *Regulation (EC) No. 338/97* contains the following definitions:

- (a) '**Committee**' shall mean the Committee on Trade in Wild Fauna and Flora, established under Article 18;
- (b) '**Convention**' shall mean the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- (c) '**country of origin**' shall mean the country in which a specimen was taken from the wild, captive-bred or artificially propagated;
- (d) '**import notification**' shall mean the notification given by the importer or his agent or representative, at the time of the introduction into the Community of a specimen of a species included in Annex C or D, on a form prescribed by the Commission in accordance with the procedure laid down in Article 18;
- (e) '**introduction from the sea**' shall mean the introduction into the Community of any specimen which was taken in and is being introduced directly from the marine environment not under the jurisdiction of any State including the airspace above the sea and the sea-bed and subsoil beneath the sea;
- (f) '**issuance**' shall mean the completion of all procedures involved in preparing and validating a permit or certificate and its delivery to the applicant;
- (g) '**management authority**' shall mean a national administrative authority designated, in the case of a Member State, in accordance with Article 13(1)(a) or, in the case of a third country party to the Convention, in accordance with Article IX of the Convention;
- (h) '**Member State of destination**' shall mean the Member State of destination mentioned in the document used to export or re-export a specimen; in the event of introduction from the sea, it shall mean the Member State within whose jurisdiction the place of destination of the specimens lies;
- (i) '**offering for**' shall mean offering for sale and any action that may reasonably be construed as such, including advertising or causing to be advertised for sale and invitation to treat;
- (j) '**personal or household effects**' shall mean dead specimens, parts and derivatives thereof, that are the belongings of a private individual and that form or are intended to form part of his normal goods and chattels;
- (k) '**place of destination**' shall mean the place at which, at the time of introduction into the Community, it is intended that the specimens will normally be kept; in the case of live

specimens, this shall be the first place where specimens are intended to be kept following any period of quarantine or other confinement for purposes of sanitary checks and controls;

- (l) **'population'** shall mean a biologically or geographically distinct total number of individuals;
- (m) **'primarily commercial purposes'** shall mean all purposes whose non-commercial aspects do not clearly predominate;
- (n) **'re-export from the Community'** shall mean the export from the Community of any specimen that has previously been introduced;
- (o) **'re-introduction into the Community'** shall mean the introduction into the Community of any specimen that has previously been exported or re-exported;
- (p) **'sale'** shall mean any form of sale. For the purposes of the Regulation, hire, barter or exchange shall be regarded as sale; cognate expressions shall be similarly construed;
- (q) **'scientific authority'** shall mean a scientific authority designated, in the case of a Member State, in accordance with Article 13(1)(b) or, in the case of a third country party to the Convention, in accordance with Article IX of the Convention;
- (r) **'Scientific Review Group'** shall mean the consultative body established under Article 17;
- (s) **'species'** shall mean a species, subspecies or population thereof;
- (t) **'specimen'** shall mean any animal or plant, whether alive or dead, of the species listed in Annex A, B, C or D, any part or derivative thereof, whether or not contained in other goods, as well as any other goods which appear from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be or to contain parts or derivatives of animals or plants of these species, unless such parts or derivatives are specifically exempted from the provisions of this Regulation or from the provisions relating to the Annex in which the species concerned is listed by means of an indication to that effect in the Annex concerned.

A specimen will be considered to be a specimen of a species listed in Annex A, B, C or D if it is, or is part of or derived from, an animal or plant at least one of whose 'parents' is of a species so listed. In cases where the 'parents' of such animal or plant are of species listed in different Annexes, or of species only one of which is listed, the provisions of the more restrictive Annex shall apply. However, in the case of specimens of hybrid plants, if one of the 'parents' is of a species listed in Annex A, the provisions of the more restrictive Annex shall apply only if that species is annotated to that effect in the Annex;

- (u) **'trade'** shall mean the introduction into the Community, including introduction from the sea, and the export and re-export there from, as well as the use, movement and transfer of possession within the Community, including within a Member State, of specimens subject to the provisions of this Regulation;

- (v) ***'transit'*** shall mean the transport of specimens between two points outside the Community through the territory of the Community which are shipped to a named consignee and during which any interruption in the movement arises only from the arrangements necessitated by this form of traffic;
- (w) ***'worked specimens that were legally acquired more than fifty years previously'*** shall mean specimens that were significantly altered from their natural raw state for jewellery, adornment, art, utility, or musical instruments more than 50 years before the entry into force of this Regulation and that have been, to the satisfaction of the management authority of the Member State concerned, acquired in such conditions. Such specimens shall be considered as worked only if they are clearly in one of the aforementioned categories and require no further carving, crafting or manufacture to affect their purpose.
- (x) ***'checks at the time of introduction, export, re-export and transit'*** shall mean documentary checks on the certificates, permits and notifications provided for in this Regulation and - in cases where Community provisions so provide or in other cases by representative sampling of the consignments - examination of the specimens, where appropriate accompanied by the taking of samples with a view to analysis or more detailed checks.

Article 1 of *Regulation (EC) No. 865/2006* contains additional definitions:

- (a) ***'date of acquisition'*** means the date on which a specimen was taken from the wild, born in captivity or artificially propagated
- (b) ***'second-generation offspring'*** (F2) and “subsequent generation offspring (F3, F4, etc.)” shall mean specimens produced in a controlled environment from parents that were also produced in a controlled environment (first-generation (F1) specimens that are produced in a controlled environment from parents at least one of which was conceived in or taken from the wild are not covered by this definition);
- (c) ***'breeding stock'*** means all the animals in a breeding operation that are used for reproduction;
- (d) ***'a controlled environment'*** means an environment that is manipulated for the purpose of producing animals of a particular species, that has boundaries designed to prevent animals, eggs or gametes of the species from entering or leaving the controlled environment, and the general characteristics of which may include but are not limited to: artificial housing, waste removal, health care, protection from predators and the artificial supply of food.
- (e) ***'a person normally residing in the Community'*** means a person who lives in the Community for at least 185 days in each calendar year because of occupational ties, or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he/she is living.
- (f) ***'travelling exhibition'*** means a sample collection, travelling circus, menagerie, or plant exhibitino that is used for commercial display for the public.

- (g) *'transaction-specific certificates'* means certificates issued in accordance with Article 48 that are valid for specified transactions only within the territory of the issuing Member State.
- (h) *'specimen-specific certificates'* means certificates other than transaction-specific certificates that are issued in accordance with Article 48.



## 16. Annexes

<b>Annex I</b>	<b>Codes to be included in the description of specimens and units of measure to be used in permits and certificates pursuant to Article 5 (1) and (2)</b>
<b>Annex II</b>	<b>Standard references for nomenclature to be used pursuant to Article 5 (4) to indicate scientific names of species in permits and certificates</b>
<b>Annex III</b>	<b>Codes for the indication in permits and certificates of the purpose of a transaction, referred to in Article 5 (5)</b>
<b>Annex IV</b>	<b>Codes for the indication in permits and certificates of the source of specimens, referred to in Article 5 (6)</b>
<b>Annex V</b>	<b>Animal species referred to in Article 62(1) of <i>Regulation (EC) No. 865/2006</i></b>
<b>Annex VI</b>	<b>Guidelines on Duties and Tasks of the Scientific Authorities and Scientific Review Group</b>
<b>Annex VII</b>	<b>Types of biological samples referred to in Article 18 and their use</b>
<b>Annex VIII</b>	<b>Date of EU Membership and CITES Accession for the 27 EU Member States</b>
<b>Annex IX</b>	<b>Correlation Table for <i>Regulation (EC) No. 1808/2001</i> with <i>Regulation (EC) No. 865/2006</i></b>
<b>Annex X</b>	<b>Table of Articles in <i>Regulation (EC) No. 865/2006</i></b>

**Annex I**      **Codes to be included in the description of specimens and units of measure to be used in permits and certificates pursuant to Article 5 (1) and (2)**

Description	Code	Preferred units	Alternative units	Explanation
Bark	BAR	Kg		Tree bark (raw, dried or powdered; unprocessed)
Body	BOD	Number	Kg	Substantially whole dead animals, including fresh or processed fish, stuffed turtles, preserved butterflies, reptiles in alcohol, whole stuffed hunting trophies, etc.
Bone	BON	kg	no.	Bones, including jaws
Calipee	CAL	kg		Calipee or calipash (turtle cartilage for soup)
Carapace	CAP	no.	Kg	Raw or unworked whole shells of Testudinata species
Carving	CAR	kg	m <sup>3</sup>	Carvings (including wood, and including finished wood products such as furniture, musical instruments and handicrafts). NB: there are some species from which more than one type of product may be carved (e.g. horn and bone); where necessary, the description should therefore indicate the type of product (e.g. horn carving)
Caviar	CAV	kg		Unfertilized dead processed eggs from all species of Acipenseriformes; also known as roe
Chips	CHP	Kg		Chips of timber, especially <i>Aquilaria malaccensis</i> and <i>Pterocarpus santalinus</i>
Claw	CLA	no.	Kg	Claws - e.g. of Felidae, Ursidae or Crocodylia (NB: 'turtle claws' are usually scales and not real claws)
Cloth	CLO	m <sup>2</sup>	Kg	Cloth - If the cloth is not made entirely from the hair of a CITES species, the weight of hair of the species concerned should instead, if possible, be recorded under 'HAI'
Coral (raw)	COR	kg	no.	Dead coral and coral rock, NB: the trade should be recorded by number of pieces only if the coral specimens are transported in water.
Culture	CUL	no. of flasks, etc.		Cultures of artificially propagated plants
Derivatives	DER	kg/l		Derivatives (other than those included elsewhere in this table)
Dried plant	DPL	no.		Dried plants - e.g. herbarium specimens
Ear	EAR	no.		Ears - Usually elephant
Egg	EGG	no.	Kg	Whole dead or blown eggs, (see also 'caviar')
Egg (live)	EGL	no.	Kg	Live eggs - usually birds and reptiles but includes fish and invertebrates
Eggshell	SHE	g/kg		raw or unworked eggshell except whole eggs
Extract	EXT	kg	L	Extract - usually plant extracts
Feather	FEA	kg/no. of wings	no.	Feathers - in the case of objects (e.g. pictures) made of feathers, record the number of objects
Fibre	FIB	kg	M	Fibres - e.g. plant fibre but includes strings of tennis rackets
Fin	FIN	kg		Fresh, frozen or dried fins and parts of fins
Fingerlings	FIG	kg	No.	Juvenile fish of one or two years of age for the aquarium trade, hatcheries or for release operations
Flower	FLO	kg		Flowers
Flower pot	FPT	no.		Flower pots made from parts of a plant, e.g. treefern fibres (NB: live plants traded in so-called 'community pots' should be recorded as 'live plants', not as flower pots)
Frogs' legs	LEG	kg		Frog legs

Fruit	FRU	kg		Fruit
Foot	FOO	no.		Feet - e.g. elephant, rhinoceros, hippopotamus, lion, crocodile, etc.
Gall	GAL	kg		Gall
Gall bladder	GAB	no.	Kg	Gall bladder
Garment	GAR	no.		Garments - including gloves and hats but not shoes. Includes trimming or decoration on garments
Genitalia	GEN	kg	no.	Castrates and dried penes
Graft rootstock	GRS	no.		Graft rootstocks (without the grafts)
Hair	HAI	kg	G	Hair – includes all animal hair, e.g. of elephant, yak, vicuña, guanaco
Horn	HOR	no.	Kg	Horns – includes antlers
Leather product (small)	LPS	no.		Small manufactured products of leather, e.g. belts, braces, bicycle saddles, cheque book or credit card holders, earrings, handbags, key fobs, notebooks, purses, shoes tobacco pouches, wallets, watch-straps
Leather product (large)	LPL	no.		Large manufactured products of leather - e.g. briefcases, furniture, suitcases, travel trunks
Live	LIV	no.		Live animals and plants. Specimens of live coral transported in water should be recorded by number of pieces only.
Leaf	LVS	no.	Kg	Leaves
Logs	LOG	m <sup>3</sup>		All wood in the rough, whether or not stripped of bark or sapwood, or roughly squared, for processing notably into sawn wood, pulpwood or veneer sheets. NB: trade in logs of special purpose timbers traded by weight (e.g. lignum vitae, <i>Guaiacum</i> spp.) should be recorded in kg.
Meat	MEA	kg		Meat, includes flesh of fish if not whole, (see 'body')
Medicine	MED	kg/l		Medicine
Musk	MUS	g		Musk
Oil	OIL	kg	L	Oil - e.g. from turtles, seals, whales, fish, various plants
Piece - bone	BOP	kg		Pieces of bone, not manufactured
Piece - horn	HOP	kg		Pieces of horn, not manufactured - includes scrap
Piece - ivory	IVP	kg		Ivory pieces, not manufactured - includes scrap
Plate	PLA	m <sup>2</sup>		Plates of fur-skins – includes rugs if made of several skins
Powder	POW	kg		Powder
Root	ROO	no.	Kg	Roots, bulbs, corms or tubers
Sawn wood	SAW	m <sup>3</sup>		Wood simply sawn lengthwise or produced by a profile-chipping process; normally exceeds 6 mm in thickness. NB: trade in sawn wood of special purpose timbers traded by weight (e.g. lignum vitae, <i>Guaiacum</i> spp.) should be recorded in kg.
Scale	SCA	kg		Scale – e.g. of turtle, other reptiles, fish, pangolins
Seed	SEE	kg		Seeds
Shell	SHE	no.	Kg	Raw or unworked shell of molluscs
Side	SID	no.		Sides or flanks of skins; does not include crocodilianTinga frames (see under 'skin')
Skeleton	SKE	no.		Substantially whole skeletons
Skin	SKI	no.		Substantially whole skins, raw or tanned, including crocodilian Tinga frames
Skin piece	SKP	no.		Skin pieces - includes scraps, raw or tanned
Skull	SKU	no.		Skulls
Soup	SOU	kg	L	Soup - e.g. of turtle
Specimen	SPE	kg/l/ml		Scientific specimens - includes blood, tissue, (e.g.

(scientific)				kidney, spleen, etc.) histological preparations, etc.
Stem	STE	no.	Kg	Plant stems
Swim bladder	SWI	kg		Hydrostatic organ, including isinglass/ sturgeon glue
Tail	TAI	no.	Kg	Tails - e.g. of caiman (for leather) or fox (for garment trimming, collars, boas, etc.)
Tooth	TEE	no.	Kg	Teeth – e.g. of whale, lion, hippopotamus, crocodile, etc.
Timber	TIM	m <sup>3</sup>	Kg	Raw timber except saw-logs and sawn wood
Trophy	TRO	no.		Trophy - all the trophy parts of one animal if they are exported together: e.g. horns (2), skull, cape, backskin, tail and feet (i.e. ten specimens) constitute one trophy. But if, for example, the skull and horns are the only specimens of an animal that are exported, then these items together should be recorded as one trophy. Otherwise the items should be recorded separately. A whole stuffed body is recorded under "BOD". A skin alone is recorded under "SKI".
Tusk	TUS	no.	Kg	Substantially whole tusks, whether or not worked. Includes tusks of elephant, hippopotamus, walrus, narwhal, but not other teeth.
Veneer sheets - rotary veneer - slices veneer	VEN	m <sup>3</sup> , m <sup>2</sup>	Kg	Thin layers or sheets of wood of uniform thickness, usually 6 mm or less in thickness, usually peeled (rotary veneer) or sliced (sliced veneer), for use in making plywood, for veneering furniture, veneer containers, etc.
Wax	WAX	kg		Wax, includes ambergris
Whole	WHO	kg	No.	Entire animal or plant (dead or alive)
<p>Key to units (equivalent non metric measurements may be used)</p> <p>g = grams  kg = kilograms  l = litres  cm<sup>3</sup> = cubic centimetres  ml = millilitres  m = metres  m<sup>2</sup> = square metres  m<sup>3</sup> = cubic metres  no. = number of specimens</p>				

## Annex II - Standard references for nomenclature to be used pursuant to Article 5 (4) to indicate scientific names of species in permits and certificates

### (a) *Mammalia*

Wilson, D. E. and Reeder, D. M. 1993. *Mammal Species of the World: a Taxonomic and Geographic Reference*. Second edition. Smithsonian Institution Press, Washington. [for all mammals – with the exception of the recognition of the following names for wild forms of species (in preference to names for domestic forms): *Bos gaurus*, *Bos mutus*, *Bubalus arnee*, *Equus africanus*, *Equus przewalskii*, *Ovis orientalis ophion*]

Alperin, R. 1993. *Callithrix argentata* (Linnaeus, 1771): taxonomic observations and description of a new subspecies. *Boletim do Museu Paraense Emilio Goeldi, Serie Zoologia* 9: 317-328. [for *Callithrix marcai*]

Dalebout, M. L., Mead, J. G., Baker, C. S., Baker, A. N. and van Helden, A. L. 2002. A new species of beaked whale *Mesoplodon perrini* sp. n. (Cetacea: Ziphiidae) discovered through phylogenetic analyses of mitochondrial DNA sequences. *Marine Mammal Science* 18: 577-608. [for *Mesoplodon perrini*]

Ferrari, S. F. and Lopes, M. A. 1992. A new species of marmoset, genus *Callithrix* Erxleben 1777 (Callitrichidae, Primates) from western Brazilian Amazonia. *Goeldiana Zoologia* 12: 1-13. [for *Callithrix nigriceps*]

Flannery, T. F. and Groves, C. P. 1998. A revision of the genus *Zaglossus* (Monotremata, Tachyglossidae), with description of new species and subspecies. *Mammalia* 62: 367-396. [for *Zaglossus attenboroughi*]

Groves, C. P. 2000. The genus *Cheirogaleus*: unrecognized biodiversity in dwarf lemurs. *International Journal of Primatology* 21: 943-962. [for *Cheirogaleus minusculus* & *Cheirogaleus ravus*]

van Helden, A. L., Baker, A. N., Dalebout, M. L., Reyes, J. C., van Waerebeek, K. and Baker, C. S. 2002. Resurrection of *Mesoplodon traversii* (Gray, 1874), senior synonym of *M. bahamondi* Reyes, van Waerebeek, Cárdenas and Yáñez, 1995 (Cetacea: Ziphiidae). *Marine Mammal Science* 18: 609-621. [for *Mesoplodon traversii*]

Honess, P. E. and Bearder, S. K. 1997. Descriptions of the dwarf galago species of Tanzania. *African Primates* 2: 75-79. [for *Galagoides rondoensis* & *Galagoides udzungwensis*]

Kingdon, J. 1997. *The Kingdon fieldguide to African mammals*. London, Academic Press. [for *Miopithecus ogouensis*]

Kobayashi, S. and Langguth, A. 1999. A new species of titi monkey, *Callicebus* Thomas, from north-eastern Brazil (Primates, Cebidae). *Revista Brasileira de Zoologia* 16: 531-551. [for *Callicebus coimbrai*]

Mittermeier, R. A., Schwarz, M. and Ayres, J. M. 1992. A new species of marmoset, genus *Callithrix* Erxleben, 1777 (Callitrichidae, Primates) from the Rio Maues Region, State of Amazonas, central Brazilian Amazonia. *Goeldiana Zoologia* 14: 1-17. [for *Callithrix mauesi*]

Rasoloarison, R. M., Goodman, S. M. and Ganzhorn, J. U. 2000. Taxonomic revision of mouse lemurs (*Microcebus*) in the western portions of Madagascar. *International Journal of Primatology* 21: 963-1019. [for *Microcebus berthae*, *Microcebus sambiranensis* & *Microcebus tavaratra*]

Rice, D. W. 1998. *Marine Mammals of the World. Systematics and distribution*. Special Publication Number 4: i-ix, 1-231. The Society for Marine Mammals. [for *Balaenoptera*]

Richards, G. C. and Hall, L. S. 2002. A new flying-fox of the genus *Pteropus* (Chiroptera: Pteropodidae) from Torres Strait, Australia. *Australian Zoologist* 32: 69-75. [for *Pteropus banakrisi*]

van Roosmalen, M. G. M., van Roosmalen, T., Mittermeier, R. A. and Rylands, A. B. 2000. Two new species of marmoset, genus *Callithrix* Erxleben, 1777 (Callitrichidae, Primates), from the Tapajós/Madeira interfluvium, south Central Amazonia, Brazil. *Neotropical Primates* 10 (Suppl.): 2-18. [for *Callicebus bernhardi* & *Callicebus stphennashi*]

van Roosmalen, M. G. M., van Roosmalen, T., Mittermeier, R. A. and da Fonseca, G. A. B. 1998. A new and distinctive species of marmoset (Callitrichidae, Primates) from the lower Rio Aripuana, State of Amazonas, central Brazilian Amazonia. *Goeldiana Zoologia* 22: 1-27. [for *Callithrix humilis*]

van Roosmalen, M. G. M., van Roosmalen, T., Mittermeier, R. A. and Rylands, A. B. 2000. Two new species of marmoset, genus *Callithrix* Erxleben, 1777 (Callitrichidae, Primates), from the Tapajós/Madeira interfluvium, south Central Amazonia, Brazil. *Neotropical Primates* 8: 2-18. [for *Callithrix acariensis* & *Callithrix manicorensis*]

Schwartz, J. H. 1996. *Pseudopotto martini*: a new genus and species of extant lorisiform primate. *Anthropological Papers of the American Museum of Natural History* 78: 1-14. [for *Pseudopotto martini*]

Silva Jr, J. and Noronha, M. 1996. Discovery of a new species of marmoset in the Brazilian Amazon. *Neotropical Primates* 4: 58-59. [for *Callithrix saterei*]

Thalmann, U. and Geissmann, T. 2000. Distributions and geographic variation in the western woolly lemur (*Avahi occidentalis*) with description of a new species (*A. unicolor*). *International Journal of Primatology* 21: 915-941. [for *Avahi unicolor*]

Wang, J. Y., Chou, L.-S. & White, B. N. 1999. *Molecular Ecology* 8: 1603-1612. [for *Tursiops aduncus*]

Zimmerman, E., Cepok, S., Rakotoarison, N., Zietemann, V. and Radespiel, U. 1998. Sympatric mouse lemurs in north west Madagascar: a new rufous mouse lemur species (*Microcebus ravelobensis*). *Folia Primatologica* 69: 106-114. [for *Microcebus ravelobensis*]

### **(b) Aves**

Morony, J. J., Bock, W. J. and Farrand, J., Jr. 1975. *A Reference List of the Birds of the World*. American Museum of Natural History. [for order- and family-level names for birds]

Sibley, C. G. and Monroe, B. L., Jr. 1990. *Distribution and Taxonomy of Birds of the World*. Yale University Press, New Haven. Sibley, C. G. and Monroe, B. L., Jr. 1993. *Supplement to the Distribution and Taxonomy of Birds of the World*. Yale University Press, New Haven. [for bird species, except for Psittaciformes & Trochilidae]

Collar, N. J. 1997. Family Psittacidae (Parrots). Pp. 280-477 in del Hoyo, J., Elliot, A. and Sargatal, J. eds. *Handbook of the Birds of the World*. Vol. 4. Sandgrouse to Cuckoos. Lynx Edicions, Barcelona. [for Psittacidae]

Gaban-Lima, R., Raposo, M. A. and Hofling, E. 2002. Description of a new species of Pionopsitta (Aves: Psittacidae) endemic to Brazil. *Auk* 119: 815-819. [for *Pionopsitta aurantiocephala*]

Howell, S. N. G. and Robbins, M. B. 1995. Species limits of the Least Pygmy-Owl (*Glaucidium minutissimum*) complex. *Wilson Bulletin* 107: 7-25. [for *Glaucidium parkeri*]

Lafontaine, R. M. and Moolaert, N. 1998. A new species of scops owl (Otus: Aves): taxonomy and conservation status. *Journal of African Zoology* 112: 163-169. [for *Otus moheliensis*]

Lambert, F. R. and Rasmussen, P. C. 1998. A new scops owl from Sangihe Island, Indonesia. *Bulletin of the British Ornithologists' Club* 204-217. [for *Otus collari*]

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Robbins, M. B. and Stiles, F. G. 1999. A new species of pygmy-owl (Strigidae: *Glaucidium*) from the Pacific slope of the northern Andes. *Auk* 116: 305-315. [for *Glaucidium nubicola*]

Rowley, I. 1997. Family Cacatuidae (Cockatoos). Pp. 246-279 in del Hoyo, J., Elliot, A. and Sargatal, J. eds. *Handbook of the Birds of the World*. Vol. 4. Sandgrouse to Cuckoos. Lynx Edicions, Barcelona. [for Cacatuidae=Psittacidae]

Schuchmann, K. L. 1999. Family Trochilidae (Hummingbirds). Pp. 468-680 in del Hoyo, J., Elliot, A. and Sargatal, J. eds. *Handbook of the Birds of the World*. Vol. 5. Barn-owls to Hummingbirds. Lynx Edicions, Barcelona. [for Trochilidae]

da Silva, J. M. C., Coelho, G. and Gonzaga, P. 2002. Discovered on the brink of extinction: a new species of pygmy-owl (Strigidae: Glaucidium) from Atlantic forest of northeastern Brazil. *Ararajuba* 10 (2): 123-130 [for *Glaucidium mooreorum*]

Whittaker, A. 2002. A new species of forest-falcon (Falconidae: Micrastur) from southeastern Amazonia and the Atlantic rainforests of Brazil. *Wilson Bulletin* 114 (4): 421-445. [for *Micrastur mintoni*]

### (c) *Reptilia*

Andreone, F., Mattioli, F., Jesu, R. and Randrianirina, J. E. 2001. Two new chameleons of the genus *Calumma* from north-east Madagascar, with observations on hemipenial morphology in the *Calumma furcifer* group (Reptilia, Squamata, Chamaeleonidae). *Herpetological Journal* 11: 53-68. [for *Calumma vatosoa* & *Calumma vencesi*]

Avila Pires, T. C. S. 1995. Lizards of Brazilian Amazonia. *Zool. Verh.* 299: 706 pp. [for *Tupinambis*]

Böhme, W. 1997. Eine neue Chamäleon art aus der *Calumma gastrotaenia* – Verwandtschaft Ost-Madagaskars. *Herpetofauna (Weinstadt)* 19 (107): 5-10. [for *Calumma glawi*]

Böhme, W. 2003. *Checklist of the living monitor lizards of the world (family Varanidae)*. *Zoologische Verhandlungen*. Leiden 341: 1-43. [for Varanidae]

Broadley, D. G. 2002. CITES Standard reference for the species of *Cordylus* (Cordylidae, Reptilia) prepared at the request of the CITES Nomenclature Committee. CoP12 Inf. 14. [for *Cordylus*]

Cei, J. M. 1993. Reptiles del noroeste, nordeste y este de la Argentina – *herpetofauna* de las selvas subtropicales, puna y pampa. Monografía XIV, Museo Regionale di Scienze Naturali. [for *Tupinambis*]

Colli, G. R., Péres, A. K. and da Cunha, H. J. 1998. A new species of *Tupinambis* (Squamata: Teiidae) from central Brazil, with an analysis of morphological and genetic variation in the genus. *Herpetologica* 54: 477-492. [for *Tupinambis cerradensis*]

Dirksen, L. 2002. *Anakondas*. NTV Wissenschaft. [for *Eunectes beniensis*]

Hallmann, G., Krüger, J. and Trautmann, G. 1997. *Faszinierende Taggeckos – Die Gattung Phelsuma*: 1-229 – Natur & Tier-Verlag. ISBN 3-931587-10-X. [for the genus *Phelsuma*]

Harvey, M. B., Barker, D. B., Ammerman, L. K. and Chippindale, P. T. 2000. *Systematics of pythons of the Morelia amethystina complex (Serpentes: Boidae) with the description of three new species*. *Herpetological Monographs* 14: 139-185. [for *Morelia clastolepis*, *Morelia nauta* & *Morelia tracyae*, and elevation to species level of *Morelia kinghorni*]

Hedges, B. S., Estrada, A. R. and Diaz, L. M. 1999. New snake (*Tropidophis*) from western Cuba. *Copeia* 1999(2): 376-381. [for *Tropidophis celiae*]

Hedges, B. S. and Garrido, O. 1999. A new snake of the genus *Tropidophis* (Tropidophiidae) from central Cuba. *Journal of Herpetology* 33: 436-441. [for *Tropidophis spiritus*]

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- Keogh, J. S., Barker, D. G. and Shine, R. 2001. Heavily exploited but poorly known: systematics and biogeography of commercially harvested pythons (*Python curtus* group) in Southeast Asia. *Biological Journal of the Linnean Society* 73: 113-129. [for *Python breitensteini* & *Python brongersmai*]
- Klaver, C. J. J. and Böhme, W. 1997. Chamaeleonidae. *Das Tierreich* 112: 85 pp. [for *Bradypodion*, *Brookesia*, *Calumma*, *Chamaeleo* & *Furcifer* – except for the recognition of *Calumma andringitaensis*, *C. guillaumeti*, *C. hilleni* & *C. marojejensis* as valid species]
- Manzani, P. R. and Abe, A. S. 1997. A new species of *Tupinambis* Daudin, 1802 (Squamata, Teiidae) from central Brazil. *Boletim do Museu Nacional Nov. Ser. Zool.* 382: 1-10. [for *Tupinambis quadrilineatus*]
- Manzani, P. R. and Abe, A. S. 2002. *Arquivos do Museu Nacional*, Rio de Janeiro 60(4): 295-302. [for *Tupinambis palustris*]
- Massary, J.-C. de and Hoogmoed, M. 2001. The valid name for *Crocodylus lacertinus auctorum* (nec Daudin, 1802) (Squamata: Teiidae). *Journal of Herpetology* 35: 353-357. [for *Crocodylus amazonicus*]
- McCord, W. P., Iverson, J. B., Spinks, P. Q. and Shaffer, H. B. 2000. A new genus of Geomydid turtle from Asia. *Hamadryad* 25: 86-90. [for *Leucocephalon*]
- McCord, W. P. and Pritchard, P. C. H. 2002. A review of the softshell turtles of the genus *Chitra*, with the description of new taxa from Myanmar and Indonesia (Java). *Hamadryad* 27 (1): 11-56. [for *Chitra vandijki*]
- McDiarmid, R. W., Campbell, J. A. and Touré, T. A. 1999. *Snake Species of the World. A Taxonomic and Geographic Reference*. Volume 1. The Herpetologists' League, Washington, DC. [for Loxocemidae, Pythonidae, Boidae, Bolyeriidae, Tropidophiidae & Viperidae – except for the retention of the genera *Acrantophis*, *Sanzinia*, *Calabaria* & *Lichanura* and the recognition of *Epicrates maurus* as a valid species]
- Nussbaum, R. A., Raxworthy, C. J., Raselimanana, A. P. and Ramanamanjato, J. B. 2000. New species of day gecko, *Phelsuma* Gray (Reptilia: Squamata: Gekkonidae), from the Reserve Naturelle Intégrale d'Andohahela, south Madagascar. *Copeia* 2000: 763-770. [for *Phelsuma malamakibo*]
- Perälä, J. 2001. A new species of *Testudo* (Testudines: Testudinidae) from the Middle East, with implications for conservation. *Journal of Herpetology* 35: 567-582. [for *Testudo wernerii*]
- Pough, F. H., Andrews, R. M., Cadle, J. E., Crump, M. L., Savitzky, A. H. and Wells, K. D. 1998. *Herpetology*. [for delimitation of families within the Sauria]
- Rösler, H., Obst, F. J. and Seipp, R. 2001. Eine neue Taggecko-Art von Westmadagaskar: *Phelsuma hielscheri* sp. n. (Reptilia: Sauria: Gekkonidae). *Zool. Abhandl. Staatl. Mus. Tierk. Dresden* 51: 51-60. [for *Phelsuma hielscheri*]
- Slowinski, J. B. and Wüster, W. 2000. A new cobra (Elapidae: *Naja*) from Myanmar (Burma). *Herpetologica* 56: 257-270. [for *Naja mandalayensis*]
- Tilbury, C. 1998. Two new chameleons (Sauria: Chamaeleonidae) from isolated Afromontane forests in Sudan and Ethiopia. *Bonner Zoologische Beiträge* 47: 293-299. [for *Chamaeleo balebicornutus* & *Chamaeleo conirostratus*]
- Webb, R. G. 2002. Observations on the Giant Softshell Turtle, *Pelochelys cantorii*, with description of a new species. *Hamadryad* 27 (1): 99-107. [for *Pelochelys signifera*]
- Wermuth, H. and Mertens, R. 1996 (reprint). *Schildkröte, Krokodile, Brückenechsen*. Gustav Fischer Verlag, Jena. [for Crocodylia, Testudinata & Rhynchocephalia]
- Wilms, T. 2001. *Dornschwanzagamen: Lebensweise, Pflege, Zucht*: 1-142 – Herpeton Verlag, ISBN 3-9806214-7-2. [for the genus *Uromastyx*]
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**(d) Amphibia**

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**(e) Elasmobranchii, Actinopterygii & Sarcopterygii**

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Horne, M. L., 2001. A new seahorse species (Syngnathidae: *Hippocampus*) from the Great Barrier Reef – *Records of the Australian Museum* 53: 243-246. [for *Hippocampus*]

Kuiter, R. H., 2001. Revision of the Australian seahorses of the genus *Hippocampus* (Syngnathiformes: Syngnathidae) with a description of nine new species – *Records of the Australian Museum* 53: 293-340. [for *Hippocampus*]

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**(f) Arachnida**

Lourenço, W. R. and Cloudsley-Thompson, J. C. 1996. Recognition and distribution of the scorpions of the genus *Pandinus* Thorell, 1876 accorded protection by the Washington Convention. *Biogeographica* 72(3): 133-143. [for scorpions of the genus *Pandinus*]

Platnick, N. I. 2004 and updates. The World Spider Catalog. Online edition at the following URL: <http://research.amnh.org/entomology/spiders/catalog/THERAPHOSIDAE.html>. [for spiders of the genus *Brachypelma*]

**(g) Insecta**

Matsuka, H. 2001. *Natural History of Birdwing Butterflies*: 1-367. Matsuka Shuppan, Tokyo. ISBN 4-9900697-0-6. [for birdwing butterflies of the genera *Ornithoptera*, *Trogonoptera* and *Troides*]

**FLORA**

*The Plant-Book*, second edition, [D. J. Mabberley, 1997, Cambridge University Press (reprinted with corrections 1998)] [for the generic names of all plants included in the Appendices of the Convention, unless they are superseded by standard checklists adopted by the Conference of the Parties].

*A Dictionary of Flowering Plants and Ferns*, 8th edition, (J. C. Willis, revised by H. K. Airy Shaw, 1973, Cambridge University Press) [for generic synonyms not mentioned in *The Plant-Book*, unless they are superseded by standard checklists adopted by the Conference of the Parties as referenced in the remaining paragraphs below].

A World List of Cycads (D. W. Stevenson, R. Osborne and K. D. Hill, 1995; In: P. Vorster (Ed.), *Proceedings of the Third International Conference on Cycad Biology*, pp. 55-64, Cycad Society of South Africa, Stellenbosch) and its updates accepted by the Nomenclature Committee, as a guideline when making reference to names of species of Cycadaceae, Stangeriaceae & Zamiaceae.

*CITES Bulb Checklist* (A. P. Davis *et al.*, 1999, compiled by the Royal Botanic Gardens, Kew, United Kingdom of Great Britain and Northern Ireland) and its updates accepted by the Nomenclature Committee, as a guideline when making reference to the names of species of Cyclamen (Primulaceae) & Galanthus & Sternbergia (Liliaceae).

CITES Cactaceae *Checklist*, second edition, (1999, compiled by D. Hunt, Royal Botanic Gardens, Kew, United Kingdom of Great Britain and Northern Ireland) and its updates accepted by the Nomenclature Committee, as a guideline when making reference to names of species of Cactaceae.

CITES *Carnivorous Plant Checklist*, second edition, (B. von Arx *et al.*, 2001, Royal Botanic Gardens, Kew, United Kingdom of Great Britain and Northern Ireland) and its updates accepted by the Nomenclature Committee, as a guideline when making reference to names of species of *Dionaea*, *Nepenthes* & *Sarracenia*.

CITES *Aloe and Pachypodium Checklist* (U. Eggli *et al.*, 2001, compiled by Städtische Sukkulente-Sammlung, Zurich, Switzerland, in collaboration with Royal Botanic Gardens, Kew, United Kingdom of Great Britain and Northern Ireland) and its updates accepted by the Nomenclature Committee, as a guideline when making reference to the names of species of *Aloe* & *Pachypodium*.

*World Checklist and Bibliography of Conifers* (A. Farjon, 2001) and the updates accepted by the Nomenclature Committee, as a guideline when making reference to the names of species of *Taxus*.

CITES *Orchid Checklist*, (compiled by the Royal Botanic Gardens, Kew, United Kingdom of Great Britain and Northern Ireland) and the updates accepted by the Nomenclature Committee, as a guideline when making reference to the names of species of *Cattleya*, *Cypripedium*, *Laelia*, *Paphiopedilum*, *Phalaenopsis*, *Phragmipedium*, *Pleione* and *Sophranitis* (Volume 1, 1995); *Cymbidium*, *Dendrobium*, *Disa*, *Dracula* & *Encyclia* (Volume 2, 1997); & *Aerangis*, *Angraecum*, *Ascocentrum*, *Bletilla*, *Brassavola*, *Calanthe*, *Catasetum*, *Miltonia*, *Miltonioides* & *Miltoniopsis*, *Renanthera*, *Renantherella*, *Rhynchostylis*, *Rossioglossum*, *Vanda* & *Vandopsis* (Volume 3, 2001).

*The CITES Checklist of Succulent Euphorbia Taxa (Euphorbiaceae)*, *Second edition* (S. Carter and U. Eggli, 2003, published by the Federal Agency for Nature Conservation, Bonn, Germany) following notification of its publication and comments from the Parties, and the updates accepted by the Nomenclature Committee, as a guideline when making reference to the names of species of succulent euphorbias.

*Dicksonia species of the Americas* (2003, compiled by Bonn Botanic Garden and the Federal Agency for Nature Conservation, Bonn, Germany) following notification of its publication and comments from the Parties and the updates accepted by the Nomenclature Committee, as a guideline when making reference to the names of species of *Dicksonia*.

The *Checklist of CITES species* (2005 and its updates) published by UNEP -WCMC may be used as an informal overview of the scientific names that were adopted by the Conference of the Parties for the animal species that are listed in the Appendices of the Convention, and as an informal summary of information contained in the standard references that were adopted for CITES nomenclature.

**Annex III**      **Codes for the indication in permits and certificates of the purpose of a transaction, referred to in Article 5 (5)**

- B      Breeding in captivity or artificial propagation
- E      Educational
- G      Botanical gardens
- H      Hunting trophies
- L      Law enforcement / judicial / forensic
- M      Medical (including bio-medical research)
- N      Reintroduction or introduction into the wild
- P      Personal
- Q      Circuses and travelling exhibitions
- S      Scientific
- T      Commercial
- Z      Zoos

**Annex IV Codes for the indication in permits and certificates of the source of specimens, referred to in Article 5 (6)**

W Specimens taken from the wild

R Specimens originating from a ranching operation

D Annex A animals bred in captivity for commercial purposes and Annex A plants artificially propagated for commercial purposes in accordance with Chapter XIII of *Regulation (EC) No. 865/2006*, as well as parts and derivatives thereof

A Annex A plants artificially propagated for non-commercial purposes and Annexes B and C plants artificially propagated in accordance with Chapter XIII of *Regulation (EC) No. 865/2006*, as well as parts and derivatives thereof

C Annex A animals bred in captivity for non-commercial purposes and Annexes B and C animals bred in captivity in accordance with Chapter XIII of *Regulation (EC) No. 865/2006*, as well as parts and derivatives thereof

F Animals born in captivity, but for which the criteria of Chapter XIII of Regulation (EC) No xxx/2004 are not met, as well as parts and derivatives thereof

I Confiscated or seized specimens<sup>30</sup>

O Pre-Convention<sup>31</sup>

U Source unknown (must be justified)

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<sup>30</sup> To be used only in conjunction with another source code.

<sup>31</sup> To be used only in conjunction with another source code.

**Annex V - Animal species referred to in Article 62(1) of Regulation (EC) No. 865/2006**

**ANSERIFORMES**

**Anatidae**

<i>Anas laysanensis</i>	Laysan duck
<i>Anas querquedula</i>	Garganey
<i>Aythya nyroca</i>	Ferruginous duck
<i>Branta ruficollis</i>	Red-breasted goose
<i>Branta sandvicensis</i>	Nene
<i>Oxyura leucocephala</i>	White-headed duck

**GALLIFORMES**

**Phasianidae**

<i>Catreus wallichi</i>	Cheer Pheasant
<i>Colinus virginianus ridgwayi</i>	Masked bobwhite / Masked quail
<i>Crossoptilon crossoptilon</i>	White-eared pheasant
<i>Crossoptilon mantchuricum</i>	Brown-eared pheasant
<i>Lophophorus impejanus</i>	Himalayan monal
<i>Lophura edwardsi</i>	Edward's pheasant
<i>Lophura swinhoii</i>	Shinhoe's pheasant
<i>Polyplectron emphanum</i>	Palawan Peacock-pheasant
<i>Syrmaticus ellioti</i>	Elliot's pheasant
<i>Syrmaticus humiae</i>	Hume's pheasant
<i>Syrmaticus mikado</i>	Mikado Pheasant

**COLUMBIFORMES**

**Columbidae**

<i>Columba livia</i>	Rock pigeon
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**PSITTACIFORMES**

**Psittacidae**

<i>Cyanoramphus novaezelandiae</i>	Red-fronted parakeet
<i>Psephotus dissimilis</i>	Hooded parrot

**PASSERIFORMES**

**Fringillidae**

<i>Carduelis cucullata</i>	Red siskin
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**Annex VI Guidelines on Duties and Tasks of the Scientific Authorities and Scientific Review Group under Regulation (EC) No. 338/97 and Regulation (EC) No. 865/2006.**

ARTICLE	DUTY	
<b>REGULATION 338/97</b>		
<b>ESTABLISHMENT</b>		
Article 13.2	Designation of one or more Scientific Authorities with appropriate qualifications whose duties are separate from those of any designated management authority.	
Article 17.1	SRG established consisting of representatives of each Member State's scientific authority or authorities and chaired by the Commission.	
Article 17.2 (a)	SRG to examine any scientific question relating to the application of the Regulation - in particular Arts 4.1(a), 4.2(a) and 4.6 - raised by the chairman either on his own initiative or at the request of the members of the SRG/Committee.	
Article 17.2(b)	Commission to convey the opinions of the SRG to the Committee.	
<b>IMPORT/EXPORT PERMITS</b>		
<b>ANNEX A-IMPORTS</b>		
		<b>Relevant considerations</b>
Article 4.1(a)(i)	Advise that introduction into the Community would not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species.	Attachment A
Article 4.1(a)(ii)	Advise that introduction into the Community is taking place for: -the advancement of science, where the species proves to be the only one suitable and where no captive-bred specimens are available -breeding or propagation purposes from which conservation benefits will accrue to the species -research or education aimed at the preservation or conservation of the species -other purposes which are not detrimental to the conservation of the species.	Attachment B
Article 4.1(c)	Be satisfied that the intended accommodation for a live specimen at the place of destination is adequately equipped to conserve and care for it properly.	Attachment C
Article 4.1(e)	Be satisfied that there are no other factors relating to the conservation of the species which militate against issuance of the import permit.	Attachment D
<b>ANNEX B-IMPORTS</b>		
Article 4.2(a)	Advise, after examining available data, that introduction into the Community would not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species, taking account of current or expected levels of trade.	Attachment A
Article 4.2 (c)	Be satisfied that there are no other factors relating to the conservation of the species which militate against issuance of the import permit.	Attachment D
<b>ANNEX A-EXPORTS</b>		
Article 5.2 (a)	Advise, in writing, that the capture or collection of the specimens in the wild or their export will not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species	Attachment A
Article 5.2 (d)	Be satisfied that there are no other factors relating to the conservation	Attachment D

	of the species which militate against issuance of the export permit.	
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ANNEX B-EXPORTS		
Article 5.4	Advise, in writing, that the capture or collection of the specimens in the wild or their export will not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species	Attachment A
	Be satisfied that there are no other factors relating to the conservation of the species which militate against issuance of the export permit.	Attachment D
ANNEX C-EXPORTS		
Article 5.4	Advise, in writing, that the capture or collection of the specimens in the wild or their export will not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species	Attachment A
	Be satisfied that there are no other factors relating to the conservation of the species which militate against issuance of the export permit.	Attachment D
ANNEX A-RE-EXPORT		
Article 5.3	Be satisfied that there are no other factors relating to the conservation of the species which militate against issuance of the export certificate.	Attachment D
ANNEX B-RE-EXPORT		
Article 5.4	Be satisfied that there are no other factors relating to the conservation of the species which militate against issuance of the export certificate.	Attachment D
ANNEX C-RE-EXPORT		
Article 5.4	Be satisfied that there are no other factors relating to the conservation of the species which militate against issuance of the export certificate.	Attachment D

SRG VIEW ON PROPOSED COMMISSION IMPORT RESTRICTIONS		
ANNEX A-IMPORTS		
		<b>Relevant considerations</b>
Article 4.6 (a)	Restrictions because the introduction into the Community would have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species.	Attachment A
Article 4.6 (a)	Restrictions because there are other factors relating to the conservation of the species which militate against issuance of the import permit.	Attachment D
ANNEX B-IMPORTS		
Article 4.6 (b)	Restrictions because after examining available data, the introduction into the Community would have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species, taking account of current or expected levels of trade.	Attachment A
Article 4.6 (b)	Restrictions because there are other factors relating to the	Attachment D

	conservation of the species which militate against issuance of the import permit.	
Article 4.6 (c)	Restrictions on live specimens because the species concerned has a high mortality rate during shipment or for which it has been established that they are unlikely to survive in captivity for a considerable proportion of their potential life span.	Attachment E
<b>ANY SPECIES-IMPORTS</b>		
Article 4.6 (d)	Restrictions on live specimens because it has been established that their introduction into the Community presents an ecological threat to wild species of fauna and flora.	Attachment F

<b>CONFISCATIONS</b>		
		<b>Relevant considerations</b>
Article 16.3 (a)	Advise the competent authority about the placement or disposal of confiscated specimens.	

<b>REGULATION 865/2006</b>		
		<b>Relevant considerations</b>
Article 54	Advise MA that a specimen of an animal species is born and bred in captivity, specifically in relation to: - import of Annex A and B specimens (Article 4.1(a)(i) and (e), Art. 4.2(a) and (c), Art. Art. 7.1 of Regulation 338/97). - export of Annex A and B specimens (Article 5.2(d) And Art. 5.4) - certificates (Art. 8.3 (d) of Regulation 338/97/Art. 48.1 (c)(d)) of Regulation 865/2006/Article 59.2 Regulation 865/2006).	Criteria in Article 54 of Regulation 865/2006. Attachment G
Article 56	Be satisfied that a given specimen is artificially propagated, specifically in relation to: -import of Annex A species (Art. 7.1 of Regulation 338/97).	Criteria in Article 56 of Regulation 865/2006
Article 59.2	Be satisfied that the exemption for specimens referred to in Article 8.3(d) of Regulation (EC) No. 338/97 have been satisfied, specifically in relation to:  - exemption certificates issued to captive-bred and artificially propagated specimens (Article 24, 25 and 26)	Criteria in Article 54, 55 and 56 of Regulation 865/2006
Article 59.3	Be satisfied that the exemptions referred to in Article 8(3) (e) to (g) have been satisfied, specifically in relation to: - imports of Annex A specimens (Article 4.1(a)(ii) - certificates issued to Annex A specimens under Article 10 to allow commercial use - imports of Annex B specimens subject to an Article 4(6) import restriction (Article 71.4(b) EC Regulation 865/2006 -	Attachment B
Article 60	Advise MA that scientific institutions applying for a certificate exempting Annex A specimens held in their collection from the prohibitions of Article 8(1) are intended for captive breeding or artificial propagation from which conservation benefits will accrue to	Attachment H



	the species, or for research or education aimed at the preservation or conservation of the species.	
Article 70	Advise MA on any amendments that the Commission proposes making to the species listed in Annexes B, C or D.	Criteria in Article 3 of Regulation 338/97

SRG opinions given in relation to the advice on IMPORTS OF ANNEX B SPECIES under Attachment A remain valid for subsequent import permit requests as long as the conservation and trade status have not changed significantly. To ensure that adequate monitoring takes place and that trade into the EU doesn't contribute to the decline of any species in the wild, Management Authorities are encouraged to keep their SAs informed of permits issued so that they can determine when circumstances have changed or a 'non-detriment finding' is in need of review.

## Attachment A

### **CONTEXT**

Advise that introduction into, or export from, the Community would not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species

Article 4.1(a)(i) - Annex A imports

Article 4.2(a) - Annex B imports

Article 5.2 (a) - Annex A exports

Article 5.4 - Annex B exports

Article 4.6 (a) - Annex A Commission import restrictions

Article 4.6 (b) - Annex B Commission import restrictions

Annex A or Annex B species which are being advised on:

### **Species characteristics**

- life history characteristics
- distribution
- habitat adaptability
- migratory/shared
- risk of mortality after capture and before export (for species where the trade is primarily in live specimens)

### **Biological status**

- abundance
- present distribution
- trend
- quality of data

### **Harvest characteristics**

- types
- volumes
- segment of population
- trends
- data quality

### **Management regime**

- land types
- tenure
- effectiveness
- % harvested vs. effectively protected
- aims

### **Conservation benefits**

- species/habitat
- other conservation benefits
- local benefits
- other benefits

### **Monitoring programmes**

- population
- off take (including market make-up and demand)
- feedback

### **Current or expected anticipated trade levels (imports of Annex B species only)**

- past trade history
- existence of any voluntary export quotas set by exporting countries
- predicted or perceived demand in the European Community
- level of demand for replacement specimens of those species with a poor survival rate in captivity

### **CONTEXT**

Advise on the purposes of the introduction into the Community are either one of those specified in Regulation 339/97 or another which is not detrimental to the survival of the species concerned.

Article 4.1(a)(ii) - Annex A imports

The purposes of introduction into the Community must be:

### **1. the advancement of science, where the species proves to be the only one suitable and where no captive-bred specimens are available; or**

The following factors should be considered:

- 1.1. The importance of the science concerned, as endorsed (or not) by the relevant independent technical body in the scientific field concerned.
- 1.2. The possibility of using alternative species for the objective sought.
- 1.3. The availability of captive bred specimens elsewhere in the world [applicability of this possibility for plants was apparently not considered in Regulation 338/97]

### **2. breeding or propagation purposes from which conservation benefits will accrue to the species; or**

The following factors should be considered:

- 2.1. The conservation need for a captive breeding/artificial propagation project, taking account of similar activities elsewhere in the world and *in situ* conservation efforts or lack thereof
- 2.2. The existence of captive/nursery specimens elsewhere in the world which could be used in place of wild-taken ones.
- 2.3. The views of the exporting countries' Scientific Authority.
- 2.4. The views of the relevant international and national studbook keeper or botanical gardens co-ordinator, where such exists.
- 2.5. The views of the relevant IUCN Species Survival Specialists Group or other experts where such exist.
- 2.6. The presentation of the case in terms of identification of objectives, planning and research prior to, importation.
- 2.7. The output of the project in terms of co-operation with others in the field and published material on propagation, breeding, husbandry and biology.
- 2.8. The applicant's track record of captive breeding/artificial propagation generally and with the species in question in particular and the long-term viability of the project. Official/institutional support for the project.
- 2.9. Existence of any spin-off benefits from removal of specimens from the wild in the range state.

These are not presented in any order of priority and the degree to which any one of them will need to be considered will vary from case to case.

### **3. research or education aimed at the preservation or conservation of the species; or**

The following factors should be considered:

- 3.1. The conservation need for a research or education project, taking account of similar activities elsewhere.
- 3.2. The existence of captive/nursery specimens elsewhere which could be used in place of wild-taken ones.
- 3.3. The views of the exporting countries' Scientific Authority.
- 3.4. The views of relevant research or education authorities, where such exists.
- 3.5. The views of the relevant IUCN Species Survival Specialists Group or other experts where such exist.
- 3.6. The presentation of the case in terms of identification of objectives and planning.
- 3.7. The output of the project in terms of co-operation with others in the field and published material on research or education.
- 3.8. The applicant's track record of research or education generally and with the species in question in particular and the long-term viability of the project. Official/institutional support for the project.
- 3.9. Existence of any spin-off benefits from removal of specimens from the wild in the range state.

### **4. other purposes which are not detrimental to the conservation of the species.**

This article was not intended to undermine the fundamental principle that trade in specimens of Annex A species must only be authorized in exceptional circumstances. The task of the Scientific Authority is to determine whether the purpose of an import, other than those which are obviously primarily commercial, is detrimental to the survival of the species or not. There are no specific resolutions on the subject and no specific guidance within the Regulation. The SRG have determined that the only obvious case of an importation not being detrimental to the survival of the species is if it is clearly beneficial to its survival, i.e. if it produces significant and tangible conservation benefits for the species, or if it is clearly benign.

Some examples of purposes that might meet these conditions are:

e.g. Hunting trophies

Trophy hunting should be part of a careful species management plan that should, as appropriate;

- be based on sound biological data collected from the target population(s)
- clearly demonstrate that harvest levels are sustainable
- be monitored by professional biologists
- be promptly modified if necessary to maintain the conservation aims
- demonstrate that illegal activities are under control
- produce significant and tangible conservation benefits for the species
- provide benefits to, and be in co-operation with, the local people who share the area with or suffer by the species concerned

e.g. Re-introductions

The translocation of 'surplus' specimens from one wild population to re-stock a population in another country or to restore a species, by re-introduction, to a part of its range from which it has been extirpated. Such programmes should be assessed against the IUCN re-introduction guidelines (<http://www.iucnsscrg.org/images/English.pdf>).

## Attachment C

### **CONTEXT**

Be satisfied that the intended accommodation for a live specimen at the place of destination is adequately equipped to conserve and care for it properly

Article 4.1(c) -Annex A imports

To be considered:

- environmental, nutritional and behavioural needs of the species
- bona fides and experience of the permit applicant

## Attachment D

### **CONTEXT**

Be satisfied that there are no other factors relating to the conservation of the species which militate against issuance of the import permit.

Article 4.1(e) -Annex A imports

Article 4.2 (c) -Annex B imports

Article 5.2 (d) -Annex A exports

Article 5.4 -Annexes B and C exports

Article 5.3 -Annex A re-exports

Article 5.4 -Annexes B and C re-exports

Article 4.6 (a) -proposed Commission restrictions on Annex A imports

Article 4.6 (b) -proposed Commission restrictions on Annex B imports

A full list of all conceivable factors would be impossible to compile, but examples are:

- recommendations from the Animals Committee
- serious concerns about the veracity of statements on the export permit
- unbelievable claims relating to the length of time that the specimens are said to have been in a third country prior to re-export
- unrealistic captive-breeding claims and/or discrepancies in details of captive breeding

## Attachment E

### **CONTEXT**

Comment on Commission proposals to restrict imports of live specimens because the species concerned has a high mortality rate during shipment or for which it has been established that they are unlikely to survive in captivity for a considerable proportion of their potential life span

Article 4.6 (c) -Annex B imports

#### live specimens subject to high mortality during shipment

Comment on Commission import restriction proposals to respond to and implement recommendations arising from Conference Resolution 10.21.

- evaluate information collected under Article 69.3 of Regulation 865/2006.
- definition of "high" mortality

#### live specimens for which it has been established that they are unlikely to survive in captivity for a considerable proportion of their potential life span.

Comment on Commission import restriction proposals to be made on the basis of:

- determination of the potential life span of the species concerned – where this information is available
- comparison of rates of mortality between captive and wild specimens at different stages of their life history – where this information is available
- examination of any available evidence that the species is unlikely to survive in captivity for a considerable proportion of its potential lifespan – if known

## **Attachment F**

### **CONTEXT**

Comment on Commission proposals for import restrictions on live specimens because it has been established that their introduction into the Community presents an ecological threat to wild species of fauna and flora

Article 4.6 (d) -species from any Annex

Comment on Commission proposals to be based on examination of the evidence of ecological threat to other native wild species of fauna and flora such as:

- evidence about invasive species from other sources e.g. Global Invasive Species Programme (GISP), Berne Convention studies.
- interactions with native species through predation, competition, parasitisation, hybridisation or as a vector of disease etc
- likelihood of escape or deliberate release
- risk of establishment of specimens in the wild and geographical extent of the threat within the Community
- impact on animal and plant species of Community interest/species to be subject to special conservation measures (Directive 92/43/EEC, Annexes II and IV and Directive 79/409/EEC Annex I).
- likely efficacy of any restrictions adopted
- possible knock-on effects of restrictions established (e.g. replacement species in trade)



**Annex VII Types of biological samples referred to in Article 18 and their use**

Type of sample	Typical size of sample	Use of sample
blood, liquid	drops or 5 ml of whole blood in a tube with anticoagulant; may deteriorate in 36 hours	haematology and standard biochemical tests to diagnose disease; taxonomic research; biomedical research
blood, dry (smear)	a drop of blood spread on a microscope slide, usually fixed with chemical fixative	blood counts and screening for disease parasites
blood, clotted (serum)	5 ml of blood in tube with or without a blood clot	serology and detection of antibodies for evidence of disease; biomedical research
tissues, fixed	5 mm <sup>3</sup> pieces of tissues in a fixative	Histology and electron microscopy to detect signs of disease; taxonomic research; biomedical research
tissues, fresh (excluding ova, sperm and embryos)	5 mm <sup>3</sup> pieces of tissues, sometimes frozen	Microbiology and toxicology to detect organisms and poisons; taxonomic research; biomedical research
swabs	tiny pieces of tissue in a tube on a swab	growing bacteria, fungi, etc. to diagnose disease
hair, skin, feathers, scales	small, sometimes tiny pieces of skin surface in a tube (up to 10 ml in volume) with or without fixative	genetic and forensic tests and detection of parasites and pathogens and other tests
cell lines and tissue cultures	no limitation of sample size	cell lines are artificial products cultured either as primary or continuous cell lines that are used extensively in testing the production of vaccines or other medical products and taxonomic research (e.g. chromosome studies and extraction of DNA)
DNA	small amounts of blood (up to 5 ml), hair, feather follicle, muscle and organ tissue (e.g. liver, heart, etc.), purified DNA, etc.	sex determination; identification; forensic investigations; taxonomic research; biomedical research
secretions, (saliva, venom, milk)	1-5 ml in vials	phylogenetic research, production of anti-venom, biomedical research

**Annex VIII – Date of EU Membership and CITES Accession for the 27 EU Member States**

<b>EU Member State</b>	<b>Year of EU Membership</b>	<b>Year of CITES Accession</b>
<b>Austria</b>	1995	1982
<b>Belgium</b>	Founding Member	1984
<b>Bulgaria</b>	2007	1991
<b>Cyprus</b>	2004	1975
<b>Czech Republic</b>	2004	1993
<b>Denmark</b>	1973	1977
<b>Estonia</b>	2004	1992
<b>Finland</b>	1995	1976
<b>France</b>	Founding Member	1978
<b>Germany</b>	Founding Member	1976
<b>Greece</b>	1981	1993
<b>Hungary</b>	2004	1985
<b>Ireland</b>	1973	2002
<b>Italy</b>	Founding Member	1979
<b>Latvia</b>	2004	1997
<b>Lithuania</b>	2004	2002
<b>Luxembourg</b>	Founding Member	1984
<b>Malta</b>	2004	1989
<b>The Netherlands</b>	Founding Member	1984
<b>Poland</b>	2004	1990
<b>Portugal</b>	1986	1981
<b>Romania</b>	2007	1994
<b>Slovakia</b>	2004	1993
<b>Slovenia</b>	2004	2000
<b>Spain</b>	1986	1986
<b>Sweden</b>	1995	1975
<b>United Kingdom</b>	1973	1976

**Annex IX**      **Correlation Table for *Regulation (EC) No.1808/2001* with *Regulation (EC) No. 865/2006***

<b>Regulation (EC) No. 1808/2001</b>	<b>Regulation (EC) No. 865/2006</b>
Article 1, points (a) and (b)	Article 1, points (1) and (2)
Article 1, point (c)	-
Article 1, points (d), (e) and (f)	Article 1, points (3), (4) and (5)
-	Article 1, points (6), (7) and (8)
Article 2(1) and (2)	Article 2(1) and (2)
-	Article 2(3) and (4)
Article 2(3) and (4)	Article 2(5) and (6)
Article 3	Article 3
Article 4(1) and (2)	Article 4(1) and (2)
Article 4(3), points (a) and (b)	Article 5, first paragraph, points (1) and (2)
-	Article 5, first paragraph, point (3)
Article 4(3), points (c), (d) and (e)	Article 5, first paragraph, points (4), (5) and (6)
Article 4(4)	Article 6
Article 4(5)	Article 7
Article 5	Article 8
Article 6	Article 9
Article 7(1)	Article 10
Article 7(2)	Article 11
Article 7(3) and (4)	Article 12
Article 8(1)	Article 13
Article 8(2)	Article 14
Article 8(3)	Article 15(1) and (2)
Article 8(4)	Article 15(3) and (4)
Article 8(5)	Article 16
Article 8(6) and (7)	Article 17
-	Article 18-19
Article 9	Article 20
Article 10	Article 21
Article 11	Article 22
Article 12	Article 23
Article 13	Article 24
Article 14	Article 25
Article 15	Article 26
Article 16	Article 27
Article 17	Article 28
Article 18	Article 29
-	Articles 30-44
Article 19	Article 45
Article 20(1)	Article 46
Article 20(2)	Article 47
Article 20(3), points (a) and (b)	Article 48(1), points (a) and (b)
Article 20(3), point (c)	-
Article 20(3), points (d) and (e)	Article 48(1), points (c) and (d)
Article 20(4)	Article 49
Article 20(5) and (6)	Article 50(1) and (2)
Article 21	Article 51
Article 22	Article 52
Article 23	Article 53

Article 24	Article 54
Article 25	Article 55
Article 26	Article 56
Article 27(1) first and second indents and subsequent text	Article 57(1), points (a), (b) and (c)
Article 27(2), (3) and (4)	Article 57(2), (3) and (4)
Article 27(5), points (a) and (b)	Article 57(5), points (a) and (b)
-	Article 57(5), points (c) and (d)
Article 28(1), first and second indents	Article 58(1), points (a) and (b)
Article 28(2) and (3)	Article 58(2) and (3)
Article 28(4), points (a) and (b)	Article 58(4)
Article 29	Article 59
Article 30	Article 60
Article 31	Article 61
Article 32	Article 62
Article 33	Article 63
Article 34(1)	-
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