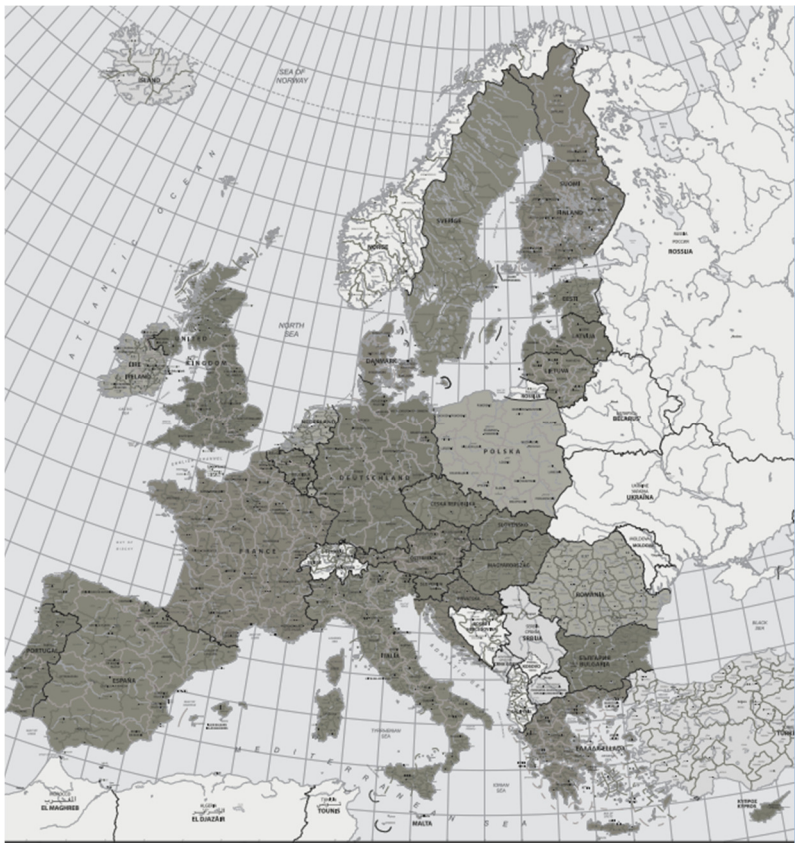
Reference Guide

European Union

Wildlife Trade Regulations



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TRAFFIC
the wildlife trade monitoring network

http://ec.europa.eu/environment/cites/home_en.htm

This is a revised and updated version, based on the previous edition of the *Reference Guide to the European Union 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 9th edition of "*The Evolution of CITES*" published by the CITES Secretariat in 2011 that can be downloaded from the CITES website at **www.cites.org**.

For more details and information relating to the implementation and enforcement of CITES and the EU Wildlife Trade Regulations, see the website of the European Commission (top of page) or, alternatively, contact the relevant authorities in EU Member States.

Front cover map adapted from:
http://bookshop.europa.eu/en/the-european-union-pbIK3112132/

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1. How do I use this guide?

The European Union (EU)[1] 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 EU has been implementing the provisions of **CITES,** the **Convention on International Trade in Endangered Species of Wild Fauna and Flora** (or simply, the **Convention)**, through common **Regulations, which are referred to hereafter collectively as the EU Wildlife Trade Regulations** (or simply, "**the Regulations**")[2].

The Regulations currently in force 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 (referred to in this Guide as ***Regulation (EC) No 338/97*** or the **Basic Regulation**)[3] as amended[4]. The species controlled within the EU under the Basic Regulation are listed in four separate Annexes to the Regulation (Annexes A to D);
- *Commission Regulation (EU) No 1320/2014 amending Council Regulation (EC) No 338/97*, that was adopted on 1 December 2014. This updated (replaced) the Annexes to the Basic Regulation.
- *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 (referred to in this Guide **as *Regulation (EC) No 865/2006*** or the **Implementing Regulation**)[5] as amended[6];
- *Commission Implementing Regulation (EU) No 792/2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and amending Commission Regulation (EC) No 865/2006* that was adopted on 23 August 2012 (referred to in this guide as ***Regulation (EU) No 792/2012***)[7] as amended[8].

1 For the purposes of this Guide, the terms "European Union" and "European Community" will be used interchangeably. For technical reasons, the latter is used in the text of *Council Regulation (EC) No 338/97*.
2 EU legislation is published in the Official Journal of the European Union (OJ).
3 OJ No. L 61 of 3.3.97, p.1
4 The latest amendment at the time of publication of this guide is *Commission Regulation (EU) No 1320/2014 of 1 December 2014 amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein* (OJ No. L 316, 17.12.2014, p. 1). The Basic Regulation may be amended in two ways: (i) amendments to the text of the Regulation (e.g. by *Regulation (EC) 398/2009 of the European Parliament and Council of 23 April 2009*); and (ii) updating of the Annexes (e.g. by *Commission Regulation (EU) No 1320/2014 of 1 December 2014*).
5 OJ No. L 166 of 19.6.2006, p.1
6 The latest amendment at the time of publication of this guide is *Commission Regulation (EU) No 2015/56 of 15 January 2015 amending, as regards the trade in species of wild fauna and flora, Regulation (EC) No 865/2006 laying down detailed rules for the implementation of Council Regulation (EC) No 338/97* (OJ No. L 10 of 16.1.2015, p.1) .
7 OJ No. L 242 of 7.9.2012, p.13.
8 The latest amendment at the time of publication of this guide is *Commission Implementing Regulation (EU) No 2015/57 of 15 January 2015 amending Implementing Regulation (EU) No 792/2012 as regards the rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and in Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97* (OJ No. L 10 of 16.1.2015, p.19).

- *Commission Implementing Regulation (EU) No 888/2014 prohibiting the introduction into the Union of specimens of certain species of wild fauna and flora* that was adopted on 14 August 2014 (referred to in this guide as ***Regulation (EU) No 888/2014*** or the "**Suspensions Regulation"**)[9];

The Commission has also issued a non-binding recommendation *Commission Recommendation of 13 June 2007 identifying a set of actions for the enforcement of Council Regulation (EC) No 338/97* – **the EU Enforcement Action Plan**, setting out a number of actions to be taken by Member States for the more effective enforcement of the Regulations. This may be viewed at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:159:0045:0047:EN:PDF.

Where reference is made to these Regulations in this guide, this should be understood as being to the Regulations as last amended. Where the Regulations have been amended, the consolidated versions of these Regulations, which incorporate the relevant amendments, can be consulted at: http://eur-lex.europa.eu/collection/eu-law/consleg.html. For example, the consolidated version of the Basic Regulation may be viewed at: http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1418045778203&uri=CELEX:01997R0338-20130810.

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 the provisions of the Regulations.

The guide is not intended to be read sequentially. The sections are independent, so you can go directly to whichever topic is of interest. Definitions of key terms are provided in **Annex III of this Guide**.

The following is a summary of the topics covered:

- **Section 2** explains **which species are covered** by the Regulations, and how they are distributed among the **Annexes** to *Regulation (EC) No 338/97*;

- **Section 3** focuses on **trade into and out of the EU**, and the conditions that must be met. The bulk of such trade is in imports, but you may find yourself engaged in exports or re-exports – if you are an animal breeder or plant propagator, for example, or if you are leaving the EU and taking personal effects with you that originated outside of the EU;

- **Section 4** deals with **trade within the EU**. In particular, trade in Annex A specimens is subject to strict controls, and you should be aware of these;

- **Section 5** deals with the **transport, keeping and movement of live specimens**;

9 OJ No. L 243 of 15.8.2014, p.21.

- **Section 6** deals with the **marking requirements** for certain specimens;

- **Section 7** deals with the specific circumstances where permits and certificates may be issued **retrospectively**;

- **Section 8** deals with the **validity of permits and certificates,** and the **special conditions** that may be attached to them;

- **Section 9** deals with procedures at **places of introduction and export**;

- **Section 10** deals with the national and EU-level bodies that deal with **scientific, management and enforcement issues** and explains the role of the **European Commission**;

- **Sections 11, 12 and 13** deal with **enforcement, public awareness and reporting requirements** respectively.

There follow a number of annexes with additional information:

- **Annex I** is for those who want to read more about the **background** to CITES and the EU Wildlife Trade Regulations;

- **Annex II** sets out the main **differences** between **CITES** and the **EU Wildlife Trade Regulations**;

- **Annex III** sets out the **definitions** used throughout the text;

- **Annex IV** sets out the **definitions of the Opinions issued by the Scientific Review Group**;

- **Annex V** provides further information on **the status of EU dependent and other territories** with respect to the application of CITES and the EU Wildlife Trade Regulations;

- **Annex VI** sets out the **codes** to be used in the **description of specimens** and the **units of measurement** to be used for quantities when completing permits and certificates, or applications for the same;

- **Annex VII** sets out the standard **taxonomic references** for **nomenclature** that should be used to indicate the scientific names of species in permits and certificates;

- **Annex VIII** sets out the **codes** used to indicate the **purpose** of a transaction in permits and certificates;

- **Annex IX** sets out the **codes** used to indicate the **source** of specimens in permits and certificates;

- **Annex X** lists the **Annex A-listed animal species** that are **exempt** from the requirement for a certificate for internal trade, by virtue of abundance of captive-bred specimens;

- **Annex XI** lists the **Annex B-listed species and populations** in respect of which **import permits** must be issued by EU Member States for the first introduction into the EU of **hunting trophies** of specimens from these species/populations.

- **Annex XII** sets out the guidelines on **duties** and tasks of **Member State Scientific Authorities** and the **Scientific Review Group (SRG)**;

- **Annex XIII** lists the types of **biological samples** for which certain **procedures which are less strict** may apply;

- **Annex XIV** summarises the provisions that apply to **sturgeon and paddlefish caviar**;

- **Annex XV** sets out the **dates** of **EU membership** and **CITES** accession for the **EU Member States**, and

- **Annex XVI** lists the **Articles** in *Regulation (EC) No 338/97* and *Regulation (EC) No 865/2006* (as amended).

Obviously, there is considerable overlap between the topics covered; however they are cross-referenced to ensure that you are directed to all areas of relevance to your query.

An electronic version of this guide and the relevant Regulations are available in pdf format on the EU CITES website at: http://ec.europa.eu/environment/cites/legis_refguide_en.htm.

There are also a few general tips that you should be aware of:

- If you have some familiarity with the workings of **CITES** but have not dealt with the **EU Wildlife Trade Regulations** before, it is important to note that there are many **differences** between these regulations, and that the latter are stricter in most respects. Therefore, you should not rely on CITES or the CITES Conference of the Parties (CoP) Resolutions for an interpretation of the laws applicable in the EU. The most important differences between the two are summarised in **Annex II**.

- Work as much as possible with the **scientific names** of the species that you are dealing with, since these are the only standard names that are accessible to all practitioners, regardless of the language they speak. **Section 2** explains how you can access these scientific names.

- Read the **instructions** carefully before completing any relevant **applications forms, permits or certificates**. This guide contains annotated instructions that may make this process easier.

- Never accept a specimen if you cannot be reasonably satisfied of its **legal origin**. At the very least, you may have trouble subsequently disposing of it, but you might also face penalities such as having the specimen confiscated, a fine or even prosecution.

Subject to these warnings and the more detailed rules in the remaining sections, there is no reason why you should be wary of dealing with CITES issues and CITES specimens, in any capacity. While unsustainable wildlife trade contributes to biodiversity loss, sustainable and well-regulated trade can be a positive force for conservation.

2. What species are covered by the Regulations, and in what way?

2.1 The CITES Appendices

Under CITES, animal and plant species[10] are subject to different degrees of regulation by listing in three **Appendices** (which are referred to in this Guide as "**the Appendices**"). **Table 1** indicates the number of species that are listed in the CITES Appendices.

Appendix I includes **species threatened with extinction**, for which trade[11] must be subject to stricter regulation, and can only be authorised in exceptional circumstances for specimens[12] of wild origin. **Commercial trade in wild taken 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 lists so-called **"look-alike species"** (see Article II, paragraph 2(b) of CITES), which are controlled because of their similarity in appearance to other regulated species, thereby facilitating more effective control.

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

Table 1: Numbers of species listed in the CITES Appendices, updated 2 October 2013

	Appendix I	Appendix II	Appendix III	Total
Mammals	300	501	45	**846**
Birds	154	1278	25	**1677**
Reptiles	80	673	40	**793**
Amphibians	17	126	3	**146**
Fish	16	87	-	**103**
Invertebrates	63	2162	22	**2247**
Sub-total Animals	**630**	**4827**	**135**	**5592**
Sub-total Plants	**301**	**29 592**	**12**	**29 905**
Total	**931 species** (plus 47 sub-species and including 21 populations)	**34 419 species** (plus 11 sub-species and including 187 populations)	**147 species** (plus 13 sub-species and including 2 populations)	**35 497 species** (plus 71 sub-species and including 210 populations)

Source: *adapted from the CITES website* ***www.cites.org****.*

Note: Numbers of subspecies and populations included in the Appendices are not included in this table, but are indicated in the overall total.

10 According to the glossary of key terms on the CITES website (http://www.cites.org/eng/resources/terms/glossary.php#s), species may be defined as any species, subspecies, or geographically separate population thereof.
11 For definition of "trade", see **Annex III to this Guide**.
12 For definition of "specimen", see **Annex III to this Guide**.

2.2 The Annexes to Regulation (EC) No 338/97

The implementation of CITES within the EU is governed by EU regulations, which are directly applicable[13] in the Member States. These regulations are set out in more detail in **Section 1**.

By default, the EU Wildlife Trade Regulations and CITES cover trade in all specimens, whether alive or dead, including parts and derivatives, from animal and plant species listed in the Annexes/Appendices[14]. Trade is defined in the EU Wildlife Trade Regulations as the introduction into the EU (including introduction from the sea) and the export and re-export therefrom, as well as the use, movement and transfer of possession within the EU, including within a Member State, of species listed in the Annexes (see **Annex III of this Guide**). The term "trade" therefore encompasses not only trade in a commercial sense but also, for example, imports and (re)-exports for personal use. The species covered by *Regulation (EC) No 338/97* are listed in four Annexes (A to D), which are referred to in this Guide as "**the Annexes**".

In some cases, entire genera or families are listed, so if you cannot see the name of the species you are looking for in the Annexes, look for it on the database of species maintained by UNEP-WCMC at http://www.speciesplus.net/, where every species in the Regulations can be found. Scientific names change from time to time, and the taxonomic references that determine the current scientific names are set out in **Annex VII** to this Guide. It is these current scientific names that are found on the Species+ website, however the database also retains the old names so that you do not have to be completely up to date with the changes in taxonomy to find the current scientific name. Although common names are also listed, not all species have common names and they may vary from country to country. Therefore, if you are engaging in a transaction that may involve a CITES-listed species, you should always take care to familiarise yourself with the scientific name, since this is the name that must be entered on relevant documents.

2.2.1 Annex A

Table 2 shows the number of species and subspecies listed in Annex A of the EU Wildlife Trade Regulations.

Annex A[15] contains:

- all CITES **Appendix I-listed** species;
- any species (listed in CITES Appendix II, III, or non-CITES-listed) that is, or may be, in EU or international demand and which is either threatened with extinction or is so rare that any **trade would imperil its survival in the wild**[16], and

13 Meaning that, unlike for EU Directives, Member States do not need to take action to transpose the EU legislation into national law.
14 See definition of "specimen" in **Annex III to this Guide**. It is noted that for items such as medicinal products, if the label or packaging states that the ingredients include a listed species, the product shall be taken as containing that particular species (Article 2(t) *Regulation (EC) No 338/97*).
15 Article 3(1) *Regulation (EC) No 338/97*.
16 For CITES Appendix III-listed species in Annex A, all populations of 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.

- **some look-alike species** (listed in CITES Appendix II, III or non-CITES-listed). If most of the species in a genus (or most of the subspecies in a species) are listed in Annex A, the remaining species can be listed if this considered to be essential for the effective protection of the species listed in Annex A, in order to exclude commercial trade in the entire genus or species (e.g. for reasons related to control/enforcement).
- Finally, although there is no separate provision in *Regulation (EC) No 338/97*, **CITES-listed species** that in **1997** were subject to a **trade prohibition under EU legislation** on the protection of indigenous species (Directive on the conservation of wild birds[17] and the so-called "Habitats Directive"[18]), are automatically listed in Annex A. The names of these species in Annex A are printed in **bold**. However, species that came within the remit of those Directives with the later accession of new Member States, or that were added to the Appendices since 1997, are not included in Annex A.

Table 2: Number of species and sub-species listed in Annex A of the EU Wildlife Trade Regulations, updated 4 December 2014

	Appendix I	Appendix II	Appendix I/II	Appendix III	Non-CITES	Total
Mammals	312	94	12*	0	2	420
Birds	161	72	1**	2	17	253
Reptiles	79	10	6**	0	1	96
Amphibians	23	0	0	0	0	23
Fish	14	0	0	0	0	14
Invertebrates	70	2	0	0	0	72
Sub-total Animals	**659**	**178**	**21**	**2**	**20**	**878**
Sub-total Plants	**314**	**11**	**0**	**0**	**0**	**325**
Total	**973**	**189**	**21**	**2**	**20**	**1203**

Source: *adapted from http://www.speciesplus.net/ - data downloaded on 4 December 2014.*

*Includes 10 species of mammal populations/subspecies of which are listed in Annex B of CITES.

** Certain populations/subspecies listed in Annex B and/or Appendix II of CITES.

Commercial trade from, to and within the EU is, as a general rule, prohibited for wild specimens of species listed in Annex A[19]. External trade to and from the EU is governed by provisions comparable to those applicable to species listed in Appendix I under CITES.

17 *Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds* (OJ No. L 20 of 26.01.2010 p.7) (codified version of *Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds,* as amended).

18 *Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora* (OJ No. L 206 of 22.7.92 p.7).

19 Captive-bred specimens of species listed in Annex A are exempted from this prohibition and can be traded for commercial purposes (see **Section 3.6.1**).

2.2.2 Annex B

Table 3 shows the number of species and subspecies listed in Annex B of the EU Wildlife Trade Regulations.

Annex B[20] contains:

- CITES **Appendix II-listed** species (if they are not already included in Annex A);
- Appendix I-listed species for which **EU Member States have entered a reservation** (currently not applicable since there are no Appendix I-listed species subject to such a reservation);
- **any species** (CITES Appendix III-listed, non-CITES-listed) 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 the ecosystem**[21];
- some look-alike species, whose listing is considered essential for the effective control of trade in other species listed in Annex A or B (see also **Section 2.1**), and
- species (CITES Appendix III-listed, non-CITES-listed) known to pose an **ecological threat** to species that are indigenous to the EU (currently seven species listed[22]).

Table 3: Number of species and subspecies listed in Annex B of the EU Wildlife Trade Regulations, updated 4 December 2014

	Appendix I	Appendix II	Appendix III	Non-CITES	Total
Mammals	0	402	1	3	406
Birds	0	1210	0	4	1214
Reptiles	0	656	1	2	659
Amphibians	0	128	0	2	130
Fish	0	91	0	0	91
Invertebrates	0	2163	0	9	2172
Sub-total Animals	**0**	**4650**	**2**	**20**	4672
Sub-total Plants	**0**	**31805***	**0**	**1**	31806
Total	**0**	**36455**	**2**	**21**	**36478**

Source: *adapted from http://www.speciesplus.net/ - data downloaded on 4 December 2014*

*All species in the *Orchidaceae* family are listed in CITES Appendix II, except for the 100 species that are listed in Appendix I. As there is currently no standard agreed nomenclature for the entire *Orchidaceae* family, for the purposes of this table the number of accepted *Orchidaceae* species according to The Plant List (www.plantlist.org (Royal Botanic Gardens, Kew, and Missouri Botanical Garden), accessed 4 December 2014) was used.

20 Article 3(2) *Regulation (EC) No 338/97*.
21 Once again, for Appendix III-listed species listed in Annex B, all poplations of 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.
22 Ruddy Duck (*Oxyura jamaicensis*), American Bull Frog (*Lithobates catesbeianus*), Red-eared Terrapin (*Trachemys scripta elegans*), Painted Turtle (*Chrysemys picta*), Pallas's Squirrel (*Callosciurus erythraeus*), Grey Squirrel (*Sciurus carolinensis*) and Eastern Fox Squirrel (*Sciurus niger*). The three squirrel species were listed by *Regulation (EU) No 101/2012* of 6 February 2012.

Documentation is required for the import, export and (re-)export of specimens of Annex B-listed species into/from the EU. EU rules on import of Annex B-listed species are stricter than under CITES as import permits are required (in addition to export permits) for the import of such specimens into the EU.

2.2.3 Annex C

Table 4 shows the number of species and subspecies listed in Annex C of the EU Wildlife Trade Regulations.

Annex C[23] contains:

- CITES **Appendix III-listed species** that are not already included in Annex A or B, and
- Appendix II-listed species for which **EU Member States have entered a reservation**. (This is currently not applicable since there are no Appendix II species subject to such reservation).

Where Appendix III-listed species in Annex C are concerned, the species as a whole are subject to the corresponding provisions of the Regulations, and not just the populations of the countries that listed them in Appendix III.

Table 4: Number of species and subspecies listed in Annex C of the EU Wildlife Trade Regulations, updated 4 December 2014

	Appendix III	Non-CITES	Total
Mammals	47	0	**47**
Birds	23	0	**23**
Reptiles	40	0	**40**
Amphibians	3	0	**3**
Fish	0	0	**0**
Invertebrates	25	0	**25**
Sub-total Animals	**138**	**0**	**138**
Sub-total Plants	**12**	**0**	**12**
Total	**150**	**0**	**150**

Source: *adapted from http://www.speciesplus.net/ - data downloaded on 4 December 2014*

Species listed in Annex C do not require an import permit. Imports can take place on the basis of a CITES export permit, a (re-)export certificate, or a certificate of origin, together with an import notification (the import notification is not a document required under CITES and is therefore a stricter EU measure). The (re-)export of specimens of Annex C-listed species from the EU requires an export permit or re-export certificate.

23 Article 3(3) *Regulation (EC) No 338/97.*

2.2.4 Annex D

Table 5 shows the number of species and subspecies listed in Annex D of the EU Wildlife Trade Regulations.

Annex D[24] contains:

- **Non-CITES-listed species** that are not listed in Annexes A to C which are **imported into the European Union in such numbers as to warrant monitoring**, and
- **Appendix III-listed species** for which **EU Member States have entered a reservation** (there are currently three of these (and four sub-species)[25]).

Annex D lists species that do not have a CITES equivalent. **Imports of specimens of Annex D-listed species require an import notification.** The Annex D monitoring system is intended to allow the **early detection** of possible conservation concerns to the species listed and thus is similar to the purpose of Annex B, which aims to ensure sustainable trade in species and thus prevent them from becoming Annex A candidates. Where necessary, Annex D-listed species can be proposed for "up-listing" and brought under the trade provisions applicable to Annex B-listed species. Some former Annex D-listed species have subsequently been added to CITES Appendix II and consequently to Annex B.

Table 5: Number of species and subspecies in listed Annex D of the EU Wildlife Trade Regulations, updated 4 December 2014

	Appendix III	Non-CITES	Total
Mammals	7	5	12
Birds	1	57	58
Reptiles	0	23	23
Amphibians	0	34	34
Fish	0	1	1
Invertebrates	0	4	4
Sub-total Animals	**8**	**124**	132
Sub-total Plants	**0**	**37**	37
Total	**8**	**161**	**169**

Source: *adapted from http://www.speciesplus.net/ - data downloaded on 4 December 2014*

2.2.5 Annotations

As noted above, CITES and the EU Wildlife Trade Regulations cover, by default, all specimens, whether alive or dead, including parts and derivatives, from animal and plant species listed in the

24 Article 3(4) *Regulation (EC) No 338/97*.
25 As of December 2014.

Appendices/Annexes. However, through an **annotation** to the listing, **some parts and derivatives may be specified or exempted from certain provisions**. *Swietenia mahagoni* (Caribbean Mahogany), for example, is listed in Annex B, with an annotation that the listing applies to logs, sawn wood and veneer sheets. The trade in other specimens therefore does not fall under CITES and does not require a permit or certificate.

2.2.6 Hybrids

Hybrids are **also covered** by CITES and the EU 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 hybrids 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, the provisions of the more restrictive Annex shall apply only when the species is annotated to that effect[26] (currently there is no such annotation in force[27]). Hybrid animals that have, in their previous four generations of the lineage, one or more specimens of species included in Annexes A or B are subject to the provisions of *Regulation (EC) No 338/97* as if they were full species, even if the hybrid concerned is not specifically included in the Annexes[28].

26 Article 2(t) *Regulation (EC) No 338/97*.
27 Paragraph 13, Annex to *Regulation (EC) No 338/97* (Notes on interpretation of Annexes A, B, C and D).
28 Paragraph 11, Annex to *Regulation (EC) No 338/97* (Notes on interpretation of Annexes A, B, C and D).

3. What are the rules governing trade into and from the EU for species covered by the Regulations?

3.1 Overview

For any animal or plant species that is listed in Annex A, B or C of *Regulation (EC) No 338/97* (or any parts or derivatives of the same), documentation is required before trade to or from the EU can take place. In the case of species listed in Annex D, documentation is only required for trade to the EU, unless the species is also listed in Appendix III of CITES. The required documents can only be issued if certain conditions are met. The designated Management Authority of the individual EU Member State, in collaboration with its national Scientific Authority, will verify whether these conditions are met. The documents must be presented to the relevant Customs offices before a shipment can be authorised to enter or leave the EU.

It should be noted that this guide deals **only** with the requirements of the EU Wildlife Trade Regulations. Other documents may be needed for 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 phytosanitary purposes for plants or plant produce/products, such as fruit, seeds for planting and cut flowers.

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

- an **import permit** for the import of specimens of Annex A- or B-listed species[29] (the stamped and signed holder's copy of the import permit may also be used later as confirmation that the specimen was lawfully imported should the need arise);
- an **export permit** for the export of specimens of Annex A-, B- or C-listed species[30];
- a **re-export certificate** for the re-export of specimens of Annex A-, B- or C-listed species[31], and
- an **import notification** form for the import of Annex C- or D-listed species, which is to be completed by the importer[32].

29 Article 4(1) and (2) *Regulation (EC) No 338/97*.
30 Article 5(1), (2) and (4) *Regulation (EC) No 338/97.*
31 Article 5(1), (3) and (4) *Regulation (EC) No 338/97.*
32 Article 4(3) and (4) *Regulation (EC) No 338/97.* For specimens of species listed in Annex D, an import notification is required for imports into the Community, but no documents are required for (re-)export unless the species is listed in Appendix III of CITES (see **Table 6**).

In certain cases, special certificates may be used instead of import or export permits and re-export certificates, for example, **travelling exhibition certificates, personal ownership certificates** and **musical instrument certificates** (see **Section 3.6**).

In addition to documents issued by EU Management Authorities, **relevant documents may also be required from the country of (re-)export or import**. For example, for the **import** of species listed in **Annex A or B, and which are also listed in the CITES Appendices**[33], an **export permit or re-export certificate** is also needed from the country of origin or re-export[34]. For the **export** of species listed **in Appendix I** of CITES, an **import permit** is required from the **country of destination** before an export permit can be issued[35]. (The import permit is only required from a third country when the species is listed in Appendix I of CITES.) **Table 6** presents an overview of documents needed for trade into and from the EU.

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

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

33 Note that for the import of Annex A and B-listed species that are not also listed in the CITES Appendices, documentary evidence of legal acquisition will still be required from the country of origin or re- export but in a different form.
34 Article 4(1) and (2) *Regulation (EC) No 338/97*.
35 Article 5(2)(c)(ii) *Regulation (EC) No 338/97.*

Type of trade	Annex	Documents Required (*Note: documents have to be obtained before trade takes place and must be presented to Customs upon introduction into/export from the EU)*	Article of ***Regulation (EC) No 338/97***
Re-export	A	**Re-export certificate** issued by the EU Member State of re-export and **import permit** issued by the country of destination.**	5(1), 5(3), 5(5)
	B	**Re-export certificate** issued by the EU Member State of re-export.	5(4)-(5)
	C	**Re-export certificate** from the EU Member State of re-export.	5(4)-(5)
	D	No documents required	

Source: *adapted from* Council Regulation (EC) No 338/97.
* The export permit is only required when the species is listed in the CITES Appendices.
**The import permit is only required from a third country when the species is listed in Appendix I of CITES.

The following five subsections provide more details on these document requirements:

- **Section 3.2** sets out the **documents** required for the **entire range of transactions** involving trade into or out of the EU;
- **Section 3.3** deals with the documents required for **import** of specimens of species listed in **Annexes A and B**;
- **Section 3.4** deals with the documents required for **import** of specimens of species listed in **Annexes C and D**;
- **Section 3.5** deals with the documents required for the **(re-)export** of specimens of species listed in **Annexes A, B and C**;
- **Section 3.6** deals with the cases where **derogations** from normal import and (re-)export rules apply.

3.2 What document for what purpose?

3.2.1 Documents for the import of specimens of species listed in Annex A, B, C or D into the EU

The **introduction into the EU**[36] of specimens of species listed in **Annex A** or **B** to *Regulation (EC) No 338/97* requires prior issue of an **import permit**, which must be presented to the Customs office at the first point of introduction to the EU. **Table 7** indicates which documents are required as part of an import permit. (An export permit or re-export certificate issued by the country of export is also required.)

36 "Introduction into the EU" refers to import of species from another jurisdiction but also to introduction from marine waters outside any national jurisdiction (termed "introduction from the sea").

Table 7: Documents required as part of import permits for specimens of species listed in Annex A or B of the EU Wildlife Trade Regulations

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-listed species)[37]	Form number **3**	Pale green
Copy for the **issuing authority**	Form number **4**	Pink
Application form	Form number **5**	White

Source: *adapted from* Regulation (EU) 792/2012.

*At the time of introduction into the EU, the importer - or their authorised representative - must surrender to the border Customs office at a designated point of introduction: (i) the original import permit (Form 1), (ii) the "copy for the holder" (Form 2) and, where this is indicated in the import permit, (iii) the valid document from the (re-)exporting country[38]. 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. This Management Authority must then, in turn, forward the documentation to the Management Authority of the Member State which has issued the permit (if different)[39] (see **Section 3.3.7**).

The **introduction into the EU** 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 presentation of this import notification to the Customs officer at the first point of introduction into the EU. **Table 8** indicates which documents are required as part of such an import notification.

Table 8: Documents required as part of an import notification for specimens of species listed in Annex C or D of the EU Wildlife Trade Regulations

Type of document*	Form Number	Colour
Original	Form number **1**	White
Copy for the **importer**	Form number **2**	Yellow

Source: *adapted from* Regulation (EU) 792/2012.

*At the time of introduction into the EU, the importer - or their authorised representative - must surrender to the border Customs office at a designated point of introduction: (i) the original import notification (Form 1); and (ii) and the "copy for the importer" (Form 2)[40]. The Customs office completes 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 – is submitted to the Management Authority of the country into which it has been introduced. Original notifications shall also be forwarded to the Management Authority of the country of import, when it is different from the country where the specimen was introduced into the EU[41] (see **Section 3.4**).

3.2.2 Documents for the export or re-export of specimens listed in Annex A, B, C or D from the EU

The **export** from the EU 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. In the case of specimens of species also listed in **Appendix I of**

37 Article 21 *Regulation (EC) No 865/2006.* This copy may be replaced by a written statement by the Management Authority that an import permit will be issued, and on which conditions.
38 Article 22 *Regulation (EC) No 865/2006*.
39 Articles 23 and 45 *Regulation (EC) No 865/2006.*
40 Article 24 *Regulation (EC) No 865/2006.*
41 Articles 25 and 45 *Regulation (EC) No 865/2006*.

CITES, an import permit must be issued by the country of import[42] before an export permit can be issued by the relevant EU Member State[43].

The **re-export** from the EU 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. In the case of specimens of species also listed in **Appendix I of CITES**, an import permit must be issued by the country of import[44] before an export permit can be issued by the relevant EU Member State[45].

No documents are normally required for the **export or re-export** of species listed in **Annex D** (except in the case of the three species (and four sub-species)[46] listed in Appendix III, where the importing countries may require (re-)export documents). **Table 9** indicates which documents are required as part of export permits and re-export certificates.

Table 9: Documents required as part of export permits and re-export certificates for specimens of species listed in Annex A, B, C, or D of the EU Wildlife Trade Regulations

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

Source: *adapted from* Regulation (EU) No 792/2012.

*At the time of (re-)export from the EU , the (re-)exporter - or the authorised representative - must surrender: (i) the original export permit or re-export certificate (Form 1), (ii) the "copy for the holder" (Form 2), and (iii) the "copy for return to the issuing authority" (Form 3) to a designated Customs office[47]. 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 authorised representative, and the latter to the Management Authority of the country in which that Customs authority is located. If this was not the original issuing authority (i.e the permit was issued in another Member State), the document must then be passed on to the Management Authority that had issued the permit[48] (see **Section 3.5.7**).

42 If a Party to CITES.
43 Article 5 *Regulation (EC) No 338/97*.
44 If a Party to CITES.
45 Article 5 *Regulation (EC) No 338/97*.
46 As of January 2015.
47 Article 27 *Regulation (EC) No 865/2006.*
48 Articles 28 and 45 *Regulation (EC) No 865/2006.*

3.3 What are the rules for the issuance of import permits for specimens of Annex A- or B-listed species?

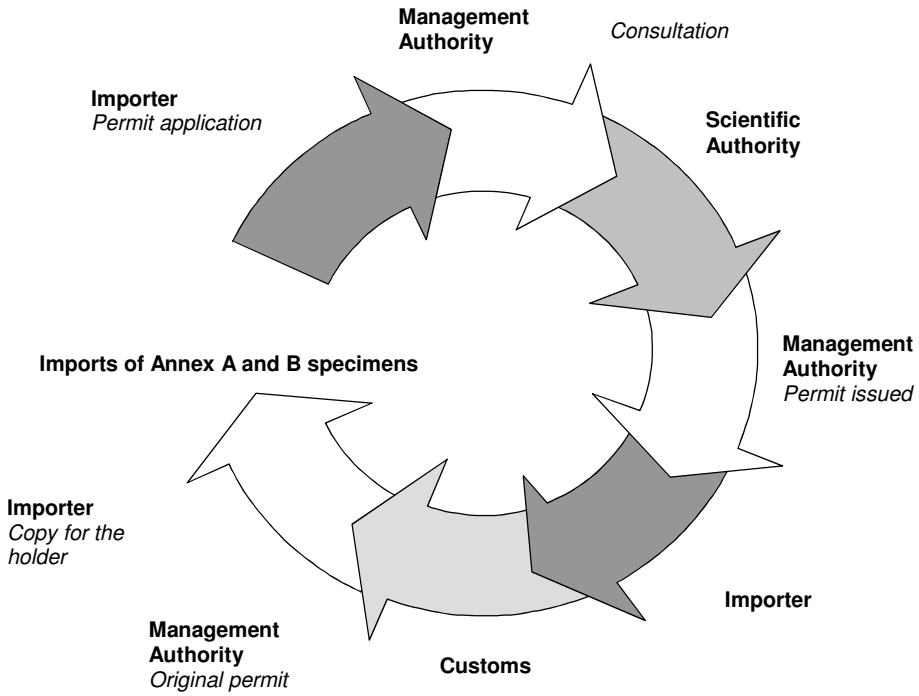
3.3.1 How do I apply to import a specimen?

The rules for the issuance of import permits for specimens of Annex A- or B-listed species, from permit application to import, are as follows (see also **Figure 1**)[49]:

- the importer must obtain an **import permit application form** (model laid down in **Annex I** to *Regulation (EU) No 792/2012*) 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 EU's external border[50];
- Management Authorities are required to issue permits **within one month** from the date of submission of a full application[51];
- permit issuance may take longer where **third parties**, such as the country of origin or the Scientific Authority of the Member State of destination, need to be consulted[52], and
- the applicant must be informed of **significant delays**[53].

The procedures described in this Section are similar to those that apply when dealing with **exports**, **re-exports** (see **Section 3.5.1** and **Figure 6**) and internal trade within the EU (see **Section 4.5**).

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



49 Articles 4(1) and (2) *Regulation (EC) No 338/97*
50 Article 13(1) *Regulation (EC) No 865/2006*
51 Article 8(3) *Regulation (EC) No 865/2006*
52 Article 8(3) *Regulation (EC) No 865/2006*
53 Article 8(3) *Regulation (EC) No 865/2006*

Note that specimens **shall not be authorised to be assigned to a Customs procedure until the necessary documents have been presented**[54] (as required for export and re-exports – see **Section 3.5.1**). 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**[55] (as is the case when applying for an export or re-export – see **Section 3.5.1**).

If only the **application form is to be completed** (model set out in **Annex I** to *Regulation (EU) No 792/2012*), the importer must fill in **boxes 1, 3 to 6 and 8 to 23**[56] in **typescript** or **legibly in manuscript** (ink and block capitals)[57]. **Erasures and alterations** in the application form should be avoided as much as possible[58]. The **application form** may relate to **more than one shipment of specimens**[59], however **each shipment of specimens** (shipped together as part of one load) will require a **separate import permit**[60]. Where a shipment contains more than one species, the applicant must obtain and complete additional **annex forms** that will be attached to the permit[61].

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**[62]. This must be done in **typescript** and not by hand. The original and copies of the import permit 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[63]. A **separate set** of forms must be completed for each shipment of specimens shipped together as part of one load[64]. Where shipments contain **more than one species**, forms for an **annex** must be obtained and completed[65].

Special **codes** and **standard references** must be used when filling the information in permits and certificates[66] - see Annexes of this Guide as detailed below:

i) Codes for the **description of the specimens and units of measurement**, e.g. kg, m², number of individuals/pieces (see **Annex VI**);
ii) Standard references to indicate the **scientific name** of species (see **Annex VII**);
iii) Codes for the indication of the **purpose** of the import (see **Annex VIII**), and
iv) Codes for the indication of the **source** of the specimens (see **Annex IX**).

54 Article 13(2) *Regulation (EC) No 865/2006*
55 Article 20(1) *Regulation (EC) No 865/2006*
56 *As above.*
57 Article 4(1) *Regulation (EC) No 865/2006*
58 Article 4(2) *Regulation (EC) No 865/2006*
59 Article 20(1) *Regulation (EC) No 865/2006*
60 Article 9 *Regulation (EC) No 865/2006*
61 Article 6(2) *Regulation (EC) No 865/2006*
62 Article 20(1) *Regulation (EC) No 865/2006*
63 Article 4(2) *Regulation (EC) No 865/2006*
64 Articles 9 and 20(1) *Regulation (EC) No 865/2006*
65 Article 6(2) *Regulation (EC) No 865/2006*
66 Article 5 *Regulation (EC) No 865/2006*

Instructions for completing the forms can be found on the back of the original application form and all copies (see below and also **Figure 2** for the import permit form). The **omission of information** from the application must be justified to the relevant Management Authority[67].

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[68]. Annexes may also contain lists of numbers of identification marks (rings, tags and the like) for which there is no prescribed form.

The completed form(s) must be submitted to the **Management Authority of the Member State of destination,** together with the **documentary evidence** and information needed to allow the Management Authority to determine whether a permit may be issued[69] (see **Section 3.3.2**). The most important documentary requirement for trade in **Appendix I- or II-listed species** is an **export permit, re-export certificate, or copy thereof**, which must **accompany the shipment**[70].

Some Member States require the payment of a **fee** for processing the application.

Permits may be issued in paper format or in electronic format[71].

67 Article 20(2) *Regulation (EC) No 865/2006*
68 Article 6(1) *Regulation (EC) No 865/2006*
69 Article 20(2) *Regulation (EC) No 865/2006*
70 Article 4(1)(b) *Regulation (EC) No 338/97*
71 Article 8(1) *Regulation (EC) No 865/2006*

Figure 2: Annotated import permit form

EUROPEAN UNION

ORIGINAL *Number and name of form*

1

1. Exporter/Re-exporter

PERMIT/CERTIFICATE

☐ IMPORT x
☐ EXPORT
☐ RE-EXPORT
☐ OTHER:

No. *Unique number to be attributed by the issuing authority*

2. Last day of validity:

3. Importer

Convention on International Trade in Endangered Species of Wild Fauna and Flora

4. Country of (re)-export

5. Country of import

6. Authorized location for live specimens of Annex A species

7. Issuing Management Authority

8. Description of specimens (incl. marks, sex/date of birth for live animals)

9. Net mass (kg)

10. Quantity

11. CITES Appendix | 12. EU 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

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)

24. The (re-)export documentation from the country of (re-)export
☐ has been surrendered to the issuing authority
☐ has to be surrendered to the border customs office of introduction

25. The ☐ importation ☐ exportation ☐ re-exportation of the goods described above is hereby permitted.
Signature and official stamp:

Name of issuing official:

Place and date of issue:

26. Bill of Lading / Air Waybill Number:

27. For customs use only

Quantity / net mass (kg) actually imported or (re)-exported	Number of animals dead on arrival

Customs document
Type:
Number:
Date:

Signature and official stamp:

Summary of key instructions and explanations for import permit forms

(Note: For full instructions and explanations, see Annex I to *Regulation (EC) No 792/2012.* The numbers below refer to the numbers of the boxes on the form - see also **Figure 2**.)

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

2. **Last day of validity**: No later than 12 months from date of issue.

3. **Importer**: 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 (re-) exported**: 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, see 15.

5. The **Member State of final destination** of the specimens.

6. **Authorised location for live specimens of Annex A-listed species**: The proposed housing location for live specimens of Annex A-listed species, other than captive-bred or artificially-propagated specimens, 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. **Issuing Management Authority**: The Management Authority of the Member State of the final destination of the specimens.

8. **Description of specimens**: This description must be as precise as possible and include a 3-letter code in accordance with **Annex VII** to *Regulation (EC) No 865/2006*.

9/10. **Net mass** and **quantity**: See **Annex VII** to *Regulation (EC) No 865/2006* for units to be used.

11. **CITES Appendix:** I, II or III.

12. **EU Annex:** A or B.

13/14. **Source** of specimens and **purpose** of import: Use codes in Annex IX of *Regulation (EC) No 865/2006* (as amended).

15. **Country of origin**: Country where specimens were taken from the wild, bred or propagated, see 4. In the case of plant specimens that were formerly exempt from CITES controls (e.g. Appendix II-listed seeds or artificially-propagated flasked seedlings) but that ceased to be exempt (e.g. because they were grown further), the country of origin is that country where the exemption ceased to apply.

16/17. **Permit no.** and **date of issue:** Provide details of the relevant export permit.

18. **Country of last re-export:** Re-exporting country from which import takes place, see 4.

19/20. **Certificate no.** and **date of issue:** Provide details of the re-export certificate.

21. **Scientific name of species:** The standard references for nomenclature in **Annex VIII** to *Regulation (EC) No 865/2006* must be used. These are also available on the UNEP-WCMC website.

22. **Common name of species:** A common name may not be available for all species.

23. **Special conditions** (for official use only)**:** Space for the issuing authority to impose stipulations, conditions and requirements in order to ensure compliance with EU and national legislation. Where plant specimens were formerly exempt and ceased to be so, as described for **box 15** above, **box 23** shall include the statement "Legally imported under exemption from the provisions of CITES", and shall specify which exemption applied.

24. **Surrender of documentation** (for official use only)**:** 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 (for official use only).

26. **Bill of Lading/Air Waybill no.:** To be indicated by the importer at the time of importation.

27. To be completed by the Customs office of introduction into the Union. **Quantity/net mass (kg) actually imported**: If more than in **box 9** or **10**, Customs will contact the Management Authority.

    Number of animals dead on arrival: Only relevant for shipments of live animals.

    After completion, Customs will return the original (form 1) to the Management Authority in their country and return the "copy for the holder" to the importer (form 2). The latter document serves as proof that the specimens concerned have been legally imported.

3.3.2 What documentary evidence is required by the Management Authority for imports?

For specimens coming from outside the EU, the provisions governing the documentary evidence required for their import are determined largely by the relevant provisions of CITES. The most important documentary requirement for trade in **Appendix I- or II-listed species** is an **export permit, re-export certificate, or copy thereof**, which must **accompany the shipment**[72].

In the case of Appendix I-listed species, an export permit or re-export certificate cannot be issued by the Management Authority of the country of (re-)export until the importing Member State has issued an import permit. However, the original of the import permit is withheld by the Management Authority pending presentation of the export permit or re-export certificate[73]. The importer should therefore obtain the "copy for the exporting or re-exporting country" of the import permit, or a written statement from the Management Authority that an import permit will be issued, and under which conditions[74]. On that basis the (re-)exporter can obtain the (re-)export document from the country of export/re-export.

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[75]. To ascertain whether such quotas exist, and whether or not they have been accepted as meeting the conditions for import, check the CITES website at:
http://www.cites.org/eng/resources/quotas/index.php;
or check the Species+ website maintained by UNEP-WCMC at:
http://www.speciesplus.net/.

Export permits and re-export certificates must be **endorsed**, with quantity, signature and stamp, by an official from the **export or re-export country**, in the export endorsement block of the document. If the export document **has not been endorsed** at the time of export, the Management Authority of the importing country should liaise with the exporting country's Management Authority to determine the acceptability of the document. Any extenuating circumstances or documents may be considered.[76]

For **Appendix III-listed** species, where export is from the **country having listed the species** in Appendix III, an **export permit** is required[77]. Where export is from any **other country**, a **certificate of origin** is sufficient[78]. However, for **re-exported** specimens of Appendix III-listed species, a **re-export certificate** will be needed[79].

72 Article 4(1)(b) *Regulation (EC) No 338/97*
73 Article 4(1)(b)(ii) *Regulation (EC) No 338/97*
74 Article 21 *Regulation (EC) No 865/2006*
75 Article 7(2) *Regulation (EC) No 865/2006*
76 Article 7(5) *Regulation (EC) No 865/2006*
77 Article 4(3)(a) *Regulation (EC) No 338/97*
78 Article 4(3)(b) *Regulation (EC) No 338/97*
79 *As above.* For Appendix III-listed species also included in Annex A or B, a (re-)export permit is required.

Export permits and re-export certificates issued by third countries shall be accepted only if the competent authority from the third country concerned provides, where requested to do so, **satisfactory information that the specimens were obtained in accordance with the legislation** on the protection of the species concerned[80]. Especially, this should be applied when timber and the *"EU Timber Regulation*[81]*"* (see Article 3 of that Regulation) are concerned.

In all cases, 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) No 865/2006*[82] and in the annexes to this Guide.

Re-export certificates shall only be accepted if they specify the **country of origin** of the specimens – i.e. 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[83].

3.3.3 What other conditions or requirements apply to imports into the EU under the EU Wildlife Trade Regulations?

In general, specimens of species listed in **Annex A cannot be imported for primarily commercial purposes**[84] (except for relevant derogations as set out in **Section 3.6**).

Imports of specimens of species listed in **Annexes A and B** are **never allowed** if such an import would have a **detrimental conservation effect**[85] - this is explained in more detail in **Section 3.3.9.3.**

Import permits should not be issued by Member States in cases where, despite a request to this end, they do not obtain **satisfactory information** from the exporting or re-exporting country as to the **legality of the specimens** to be imported into the EU[86].

Some specimens intended for import into the EU[87] must be **marked** in accordance with Article 66(6) of *Regulation (EC) No 865/2006* (see **Section 6**).

80 Article 7(6) *Regulation (EC) No 865/2006*
81 *Regulation (EU) No 995/2010* of the European Parliament and of the Council of 20 October 2010.
82 Third country documentation requirements apply equally to CITES Parties 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.
83 Article 7(3) *Regulation (EC) No 865/2006*
84 Article 4(1)(d) *Regulation (EC) No 338/97*. This includes ranched specimens and so-called source "F" specimens – i.e. specimens born in captivity but not meeting the formal definition of captive-bred/artificially-propagated.
85 Articles 4(1)(a)(i) and 4(2)(c) *Regulation (EC) No 338/97*
86 Paragraph (3) of Recitals to *Regulation (EU) No 2015/56* and Article 7(6) *Regulation (EC) No 865/2006*
87 Articles 20(4) and 64(1) *Regulation (EC) No 865/2006*

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 are concerned**, except those which have been captive-bred or artificially-propagated[88]. 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-listed** 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[89].

Furthermore, the **transport of live specimens** must be in accordance with Article 9(5) of *Regulation (EC) No 338/97,* which states that:

> *When any live specimens are transported into, from or within the Community or are held during any period of transit or transhipment, they shall 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 **Section 5.1**).

The transport of all live animals from, into and within the EU is governed by *Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations*[90]. However, this does not apply to transport within the EU of animals for distances of less than 50 kilometres nor to the movement of personal pets.

CITES *Resolution Conf. 10.21 (Rev. CoP16) on the Transport of Live Specimens* recommends that the *IATA*[91] *Live Animals Regulations* (for animals), the *IATA Perishable Cargo Regulations* (for plants) and the *CITES guidelines for the non-air transport of live wild animals and plants*[92] be deemed to meet CITES transport requirements and should be followed by all CITES Parties as well as (relevant sections) incorporated into national legislation or policies (see **Section 5** for further information). *Regulation (EC) No 1/2005* provides that animals transported by air must be transported in containers, pens or stalls appropriate for the species, which comply with the *IATA Live Animals Regulations*[93].

In view of the sanctions for non-compliance, it is essential that importers of live specimens adequately inform their (re-)exporters about these transportation requirements (see also **Section 5.1**).

88 Ranched specimens and so-called source "F" specimens – i.e. specimens born in captivity but not meeting the formal definition of captive-bred/artificially-propagated, are not exempted from this requirement.
89 Articles 4(1)(c) and 4(2)(b) *Regulation (EC) No 338/ 97*
90 OJ No. L 3 of 5.1.2005, p.1
91 International Air Transport Association (IATA)
92 http://www.cites.org/sites/default/files/eng/resources/transport/transport_guidelines_2013-english.pdf
93 Annex I, Chapter II (paragraph 4.1)

3.3.4 What happens if an import application is rejected?

(See also **Section 3.5.4** for similar information on export applications.)

When a Member State rejects an application for an import permit in a case of "**significance**" (in terms of the objectives of the Regulations), it must immediately **inform the Commission** of the rejection and the **reasons** for which it was rejected. The Commission must then **communicate this information to other Member States** to ensure that the Regulation **can be applied uniformly** across the EU[94].

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.

One of the reasons why import permit applications are sometimes rejected is that the relevant species and country are subject to a **trade suspension** by the Commission. This is dealt with further in **Section 3.3.9.**

Member States are also obliged to reject applications for import permits for **caviar and meat** of **sturgeon and paddlefish** species (Acipenseriformes spp.) from shared stocks, unless export quotas have been established for the species in question in accordance with the procedure laid down by the Conference of the Parties[95]. Details of current quotas may be found on the Secretariat's website at http://www.cites.org/eng/resources/quotas/index.php.

Applicants must inform a Management Authority of **previously rejected applications** for permits relating to specimens[96]. 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.

3.3.5 Are there other requirements that can apply?

When a permit is issued, it may contain **stipulations, conditions and requirements** imposed by the issuing authority, in order to ensure compliance with the Regulations and national legislation on their implementation[97]. The use of the document issued is subject to **other necessary formalities** relating to the introduction of goods into the EU or to the documents issued for such formalities (Customs, veterinary, etc.)[98]. (See **Section 3.5.5** for similar information on (re-)exports.)

94 Article 6(1) and (2) *Regulation (EC) No 338/97*
95 Article 20a *Regulation (EC) No 865/2006*
96 Article 20(3) of *Regulation (EC) No 865/2006*
97 Article 8(1) *Regulation (EC) No 865/2006*
98 Article 8(2) *Regulation (EC) No 865/2006*

3.3.6 How long do import documents remain valid?

(See also **Section 3.5.6** for similar information on (re-)exports.)

The maximum time validity of an import permit is **12 months** (see **Section 8.2**). However, in the case of **caviar** of **sturgeon and paddlefish** species (Acipenseriformes spp.) that originated from **shared stocks** that are subject to **export quotas**, there is an additional stipulation that the permit ceases to be valid at the latest on **the last day of the year** to which the quota applies (i.e. the quota year in which the caviar was harvested and processed)[99].

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 EU takes place **within six months from its date of issue**[100].

If expired, an import permit is considered void and of no legal value; it must be returned without delay to the issuing Management Authority. These expired documents 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[101]. Unused permits must also be returned to the Management Authority[102].

Exceptionally, documents may be issued **retrospectively**[103] (see **Section 7**).

3.3.7 What happens at the point of introduction into the EU?

At the time of introduction into the EU, the importer - or their authorised representative - must surrender to the border Customs office at a designated point of introduction (see **Section 9**)[104:]

- 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.**

Where appropriate, the number of the **Bill of Lading** or **Air Waybill** must be indicated in **box 26** of the import permit.

Export permits and re-export certificates shall be endorsed, with quantity, signature and stamp, by an official from the export or re- export country, in the export endorsement block of the document. If the export document has not been endorsed at the time of export, the management authority of the importing country should liaise with the exporting country's management authority,

99 Article 10(2) *Regulation (EC) No 865/2006*
100 Article 14 *Regulation (EC) No 865/2006*
101 Article 12(1) *Regulation (EC) No 865/2006*
102 Article 10(6) *Regulation (EC) No 865/2006*
103 Article 15(1) *Regulation (EC) No 865/2006*
104 Articles 22 *Regulation (EC) No 865/2006*

considering any extenuating circumstances or documents, to determine the acceptability of the document.[105]

The Customs office shall carry out the **necessary checks** (as also described in **Sections 3.3.2**, and **3.5.7**), including:

- a review of the documents accompanying the shipment, and
- where required by law or otherwise, the representative sampling of the shipment (i.e. examination of the specimens and, where appropriate, taking of samples for 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**[106]. This Management Authority must then, in turn, forward the documentation to the **Management Authority of the Member State which has issued the permit** (if different)[107]. It is crucial that the original is returned to the issuing Management Authority so that it knows whether the import has actually taken place. This in turn ensures that accurate and actual trade data is provided in the Annual Reports (see **Section 12**).

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 (see **Figure 2, box 27**). 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[108].

Should there be a problem with the shipment (e.g. lack of documentation), the Customs office must consult with 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**[109] (see also **Section 9)**.

3.3.8 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 EU, which **may be required for internal trade or subsequent re-exports** from the EU (see **Section 3.5** and **4.5**).

105 Article 7(5) *Regulation (EC) No 865/2006*
106 Articles 23 and 45(1) *Regulation (EC) No 865/2006*
107 Article 45(2) *Regulation (EC) No 865/2006*
108 For example, see Article 4(6)(c) *Regulation (EC) No 338/97*
109 Article 13(2) *Regulation (EC) No 865/2006*

The copy for the holder shall cease to be valid as proof of legal importation when[110]:

- live specimens referred to in the import document have **died, escaped or been released into the wild**;
- specimens have been **destroyed**, or
- any of the entries in the following boxes no longer reflect the accurate situation (see **Figure 2**):
    - **Box 3** ("**Name and address of importer**" – this is relevant only for specimens of Annex A species);
    - **Box 6** (**authorised location** for specimens of Annex A species), and
    - **Box 8** (**description** of the specimens).

In these cases, the copy must without undue delay **be returned to the issuing Management Authority**, which, where appropriate, may issue a certificate reflecting the changes[111].

3.3.9 Can the European Commission prohibit imports of species listed in Annexes A and B? What is the significance of Negative Opinions of the Scientific Review Group?

3.3.9.1 Overview

Article 4(6) of *Regulation (EC) No 338/97* provides the Commission with the legal authority to **prohibit imports** into the EU with regard to certain species and countries. These import prohibitions must be adopted by the whole EU, and cannot be applied by individual Member States. It is therefore essential that import prohibitions 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.

Prohibitions of imports into the EU of certain species from certain countries of origin are usually decided after the **Scientific Review Group (SRG)** (see **Section 11.2.2**) has formed a "**Negative Opinion**" on the import of a species from a particular country, and has **consulted with the relevant range State(s)** on the matter. A Negative Opinion is formed if the import is deemed to have a harmful effect on the conservation status of the species; once a Negative Opinion is issued, import permits cannot be granted for the species from the particular range State. Negative Opinions are of a temporary nature and may be lifted immediately when new information on the trade or conservation status of the species in the country of concern is provided and addresses concerns raised. However, if such imports continue to be of concern and the range State in question has not provided information proving otherwise, the European Commission can prohibit imports on a long-term basis by adopting the so-called "Suspensions Regulation" which is published in the Official Journal of the European Union.

110 Article 11(1) *Regulation (EC) No 865/2006*
111 Article 11(5) *Regulation (EC) No 865/2006*

A Negative Opinion may be triggered by concerns raised by one or more Member State or by the SRG with regard to the conservation impact of trade in a species from a particular range State, following an assessment of compliance with the relevant conditions contained in Article 4(1) and (2) 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 EU would have a harmful effect on:

- the **conservation status** of the species, or
- **the extent of the territory** occupied by the **relevant population** of the species (see **Section 3.3.9.2** for further explanation).

However, longer-term prohibitions of import do not always require the prior establishment of a Negative Opinion by the SRG, and the Commission may **also establish an import prohibition in the following cases** (see also **Section 3.3.9**):

- for species listed in **Annex A or B**, on the basis of other factors relating to the conservation of the species which militate against import into the EU[112];
- if it concerns **live** specimens of **species** listed in **Annex B** which have a **high mortality rate** during **transportation** or are unlikely to survive in **captivity** for a considerable proportion of their potential life span[113]; or
- if it concerns **live** specimens of species that present an **ecological threat** to wild species of fauna and flora indigenous to the EU[114] - the species currently subject to an import restriction on these grounds are the Ruddy Duck (*Oxyura jamaicensis*), the American Bull Frog (*Lithobates catesbeianus*), the Red-eared Terrapin (*Trachemys scripta elegans*), the Painted Turtle (*Chrysemys picta*), the Pallas's Squirrel (*Callosciurus erythraeus*), the Grey Squirrel (*Sciurus carolinensis*) and the Eastern Fox Squirrel (*Sciurus niger*)[115].

3.3.9.2 What criteria are considered by Scientific Authorities and the SRG when making non-detriment findings/deciding on import prohibitions and Negative Opinions?

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 on whether the import of certain specimens of species listed in Annex A or B is likely to have a harmful effect on the conservation of the species (see also the tabular summary in **Section 3.3.10**). This is termed a "non-detriment finding" (NDF) and is also a requirement under CITES. 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 XII 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 NDFs. They include for example:

112 Article 4(6)(a) and (b) *Regulation (EC) No 338/97.*
113 Article 4(6)(c) *Regulation (EC) No 338/97.*
114 Article 4(6)(d) *Regulation (EC) No 338/97.*
115 *Commission Implementing Regulation (EU) No 888/2014 of 14 August 2014 suspending the introduction into the Union of specimens of certain species of wild fauna and flora* (the **Suspensions Regulation**).

- the **biological status** of the species (abundance, present distribution, population trends, etc.);
- the **species' life history** (which can contribute to its vulnerability – e.g. a long maturation period before reaching reproductive age);
- **harvest characteristics** (volumes, trends, etc.);
- **risk of mortality after capture and before export** (live specimens);
- **management regimes** and **monitoring programmes** that are in place, and
- **current 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 mitigate against the issuance of an import permit, such as recommendations made by the Animals or Plants 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 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 other purposes which are not detrimental to the conservation of the species, such as well-managed **trophy hunting programmes** (see **Annex XII** of this Guide)[116].

3.3.9.3 How are Negative Opinions and import restrictions established?

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

Step 1: Making a non-detriment finding at the national level[117]

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 on the basis that to allow such imports would be **detrimental to the conservation of the species**[118], 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. The Commission must therefore be informed immediately of any decision taken by a Management Authority not to authorise a particular import on this basis (**Letter A** in **Figure 3**) and, in turn, must instruct all other Member States to refrain from issuing import permits under Article 4(1) or (2) until the advice of the other Scientific Authorities can be sought, for example, by a written procedure or in a meeting of the SRG (**Letter B** in **Figure 3**).

116 Article 4(1)(a)(ii) *Regulation (EC) No 338/97.*
117 Article 4(1)(a)(i) and Article 4(2)(a) *Regulation (EC) No 338/97*.
118 Article 4(1)(a)(i) *Regulation (EC) No 338/97.*

In other cases where a Management Authority has decided to refuse the import of certain specimens under Article 4(1) or (2) (i.e. for reasons other than detriment to the conservation status of the species), the Management Authority must immediately inform the Commission of the rejection and the reasons for the rejection **in cases of significance in respect of the objectives of the EU Wildlife Trade Regulations**[119] (see also **Section 3.3.4** above). The Management Authority has the discretion to decide what is "significant" for these purposes.

Step 2: Uniform application at the EU level[120]

Once EU Member States have been advised by the Commission to refrain from issuing import permits for a particular species/country combination - for example in response to the negative advice of a Scientific Authority of an EU Member State - the advice of the other Scientific Authorities in the EU (e.g. by a written procedure and/or in a meeting of the SRG) is sought (**Letter C** in **Figure 3**).

If the initial negative advice of the national Scientific Authority **is confirmed, the SRG forms a Negative Opinion**. This means that the species is in trade or is likely to be in trade and that introduction into the EU from the country of origin at current or anticipated levels of trade is likely to have a harmful effect on the conservation status of the species or the extent of the territory occupied by the species.

For as long as this Negative Opinion is in place, Member States shall **reject all import permit applications** for the species/country combination of concern.

On the other hand, if the negative advice of the national Scientific Authority **is not confirmed** by the other Scientific Authorities, and the SRG concludes that the import will not be detrimental to the conservation status of the species concerned (a "non-detriment finding" has been made), it forms a **Positive Opinion** and imports can be **resumed** (**Letter D** in **Figure 3**). A Positive Opinion remains valid for subsequent import permit requests as long as the conservation and trade status of the species concerned have not changed significantly. To ensure that adequate monitoring takes place and that trade into the EU does not contribute to the decline of any species in the wild, Management Authorities are encouraged to consult their Scientific Authorities on every application or, at least, to keep their Scientific Authorities informed of permits issued so that the Scientific Authority can determine when circumstances have changed or a 'non-detriment finding' should be reviewed[121].

Opinions of the SRG come into effect immediately and do not need to go through any further approval process.

Note that 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

119 Article 6(1) *Regulation (EC) No 338/97*.
120 Article 4(1)(a)(i) and Article 4(2)(a) *Regulation (EC) No 338/97*; Article 17(2) *Regulation (EC) No 338/97*.
121 For definitions of SRG opinions, see **Annex IV to this Guide.**

trends in annual export quotas that are established voluntarily by the country of origin. In addition the SRG, in its regular reviews of trade levels, can conclude, in the absence of trade or lack of specific data, a "**No Opinion"** for certain species/country combinations.

A "No Opinion" generally implies that there is **little or no actual or anticipated trade at present, or that insufficient data on which to issue a confident Positive or Negative Opinion are available.** In these cases, Management Authorities have to systematically consult national Scientific Authorities for a NDF before granting an import permit, and the SRG can form a different opinion at a later stage when trade (re-)occurs, or when additional data are available. However, when in doubt, the SRG can also combine a "No Opinion" with the need for **all import applications for certain species/country combinations to be referred to the SRG for decision-making** – in these cases individual Member States cannot make the decision whether to allow or refuse an application, and must wait for feedback from the SRG for each and every application.

A **Negative Opinion may be transformed** into a Positive Opinion where the conditions for establishing a Negative Opinion no longer apply. This may be based on **information received from the country of export/relevant range State**, 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. **Positive Opinions can also be reversed** into Negative Opinions (or "No Opinions") by the SRG if **circumstances have changed** or **additional information** has become available.

Definitions of the three types of SRG Opinions, along with further details on when and how they are applied in practice, are included in **Annex IV of this Guide.**

Step 3: Range State consultation[122]

When 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 then 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 (**Letter E** in **Figure 3**).

122 Article 4(6) *Regulation (EC) No 338/97.*

Step 4: Establishment of an official import restriction[123]

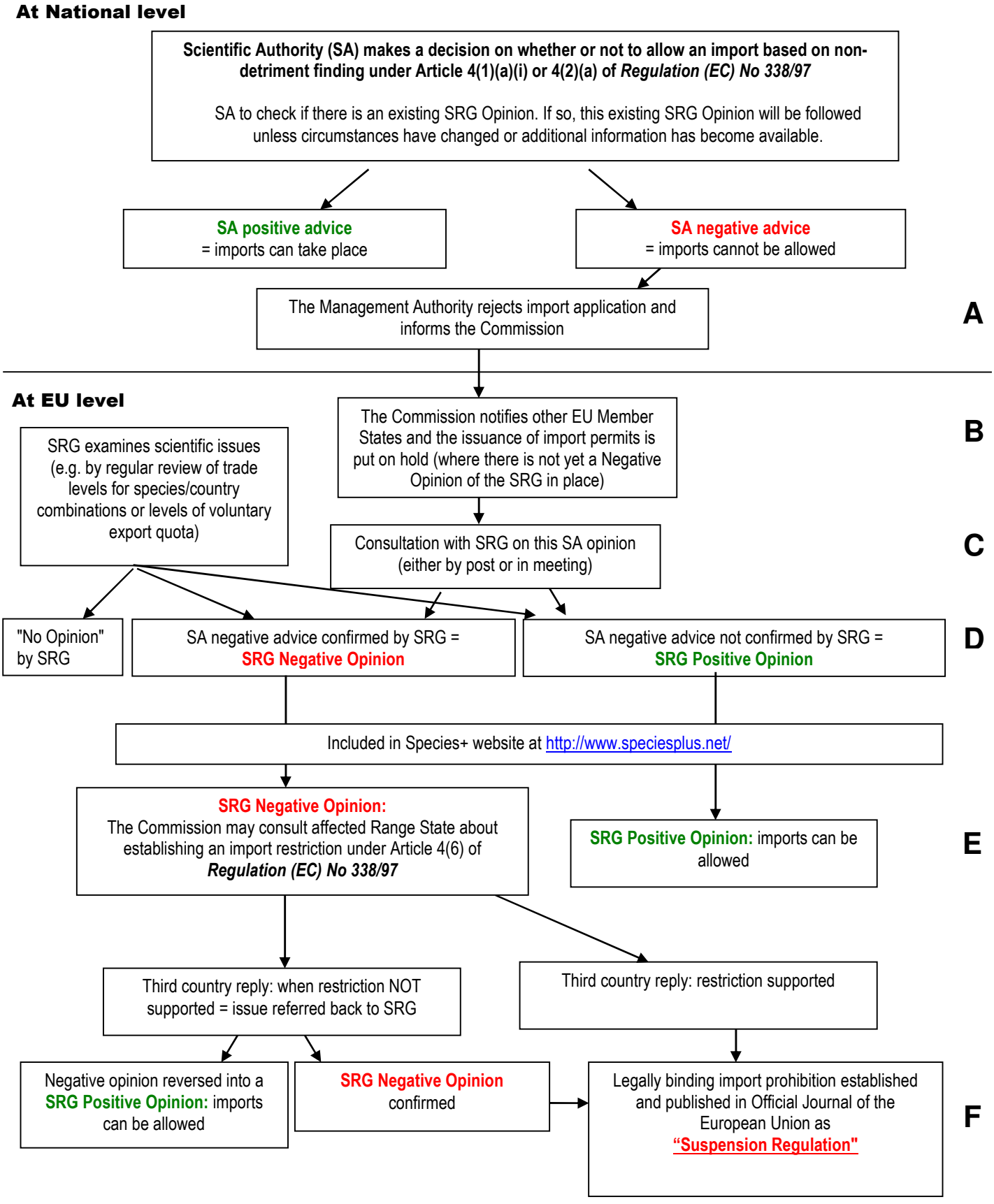
If **no new information** is provided by the range State or other sources, or if **the information received is not sufficient** to make a non-detriment finding, the Negative Opinion will be **confirmed** and may, after consultation with the SRG, be transformed by the Commission into an **official import prohibition** through publication in the Official Journal of the European Union (**Letter F** in **Figure 3**). It is important to note that published import prohibitions are also reversible if new information is received. The official import prohibition will then enter into force once the updated "Suspensions Regulation" has been published. The Suspensions Regulation currently in force is *Commission Implementing Regulation (EU) No 888/2014 of 14 August 2014 prohibiting the introduction into the Union of specimens of certain species of wild fauna and flora*. **Where an official import restriction is established by the Commission, all Member States must reject all permit applications for as long as that restriction is in place[124]**.

Note that in the case of import prohibitions established in respect of Annex B specimens under Article 4(6)(c) (concerns relating to high mortality rates during shipment or low prospects of survival in captivity) or (d) (specimens presenting an ecological threat), import prohibitions may be applied directly without the formation of a prior Negative Opinion by the SRG (see **Section 3.3.9.1**).

123 *As above.*
124 Article 71(1) *Regulation (EC) No 865/2006*.

Figure 3: Overview of procedures to establish Positive and Negative Opinions and import restrictions for species listed in Annex A or B of the EU Wildlife Trade Regulations*

*Letters in bold to the right of the diagram highlight stages explained in more detail in Section 3.3.9.3 above.



3.3.9.4 Can certain imports be exempt from import prohibitions established by the Commission under Article 4(6) of Regulation (EC) No 338/97?

Unless specifically decided otherwise, restrictions in accordance with Article 4(6) of *Regulation (EC) No 338/97* **do not apply to**[125]:

- specimens that are **born and bred in captivity** or **artificially-propagated** in accordance with the criteria laid down in Section XIII of *Regulation (EC) No 865/2006* (see **Section 3.6.1**);
- specimens that are being imported for **essential biomedical purposes**, for conservation-oriented **breeding/propagation programmes** or for **research or education** aimed at the preservation or conservation of the species (see **Section 4.2**); and
- specimens, alive or dead, that are part of the household possessions of persons moving into the EU to take up residence there (see **Section 3.6.5**).

Member States should 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 restriction** at the time of the application **does not mean that a permit will be issued**. It should be advised that it would 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.

Article 71(2) of *Regulation (EC) No 865/2006* contains a "**hardship clause**" to deal with the treatment of applications that were made before an import restriction was 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.

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. Therefore it should in general **not be used**, besides in exceptional cases, **where import permits would be rejected on the basis of concerns of conservation detriment under any normal circumstance** (see **Section 3.3.3**), and certainly not when these cases are established as a general import restriction under Article 4(6) (paragraphs (a) and (b)). To further reduce the possibility for abuse, import permits issued under this derogation shall only be valid for **one month**.

3.3.9.5 Where can I access information on Negative Opinions and import restrictions?

Article 4(6) import restrictions are published by the Commission in the Official Journal of the European Union on a regular basis. The state of Negative Opinions and import restrictions under Article 4(6) can, however, be checked on the Species+ website: http://www.speciesplus.net/.

125 Article 71(4) *Regulation (EC) No 865/2006.*

3.3.10 Summary of conditions that must be fulfilled for the issue of import permits for specimens of species listed in Annexes A or B

Annex		Conditions[126]
A	**B**	• The Commission has **not** established an **import restriction** in accordance with Article 4(6) *Regulation (EC) No 338/97*. • The Scientific Review Group has **not** established a **Negative Opinion** on the import of the species and country of origin.
A*		The 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 (Articles 4(1)(d) and 2(m) *Regulation (EC) No 338/97*). Note: This applies to **wild specimens only**; the prohibition on commercial use of Annex A specimens does not apply to captive-bred specimens (see **Sections 3.6.1 and 4.1**).
A*	**B***	The **Scientific Authority** has advised the Management Authority of its finding (taking into account any possible Opinion of the Scientific Review Group) that: • the 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 into account current or anticipated level of trade") (Articles 4(1)(a)(i) and 4(2)(a) *Regulation (EC) No 338/97*); Note: **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 advice on non-detriment is valid for subsequent imports as long as it, or the SRG, does not come to another finding (Article 4(2)(a) *Regulation (EC) No 338/97*).
A*		The **Scientific Authority** must have advised the Management Authority of its finding (taking into account any possible Opinion of the Scientific Review Group) that: • the specimens are required under **exceptional circumstances for the advancement of science** or for essential biomedical purposes where the species is the only one which is suitable for those purposes and there are no specimens of the species which have been born and bred in captivity (Article 4(1)(a)(ii) (first indent) *Regulation (EC) No 338/97*); or • the specimens are **intended for captive-breeding (animals) or propagation (plants)** from which conservation benefits will accrue to the species concerned (Article 4(1)(a)(ii) (first indent) *Regulation (EC) No 338/97*); or • the specimens are **intended for research or education** aimed at the preservation or conservation of the species (Article 4(1)(a)(ii) (first indent) *Regulation (EC) No 338/97*); or • the import is taking place **for other purposes that are not detrimental to the survival of the species** concerned (Article 4(1)(a)(ii) (second indent) *Regulation (EC) No 338/97*)[127].

126 For marking requirements, see **Section 6**.

127 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 **Section 3.6**). For a number of species, hunting trophy quotas are established by the CITES Conference of the Parties.

Annex		Conditions[128]
A	**B***	The Management Authority in consultation with the Scientific Authority is satisfied that there are **no other conservation factors against import** (Articles 4(1)(e) and 4(2)(c) *Regulation (EC) No 338/97*).
A	**B***	The Scientific Authority is satisfied that the intended accommodation for live animals/plants at the place of destination is adequately equipped to conserve and care for them properly (Article 4(1)(c) *Regulation (EC) No 338/97*). Note: **for Annex B-listed specimens**, Article 4(2)(b) of *Regulation (EC) No 338/97* only requires that the applicant must provide documentary evidence that he/she has adequate housing for the specimens. The Management Authority may therefore determine this independently.
A	**B***	In the case of introduction from the sea, the Management Authority is satisfied that any live specimen will be so prepared and shipped as to minimise the risk of injury, damage to health or cruel treatment.
A	**B***	The applicant has provided **documentary evidence** that the **specimens were obtained in accordance with legislation** on the protection of the species concerned: for CITES specimens an export permit or re-export certificate, or copy thereof (Articles 4(1)(b) and 4(2)(c) *Regulation (EC) No 338/97*). 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 (Article 11(4) *Regulation (EC) No 338/97*).

A* and B*: Does not apply to re-imports and worked specimens acquired more than 50 years before the EU Wildlife Trade Regulations came into effect, i.e. before 3 March 1947 (see **Section 3.6.3**) (Article 4(5) *Regulation (EC) No 338/97*)

3.4 How are import notifications for specimens of Annex C- or D-listed species obtained?

For species listed in Annex C or D, **import notifications** are required for import into the EU[129] (see **Figure 4** for procedure).

For species listed in **Annex C and Appendix III of CITES**, **(re-)export documents must be obtained** and presented together with the import notification[130]. For **Appendix III-listed** species, where export is from the **country having listed the species** in Appendix III, an **export permit** is required[131]. Where export is from any **other country**, a **certificate of origin** is sufficient[132]. However, for **re-exported** specimens of Appendix III-listed species, a **re-export certificate** will be needed[133].

128 For marking requirements, see **Section 6**.
129 Articles 4(3) and 4(4) *Regulation (EC) No 338/97.*
130 Article 4(3)(a) *Regulation (EC) No 338/97.*
131 Article 4(3)(a) *Regulation (EC) No 338/97*
132 Article 4(3)(b) *Regulation (EC) No 338/97*
133 *As above.*

The **forms** to be used for import notifications are contained in **Annex II** to *Regulation (EU) No 792/2012* and can be obtained from the competent authorities of each Member State (see also the 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 EU[134].

Export permits and re-export certificates shall be endorsed, with quantity, signature and stamp, by an official from the export or re- export country, in the export endorsement block of the document. If the export document has not been endorsed at the time of export, the management authority of the importing country should liaise with the exporting country's management authority, considering any extenuating circumstances or documents, to determine the acceptability of the document.[135]

The **transport of live specimens** must be in accordance with Article 9(5) of *Regulation (EC) No 338/97,* which states that:

> *When any live specimens are transported into, from or within the Community or are held during any period of transit or transhipment, they shall 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 **Section 5.1**).

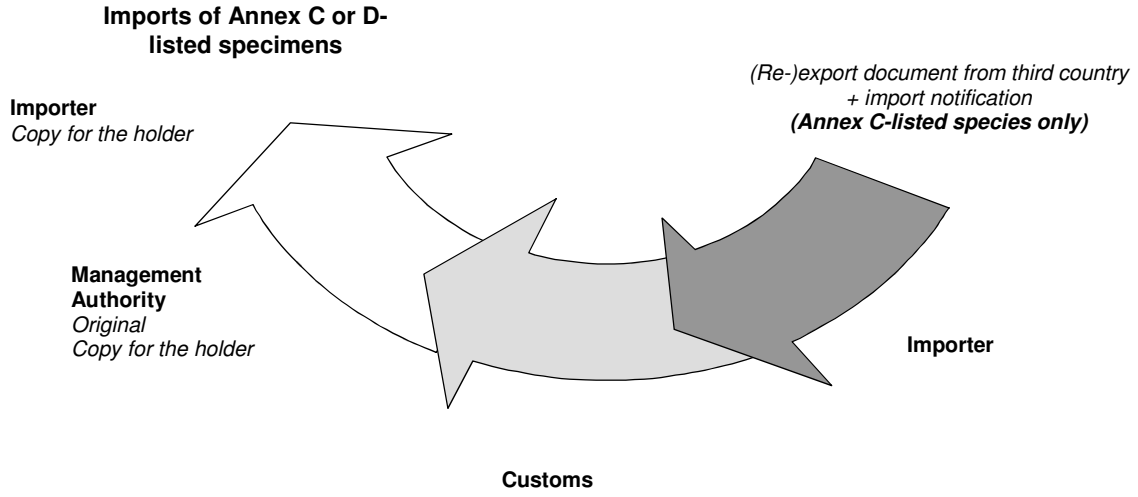
As described above in **Section 3.3.3**, the transport of all live animals from, into and within the EU is governed by *Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations*. However, this does not apply to transport within the EU of animals for distances of less than 50 kilometres nor to the movement of personal pets.

CITES *Resolution Conf. 10.21 (Rev. CoP16) on the Transport of Live Specimens* recommends that the *IATA Live Animals Regulations* (for animals), the *IATA Perishable Cargo Regulations* (for plants) and the *CITES guidelines for the non-air transport of live wild animals and plants*[136] be deemed to meet CITES transport requirements and should be followed by all CITES Parties as well as (relevant sections) incorporated into national legislation or policies (see **Section 5** for further information). *Regulation (EC) No 1/2005* provides that animals transported by air must be transported in containers, pens or stalls appropriate for the species, which comply with the *IATA Live Animals Regulations*[137].

134 Article 24(1) *Regulation (EC) No 865/2006.*
135 Article 7(5) *Regulation (EC) No 865/2006*
136 http://www.cites.org/sites/default/files/eng/resources/transport/transport_guidelines_2013-english.pdf
137 Annex I, Chapter II (paragraph 4.1)

In view of the sanctions for non-compliance, it is essential that importers of live specimens adequately inform their (re-)exporters about these transportation requirements (see also **Section 5.1**).

Figure 4: A simplified procedure for the import of Annex C- or D-listed specimens



At the point of introduction into the EU, the Customs office shall carry out the necessary checks (as also described in **Sections 3.3.7 and 3.5.7**), including a review of the necessary documents and, where required by law or otherwise, representative sampling of the shipment (i.e. examination of the specimens and, where appropriate, taking of samples for analysis or more detailed checks).

Customs then completes **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 – is submitted to the Management Authority of the country into which it has been introduced. Original notifications shall also be forwarded to the Management Authority of the country of import, when it is different from the country where the specimen was introduced into the EU[138]. Returning the originals and any related documents to the Management Authority is absolutely essential for the compilation of Annual Reports on trade by the Management Authority. The Customs office must inform the Management Authority of their country of any problems with the shipment/permit and consult on next steps (see also **Section 9**).

138 Article 25 *Regulation (EC) No 865/2006* and Article 45(1) *Regulation (EC) No 865/2006*

Figure 5: Annotated import notification form

EUROPEAN UNION

Number and name of form

1	1. Importer	**IMPORT NOTIFICATION**	**No.**
		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. Member State of import	3. Date of import	
ORIGINAL	4. Country of origin	5. Country of (re)-export	
	A: 6. Description of specimens (incl. source code and (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. EU Annex	
1	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. EU 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. EU 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. EU 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. EU 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. EU 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:	
	Signature of importer or his authorised representative		

Summary of key instructions and explanations for import notification forms

(Note: For full instructions and explanations, see Annex II to *Regulation (EC) No 792/2012.* The numbers below refer to the boxes on the form - see **Figure 5**.)

1. **Importer:** Enter the full name and address of importer or authorized representative.

4. **Country of origin:** The country of origin is the country where the specimens were taken from the wild, born and bred in captivity, or artificially propagated. In the case of plant specimens that were formerly exempt from CITES controls (e.g. seeds or artificially-propagated flasked seedlings), but that ceased to be exempt (e.g. because they were grown further), the country of origin is that country where the exemption ceased to apply.

5. **Country of re-export:** Only applies where the country from which the specimens are imported is not the country of origin.

6. **Description of specimens**: Description must be as precise as possible.

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

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

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

13. **For specimens of Annex C-listed species:** 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 Union.

14. **Official stamp of border Customs office:** The Customs office shall send the stamped 'original' to the Management Authority of their country and return the stamped 'copy for the importer' to the importer or their authorized representative.

3.5 What documents are required for (re-)export of specimens of species listed in Annex A, B or C?

An **export permit** is required for specimens **taken from the wild, bred in captivity or artificially propagated in the EU**[139].

A **re-export certificate** is required for specimens of species that were **previously imported** into the EU[140].

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 (including endorsement) are completed** (i.e. where the shipment leaves the EU - not necessarily at the border nor necessarily in the same Member State).

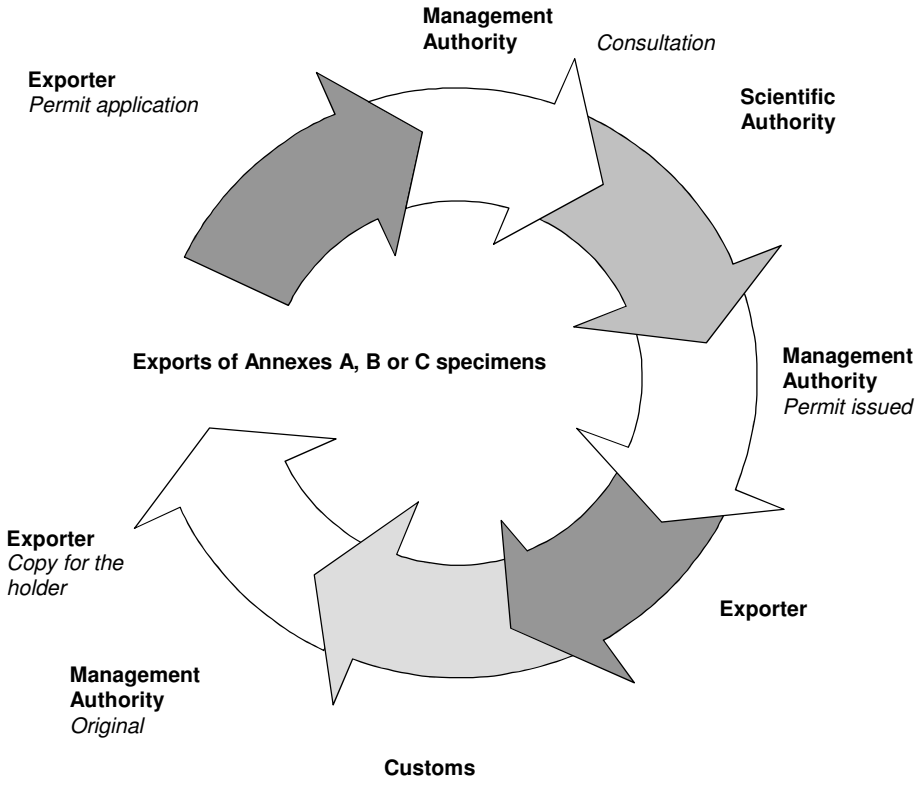
3.5.1 How do I apply to export or re-export a specimen?

(See also **Figure 6**.)

- The (re-)exporter must obtain a **form** for an export permit/(re-)export certificate application from the Management Authority of the Member State in which the specimens are located (the model is set out in Annex I to *Regulation (EU) No 792/2012*).
- 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 **Section 3.3.1**), namely **one month** from the date of submission of a full application[141].
- However, this may take longer where **third parties** need to be consulted. Where a Management Authority of **another Member State** is **consulted** by one of its counterparts, it must respond **within one week**[142].
- Applications for export permits or re-export certificates must therefore be made in a **timely manner,** in order for the document to be issued prior to the (re-)export of shipments from the EU[143].
- The applicant must be **informed** of significant delays[144].

139 Article 5 *Regulation (EC) No 338/97.*
140 *As above.*
141 Article 8(3) *Regulation (EC) No 865/2006.*
142 Article 26(10) *Regulation (EC) No 865/2006.*
143 Article 13(1) *Regulation (EC) No 865/2006.*
144 Article 8(3) *Regulation (EC) No 865/2006.*

Figure 6: Steps required for obtaining an export permit or re-export certificate for specimens of species listed in Annex A, B or C of the EU Wildlife Trade Regulations



The procedures described in this Section are similar to the ones related to imports (see **Section 3.3.1** and **Figure 1**) and internal trade within the EU (see **Section 4.5**).

Presentation of the necessary documentation is required before specimens can be cleared by Customs[145]. Specimens may be seized and subsequently confiscated in the absence of such documents.

Depending on the system applied in the relevant EU Member State, and as is the case 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**[146].

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)[147]. **Erasures and alterations** are to be **avoided**[148]. Although **each shipment of specimens requires a separate (re-)export document**, the **application form may relate to more than one shipment**[149]. Where a shipment contains **more**

145 Article 13(2) *Regulation (EC) No 865/2006*
146 Article 26(1) *Regulation (EC) No 865/2006*
147 Article 4(1) *Regulation (EC) No 865/2006*
148 Article 4(2) *Regulation (EC) No 865/2006*
149 Article 26(1) *Regulation (EC) No 865/2006*

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[150].

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 5 and 8 to 22** of **the original and all copies**. The forms must be completed in **typescript** and not in manuscript[151]. 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[152].

A **separate set** of forms 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 (see also the 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[153]. 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 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 also **Table 10** on exports, and **Table 11** on re-exports)[154].

Some Member States may charge a **fee** for processing the application.

3.5.2 What documentary evidence is required by the Management Authority for (re-) exports?

In order for an export permit to be issued, the applicant must provide documentary evidence that the specimens were obtained in accordance with legislation on the protection of the relevant species in the Member State in question. Where the specimen to be exported **originates in another Member State** (than the Member State of export), a **certificate** is required to prove legal acquisition (see **Section 4.5**)[155].

For the re-export of specimens, documentary evidence of legal introduction into the EU is required for a re-export certificate to be issued. Where the specimen was **imported into another Member**

150 Article 6(2) *Regulation (EC) No 865/2006*
151 Article 4(1) *Regulation (EC) No 865/2006*
152 Article 4(2) *Regulation (EC) No 865/2006*
153 Article 6(1) *Regulation (EC) No 865/2006*
154 Article 26(2) *Regulation (EC) No 865/2006*
155 Article 5(2)(b) *Regulation (EC) No 338/97*

State (than the Member State of re-export), a "**copy for the holder**" of the relevant **import permit**, or a **certificate** must be available to prove the **legal introduction** into the EU[156]. These documents are the most appropriate for this purpose, also containing 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 for (re-)export.

156 Article 5(3) *Regulation (EC) No 338/97*. Note also the requirement for the Management Authority receiving the application to consult the Management Authority which issued the import permit originally (Article 5(5) *Regulation (EC) No 338/97*).

Figure 7: Annotated export permit/re-export certificate

EUROPEAN UNION

Number and name of form

1 **ORIGINAL** **1**

1. Exporter/Re-exporter

PERMIT/CERTIFICATE

☐ IMPORT
X EXPORT
(X) RE-EXPORT
☐ OTHER:

No. *Unique number to be attributed by the issuing authority*

2. Last day of validity:

Convention on International Trade in Endangered Species of Wild Fauna and Flora

3. Importer

4. Country of (re)-export

5. Country of import

6. Authorized location for live specimens of Annex A species

7. Issuing Management Authority

8. Description of specimens (incl. marks, sex/date of birth for live animals)

9. Net mass (kg)

10. Quantity

11. CITES Appendix	12. EU 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

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)

24. The (re-)export documentation from the country of (re-)export
☐ has been surrendered to the issuing authority
☐ has to be surrendered to the border customs office of introduction

25. The ☐ importation ☐ exportation ☐ re-exportation of the goods described above is hereby permitted.
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

Quantity / net mass (kg) actually imported or (re)-exported	Number of animals dead on arrival

Customs document
Type:

Number:

Date:

Signature and official stamp:

Summary of key instructions and explanations for (re-)export permit/certificate forms

(Note: For full instructions and explanations, see Annex I to *Regulation (EC) No 792/2012.* The numbers below refer to the numbers of the boxes on the form - see **Figure 7**)

1. **Exporter/re-exporter:** Must contain the full name and address of the actual exporter or re-exporter, and not of an agent.

2. **Last day of validity**: No later than 6 months from date of issue.

3. **Importer**: 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 (re-)exported**: 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 (see 15).

5. The **country of final destination** of the specimens.

6. **Authorised location for live specimens of Annex A-listed species**: Not applicable for export and re-export.

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

8. **Description of specimens**: This description must be as precise as possible and include a 3-letter code in accordance with **Annex VII** to *Regulation (EC) No 865/2006*.

9/10. **Net mass** and **quantity**: See **Annex VII** to *Regulation (EC) No 865/2006* for units to be used.

11. **CITES Appendix:** I, II or III.

12. **EU Annex:** A, B or C.

13/14. **Source** of specimens and **purpose** of import: Use codes in **Annex IX** of *Regulation (EC) No 865/2006* (as amended).

15. **Country of origin**: Country where specimens were taken from the wild, born and bred in captivity or propagated (see 4). In the case of plant specimens that were formerly exempt from CITES controls (e.g. seeds or artificially-propagated flasked seedlings from species listed in Appendix II), but that ceased to be exempt (e.g. because they were grown further), the country of origin is that country where the exemption ceased to apply.

16/17. **Permit no. and date of issue:** Not to be completed if country of origin is a Member State.

18. **Country of last re-export:** In the case of re-export from the EU, the country of last re-export is the third country from which the specimens were imported before being re-exported from the EU (boxes 19 and 20 to contain details of relevant re-export certificate).

19./20. **Certificate no.** and **date of issue:** Provide details of the relevant re-export certificate.

21. **Scientific name of species:** The standard references for nomenclature in **Annex VIII** to *Regulation (EC) No 865/2006* must be used. These are also available on the UNEP-WCMC website.

22. **Common name of species:** A common name may not be available for all species.

23. **Special conditions**: (for official use only) Space for the issuing authority to impose stipulations, conditions and requirements in order to ensure compliance with EU and national legislation.

24 **Surrender of (re-)export documentation:** (for official use only) Not applicable for export and re-export.

25. This is the actual validation of the import permit (for official use only).

26. **Bill of Lading/Air Waybill no.:** To be indicated by the exporter at the time of export.

27. **Quantity/net mass (kg) actually exported or re-exported:** If more than in **box 9** or **10**, Customs will contact the Management Authority.

27. **Number of animals dead on arrival**: Not applicable for export and re-export.

After completion, Customs will return the copy for return by Customs to the issuing authority (form 3) to the Management Authority in their country, and return the original (form 1) and the "copy for the holder" (form 2) to the (re-)exporter.

3.5.3 What other requirements apply for (re-)export under the EU Wildlife Trade Regulations?

In general, specimens of species listed in **Annex A cannot be (re-)exported for primarily commercial purposes**[157] (except for relevant derogations as set out in **Section 3.6**).

Exports of specimens of species listed in **Annexes A, B and C** are **never allowed** if such an export would have a **detrimental conservation effect**[158] - this is explained in more detail in **Section 3.3.3.**

Certain specimens need to be **marked** before (re-)export[159] in accordance with Article 66(6) of *Regulation (EC) No 865/2006* (see **Section 6**).

As in the case of imports (see **Sections 3.3.3 and 3.4**), the **transport of live specimens** must be in accordance with Article 9(5) of *Regulation (EC) No 338/97,* which states that:

> *When any live specimens are transported into, from or within the Community or are held during any period of transit or transhipment, they shall 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 **Section 5.1**).

The transport of all live animals from, into and within the EU is governed by *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 EU of animals for distances of less than 50 kilometres nor to the movement of personal pets.

CITES *Resolution Conf. 10.21 (Rev. CoP16) on the Transport of Live Specimens* recommends that the *IATA Live Animals Regulations* (for animals), the *IATA Perishable Cargo Regulations* (for plants) and the *CITES guidelines for the non-air transport of live wild animals and plants*[160] be deemed to meet CITES transport requirements and should be followed by all CITES Parties as well as (relevant sections) incorporated into national legislation or policies (see **Section 5** for further information). *Regulation (EC) No 1/2005* provides that animals transported by air must be transported in containers, pens or stalls appropriate for the species, which comply with the IATA *Live Animals Regulations*[161].

The **omission of information** from the application must be **justified**[162].

157 Article 5(2)(c)(ii) *Regulation (EC) No 338/97*
158 Articles 5(2)(a) and 5(4) *Regulation (EC) No 338/97*
159 Article 26(4) and Article 65 *Regulation (EC) No 865/2006*
160 http://www.cites.org/sites/default/files/eng/resources/transport/transport_guidelines_2013-english.pdf
161 Annex I, Chapter II (paragraph 4.1)
162 Article 26(2) *Regulation (EC) No 865/2006*

3.5.4 What happens when (re-)export applications are rejected?

(See also **Section 3.3.4** for similar information on import applications.)

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.

Member States are also obliged to reject applications for export permits for **caviar and meat** of **sturgeon and paddlefish** species (Acipenseriformes spp.) from **shared stocks,** unless **export quotas** have been established for the species in question in accordance with the procedure laid down by the Conference of the Parties[163]. Details of current quotas may be found on the Secretariat's website at **http://www.cites.org/eng/resources/quotas/index.shtml**.

Applicants must **inform** a Management Authority of **previously rejected applications** for permits relating to specimens[164]. 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.

3.5.5 Are there any other requirements than can apply?

(See **Section 3.3.5** for similar information on imports.)

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 EU Regulations and national legislation on their implementation[165]. The use of the document issued is subject to **other necessary formalities** relating to the (re-)export of goods from the EU or to the documents issued for such formalities (tariffs, health, etc.)[166].

3.5.6 How long do (re-)export documents remain valid?

The **maximum** time validity of an export permit or re-export certificate is **six months** (see **Section 8.2**).

However, in the case of **caviar** of **sturgeon and paddlefish** species (Acipenseriformes spp.) that originated from **shared stocks** which are subject to **export quotas**, there is an additional stipulation that the export permit ceases to be valid on **the last day of the year** to which the quota applies (i.e. the quota year in which the caviar was harvested and processed) – if this is earlier than the normal maximum 6-month period. As regards caviar of sturgeon species (Acipenseriformes spp.) covered by a re-export certificate, the certificate ceases to be valid **on the last day of the period of 18**

163 Article 26a of *Regulation (EC) No 865/2006*
164 Article 26(3) of *Regulation (EC) No 865/2006*
165 Article 8(1) *Regulation (EC) No 865/2006*
166 Article 8(2) *Regulation (EC) No 865/2006*

months after the date of issuance of the relevant original export permit or the last day of the normal six-month period, whichever is earlier[167].

Documents may exceptionally be issued **retrospectively** (see **Section 7**). 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 see **Section 3.3.6**)[168].

Expired documents such as these 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 issuing **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[169].

3.5.7 What happens at the point of (re-)export?

At the time of (re-)export from the EU, the **(re-)exporter** - or the 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[170]. 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** (also described in **Section 3.3.7**), including a review of the necessary documents and, where required by law or otherwise, representative sampling of the shipment (i.e. examination of the specimens and, where appropriate, taking of samples for 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 authorised representative, and the **latter** to the **Management Authority** of the country in which that Customs authority is located[171]. If this was not the original issuing authority (i.e the permit was issued in another Member State), the document must then be passed on to the Management Authority that had issued the permit[172]. It is crucial that documents are returned to the Management Authorities, since 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 **Section 12**) on the basis of permits used very difficult.

Should there be a problem with the shipment (e.g. lack of documentation), the Customs office must **inform the Management Authority** of their country and may consult them on the next steps to take.

167 Article 10(2) *Regulation (EC) No 865/2006*
168 Article 10(6) *Regulation (EC) No 865/2006*
169 Article 12 *Regulation (EC) No 865/2006*
170 Articles 27 *Regulation (EC) No 865/2006*
171 Articles 28 and 45 *Regulation (EC) No 865/2006*
172 Article 45(1) *Regulation (EC) No 865/2006*

Until such time as the requisite documents are available, **specimens shall not be authorised to be assigned to a Customs procedure**[173] (see also **Section 9**).

3.5.8 Summary of the conditions that must be fulfilled for the issue of export permits and re-export certificates for species listed in Annex A, B or C

In order for an export permit or re-export certificate to be issued by an EU Management Authority for specimens of a species listed in Annex A, B or C, the conditions detailed in **Tables 10 and 11** below must be fulfilled:

Table 10: Conditions to be fulfilled for the issue of export permits for species listed in Annexes A, B or C

Annex			Conditions[174]
A*	**B***	**C***	The 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 (Articles 5(2)(a) and 5(4) *Regulation (EC) No 338/97*)[175].
A	**B**	**C**	The Management Authority has received **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 (Articles 5(2)(b) and 5(4) *Regulation (EC) No 338/97*), except where specimens have been **individually marked** under the supervision of a Management Authority so as to facilitate reference to the documents concerned (Article 26(8) *Regulation (EC) No 865/2006*). In the absence of supporting documentary evidence, the Management Authority shall determine legal acquisition, where necessary in consultation with a Management Authority of another Member State (Article 26(9) *Regulation (EC) No 865/2006*).
A	**B**	**C**	The Management Authority is satisfied about **preparation for shipment** and **transport** arrangements (Article 5(2)(c)(i) and 5(4) *Regulation (EC) No 338/97*).
A*			The Management Authority is satisfied that specimens **will not be used for primarily commercial purposes** by the intended importer. Where a CITES Appendix I-listed species is concerned, an import permit must have been issued by the country of destination (Article 5(2)(c)(ii) *Regulation (EC) No 338/97*). Note: The prohibition on commercial use of Annex A specimens applies only to **wild specimens** and **not captive-bred specimens** (see **Sections 3.6.1 and 4.1**).
A	**B**	**C**	The Management Authority is satisfied, following consultation with the Scientific Authority, that there are **no other factors which militate against export** (Article 5(2)(d) and 5(4) *Regulation (EC) No 338/97*).

A*, B*, C*: Does not apply to worked specimens acquired before 3 March 1947 (see **Section 3.6.3**), and dead specimens legally acquired before *Regulation (EC) No 338/97*, *Regulation (EEC)No 3626/82*, or the Convention became applicable to them (Article 5(6) *Regulation (EC) No 338/97*).

173 Article 13(2) *Regulation (EC) No 865/2006*

174 For marking requirements (**see Section 6**).

175 The Scientific Authority is required to monitor exports of Annex B-listed species, and if it is of the opinion that export should be limited, advise its Management Authority in writing of suitable measures. The Management Authority is then to inform the Commission, which may recommend export restrictions (Article 5(7) *Regulation (EC) No 338/97*)

Table 11: Conditions to be fulfilled for the issue of re-export certificates for species listed in Annexes A, B or C

Annex			Conditions[176]
A	**B**	**C**	The Management Authority is satisfied with **preparation for shipment and transport arrangements** (Articles 5(2)(c)(i), 5(3) and 5(4) *Regulation (EC) No 338/97*).
A*			The Management Authority is satisfied that specimens **will not be used for primarily commercial purposes** by the intended importer. Where a CITES Appendix I-listed species is concerned, an import permit must have been issued by the country of destination (Article 5(2)(c)(ii) and 5(3) *Regulation (EC) No. 338/97*).
A	**B**	**C**	The Management and Scientific Authorities are satisfied that there are **no other factors which militate against export** (Article 5(2)(d), 5(3) and 5(4) *Regulation (EC) No 338/97*).
A	**B**	**C**	The Management Authority is satisfied that the **specimens were introduced into the EU in accordance with *Regulation (EC) No 338/97*, *Regulation (EEC) No 3626/82* or CITES**, or were **legally introduced** into a Member State before applicability of these Regulations/the Convention to the species or in the Member State concerned (Articles 5(3)(a)-(d) and 5(4) *Regulation (EC) No 338/97*) (see **Section 3.6.4**). In addition: • Where import into the EU took place under an import permit issued by another Member State, the Management Authority of that Member State must be consulted (Article 5(5) *Regulation (EC) No 338/97*). • Where specimens have been individually marked under the supervision of a Management Authority to facilitate reference to the documents concerned (Article 26(8) *Regulation (EC) No 865/2006*), the physical presentation of such documents shall not be required in support of an application for a re-export certificate, provided that their number is included in the application. • In the absence of supporting documentary evidence, the Management Authority shall determine legal introduction into the EU, where necessary in consultation with a Management Authority of another Member State (Article 26(9) *Regulation (EC) No 865/2006*).

A*: Does not apply to worked specimens acquired before 3 March 1947 (see **Section 3.6.3**), and dead specimens legally acquired before *Regulation (EC) No 338/97*, *Regulation (EEC) No 3626/82*, or the Convention became applicable to them (Article 5(6) *Regulation (EC) No 338/97*).

176 For marking requirements, see **Section 6**.

3.6 Are there derogations from the normal import and export rules?

There are a number of circumstances where the rules governing import and export of specimens of Annex-listed species are less strict. These are as follows:

- Import and (re-)export of captive-bred animals or artificially propagated plants
- Transit of specimens through the EU
- Trade in "antique" worked specimens made from Annex-listed species
- Export or re-export of "pre-Convention"/ "pre-Regulation" specimens
- Personal effects and household goods, including hunting trophies
- Exchange between scientific institutions
- Trade in biological samples and (re-)export of dead specimens
- Travelling exhibitions
- Non-commercial cross-border movement of musical instruments
- Personally-owned pets
- Sample collections that are covered by an ATA carnet[177].

3.6.1 What procedures apply to import and (re-)export of captive-bred animals/artificially propagated plants?

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 EU Wildlife Trade Regulations include provisions that are less strict for trade in these specimens.

Specimens of **Annex A-listed animal or plant species** are **treated as specimens of Annex B-listed species** if they were bred in captivity or artificially propagated, in accordance with Chapter XIII of *Regulation (EC) No 865/2006*[178]. In such cases, there are **no restrictions on the purpose** of the import or (re-)export of captive-bred or artificially propagated specimens. This means that a specimen produced by a non-commercial captive breeding/artificial propagation operation can be imported or (re-)exported for commercial purposes, and vice-versa, i.e. produced by a commercial operation and imported/(re-)exported for non-commercial purposes. Furthermore, whereas import permits for specimens of Annex A-listed animal or plant species generally only authorise the specimen to be held at a **specified address**, this restriction does not apply to captive-bred/artificially propagated specimens.

177 The ATA carnet is an international Customs document that can be used in different countries around the world to cover temporary use of goods without payment of Customs charges. Using a carnet simplifies Customs clearance of goods in exporting and importing countries by replacing Customs documents that would normally be required (http://customs.hmrc.gov.uk).
178 Article 7(1)(a) *Regulation (EC) No 338/97.* This does not apply to ranched specimens and so-called source "F" specimens – i.e. specimens born in captivity but not meeting the formal definition of captive-bred/artificially-propagated.

Import restrictions established under Article 4(6) of *Regulation (EC) No 338/97* do normally not apply to captive-bred or artificially propagated specimens[179] (see **Section 3.3.9.4**).

3.6.1.1 How are the terms "captive-bred" and "artificially propagated" defined?

Article 1 of *Regulation (EC) No 865/2006* provides definitions that relate 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, or, if such date is unknown, the earliest provable date on which it was possessed by any person;
- *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 (it should be noted that **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, and
- *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.

In order for **an animal specimen to qualify as** "**born and bred in captivity**" (rather than merely captive-born, which carries no special advantage), a competent Management Authority, in consultation with a competent Scientific Authority of the Member State, must be satisfied that all of the following conditions have been met[180]:

- the specimen is, or is derived from:
    - The offspring born – or otherwise produced – in a **controlled environment** – of either:
        - parents that **mated** (or had gametes otherwise transferred – e.g. by artificial fertilisation) in a **controlled environment** – if reproduction is sexual; or
        - parents that were in a **controlled environment when development of the offspring began** – if reproduction is asexual;
- the breeding stock was established in accordance with the **legal provisions that applied in the place and time when it was first obtained** (even if this pre-dates the Regulations or the Convention), and in a manner not detrimental to the survival of the species in the wild; and

179 Article 71(4) *Regulation (EC) No 865/2006.*
180 Article 54 *Regulation (EC) No 865/2006.*

- the breeding stock is maintained without **the introduction of new specimens from the wild**, except (and given that any new specimens are obtained in a legal and non-detrimental way) for the following purposes:
    - to prevent **deleterious inbreeding** (in which case the amount of the new addition must be determined by the need for new material);
    - to **dispose of confiscated specimens**; or
    - **exceptionally**, for use as breeding stock.
- the breeding stock has either:
    - itself produced **second or subsequent generation offspring** (so-called F2, F3 and so on) in a controlled environment, or otherwise; or
    - is managed in a manner that has been **demonstrated to be capable of reliably producing second generation offspring** in a controlled environment (e.g. for species where husbandry and breeding techniques are long established and widely documented).

Similarly, in order for **a plant specimen to qualify as artificially propagated,** a competent Management Authority, in consultation with a competent Scientific Authority of the Member State, must be satisfied that all of the following conditions have been met[181]:

- the specimen is, or is derived from, plants grown from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules under **controlled conditions** (i.e. a non-natural environment that is heavily manipulated by such practices as tillage, fertilisation, weed control, irrigation, potting, bedding, protecting from weather etc.)[182];
- the cultivated parental stock was established in accordance with the **legal provisions that applied in the place and time when it was first obtained** (even if this pre-dates the Regulation or the Convention), and in a manner not detrimental to the survival of the species in the wild;
- the cultivated parental stock is managed in such a way that its **long-term maintenance is guaranteed**, and
- in the case of grafted plants, both the **root stock and the graft have been artificially propagated** in accordance with the preceding conditions.

The following are also considered "artificially propagated":

- **Timber** taken from trees grown in **monospecific plantations[183]**
- Trees of agarwood-producing taxa grown in cultivation such as:
    (a) gardens (home and/or community garden);

181 Article 56 *Regulation (EC) No 865/2006.*
182 For agarwood producing taxa, which are grown from seeds, cuttings, grafting, marcoting-air-layering, divisions, callus tissues or other plant tissues, spores or other propagules, "under controlled conditions" refers to a tree plantation, including other non-natural environment that is manipulated by human intervention for the purpose of producing plants or plant's parts and derivatives (Article 56(1) *Regulation (EC) No 865/2006*).
183 Plantations containing one species.

(b) state, private or community production plantations, either monospecific or mixed species[184].

The above definitions for captive-bred animals and artificially propagated plants also apply to specimens of species listed in **Annex B.** Provided the above criteria are met, this will be a relevant factor to be considered by the Scientific Authority when assessing whether or not the import or export is harmful to the conservation of the species.

If there is doubt as to whether a plant or animal specimen was born and bred in captivity or artificially propagated, the Management or Scientific Authority can request proof through, for example, **DNA testing** of blood or other tissue for animal species[185]. In such cases, the analysis, or the necessary samples, must be made available to the Management or Scientific Authority.

3.6.1.2 What rules apply for captive-bred animals of Annex A-listed species?

The EU **does not implement** the recommendations of the Conference of the Parties to CITES set out in *Resolution Conf. 12.10 (Rev. CoP15),* with regard to restrictions on trade in specimens of Appendix I-listed animal species produced by commercial captive-breeding operations. This means that breeding operations **do not have to be registered** with the CITES Secretariat for trade in specimens of Appendix I-listed species to or from the EU to take place.

Most specimens of Annex A-listed animal species do, however, have to be **uniquely marked**. For the provisions of marking of captive-bred specimens see **Section 6**.

3.6.1.3 What special provisions apply for artificially propagated plants?

For artificially propagated Annex B- and C-listed plants, and hybrids of unannotated[186] Annex A-listed plants, **phytosanitary certificates may be used instead of import permits or export permits**[187].

In these cases, the certificate must include the **scientific name at species level** or, **if this is not possible**, at the **genus** level, but **only** for **those taxa** for which **the entire family is listed in the Annexes** to the Regulations[188].

Artificially propagated Annex B-listed orchid and cacti species need only be referred to at the family level – i.e. simply as "orchids" or "cacti". Phytosanitary 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*[189].

184 Article 56(3) *Regulation (EC) No 865/2006.*
185 Article 55 *Regulation (EC) No 865/2006.*
186 See **Section 2.2.6**.
187 Article 7(1)(b)(i) *Regulation (EC) No 338/97* and Article 17(1) *Regulation (EC) No 865/2006.*
188 Article 17(2) *Regulation (EC) No 865/2006*
189 *As above.*

As explained in **Section 3.5** above, a permit is required for the export of artificially propagated specimens of plant species listed in Annexes A or B of the Regulation. However, nurseries that artificially propagate plants listed in Annex A, and which have been registered in accordance with the guidelines outlined in **CITES *Resolution Conf. 9.19 (Rev. CoP15)***[190], may obtain **pre-issued export permits** from the relevant Management Authority for species listed in Annexes A or B. The **registration number of the nursery,** as well as the **following statement**[191] must be included in these pre-issued certificates:

> *PERMIT VALID ONLY FOR ARTIFICIALLY PROPAGATED PLANTS AS DEFINED BY CITES* RESOLUTION CONF. 11.11 (Rev. CoP15)*. VALID ONLY FOR THE FOLLOWING TAXA:…*

3.6.2 What rules apply to specimens in transit 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[192]. However, for those species listed in EU Wildlife Trade Regulations Annexes that are also listed in CITES **Appendices I and II**, 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[193]. 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[194] (see also **Section 7**).

"**Transit**" refers only to specimens that **remain in Customs control,** and are **in the process of being shipped** to a named consignee. Introduction into **bonded warehouses** equals **import** into the EU and therefore **requires a permit**. For a definition of "transit" under the EU Wildlife Trade Regulations see **Annex III of this Guide**.

If the shipment in transit is not accompanied by valid CITES documents (or the comparable documents from a non-Party) it shall be **seized**. In the past, it was often the case that CITES documents did not necessarily travel with the associated shipments and this was tolerated if a valid document could be produced on demand. However, the EU has now taken the collective view that the original of the export permit and the copy of the import permit must accompany shipments of Appendix I species.

Resolution Conf. 9.7 (Rev. CoP15) of the CITES Conference of the Parties recommends that, when an illegal shipment in transit or being transhipped is discovered but cannot be seized, the **country of**

190 *Guidelines for the registration of nurseries exporting artificially-propagated specimens of Appendix I-listed species.*
191 Article 29 *Regulation (EC) No 865/2006.*
192 Article 7(2)(a) *Regulation (EC) No 338/97*
193 Article 7(2)(b) *Regulation (EC) No 338/97*
194 Article 7(2)(c) *Regulation (EC) No 338/97.*

final destination and the **CITES Secretariat** are provided with all **relevant information on the shipment as soon as possible**.

3.6.3 What rules apply to trade in wildlife "antiques"?

Under the EU Wildlife Trade Regulations, "**worked" specimens** of species listed in Annex A, B, C or D that were acquired more than 50 years before the Regulations entered into force (i.e. **before 3 March 1947**[195]), are **considered antiques** and are **exempted** from some of the controls that govern other types of specimens[196].

Worked specimens of species listed in the Annexes of *Regulation (EC) No 338/97* (or containing parts or derivatives of the same) 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 3 March 1947**, and
- have been **acquired in this condition** and require no further carving, crafting or manufacture to effect their purpose (see **Annex III of this Guide**)[197].

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 been 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 3 March1947.

Worked specimens that have been acquired before 3 March 1947 **must, in general, 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. However, the definition does not necessarily exclude "renovation" (an inevitable part of any object's life), therefore worked specimens that are **restored** using **material** from specimens of Annex-listed species that **dates from before 3 March 1947 may qualify** for this exemption.

A couple of additional points to note with regard to the definition of wildlife "antiques" are:

- it is not necessary that the person who acquired the specimens before 3 March 1947 is also the present owner for the purpose of the definition; and

195 The relevant date for application of the "worked specimens" derogation has been changed from 1 June 1947 to 3 March 1947 (see Summary Record of COM 59, Point 14). Article 2(w) of *Regulation (EC) No 338/97* defines a "worked specimen" as one which was "acquired more than 50 years before the entry into force of this Regulation". Previously, 1 June 1947 was used as the relevant date based on Article 22 of *Regulation (EC) No 338/97* which states that the Regulation shall apply from 1 June 1997. However, Article 22 also states that "this Regulation shall enter into force on the date of its publication in the Official Journal" (i.e. 1 March 1997). In light of this, the European Commission has confirmed that the correct date which should be used is 3 March 1947 (i.e. 50 years before the Official Journal publication date of 3 March 1997).
196 Articles 4(5) and 5(6) *Regulation (EC) No 338/97* and Article 62(3) *Regulation (EC) No 865/2006.*
197 Article 2(w) *Regulation (EC) No 338/97.*

- "acquired" also means receiving a specimen as a gift, inheriting it, or killing the animal or plant and taking possession of the specimen.

3.6.3.1 What documents are required for trade in worked specimens (i.e."antiques") into and from the EU?

(a) Import

For worked specimens of species listed in **Annex A or B,** an **import permit** issued by the Management Authority of destination is required. However, such specimens are exempt from certain of the conditions for issuance of an import permit, i.e. the requirements that must be fulfilled are less strict (see **Section 3.3.11**). For example, the prohibition on imports for commercial purposes does not apply to imports of worked specimens that comply with the criteria outlined above.

Before the Management Authority can issue an import permit for specimens of species listed in **Annex A,** it needs to be satisfied that:

- the specimen was **legally obtained** in the country of origin, through the presentation of an export permit; and
- there are **no other conservation factors** that prevent the issue of an import permit[198].

Therefore, for specimens of species listed in **Annex A,** a **copy of the permit** issued by the **(re-) exporting country** is required prior to issuance of an import permit.

For the **import** of specimens of **Annex B-listed species**, **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[199].

For specimens of species listed in **Annex C and D,** an **import notification** is required.

(b) (Re-)export

For **(re)export** of specimens of species listed in **Annex A, B or C**, an **export permit** or **re-export certificate** is needed. However, as above for imports, worked specimens that fulfil the above criteria are exempt from certain of the conditions for issuance of an export permit/re-export certificate contained in *Regulation (EC) No 338/97.*

Before the Management Authority can issue an export permit/re-export certificate, it must be satisfied that there are no other factors relating to the conservation of the species which prevent issuance of the export permit[200]. In addition, evidence must be presented that:

- for **exports**, confirms that the specimens were **acquired before 3 March 1947**; or

198 Articles 4(1) and 4(5) *Regulation (EC) No 338/97.*
199 Article 4(5)(a) *Regulation (EC) No 338/97.*
200 Article 5(2)(b) and (d) *Regulation (EC) No 338/97*

- for **re-exports,** 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 to them**[201] (see **Section 3.6.4**).

It is noted that 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 such specimens[202].

For **internal trade** in worked specimens, see **Section 4.2.**

3.6.4 What about trade in "pre-Convention"/"pre-Regulation" specimens?

Article VII(2) of CITES establishes an exemption from the rules applying to species listed in an Appendix to the Convention for "pre-Convention" specimens. This exemption has however not been transposed into *Regulation (EC) No 338/97.*

Export or re-export from the EU

There exists a special derogation from certain conditions for issuance of **export permits** or **re-export certificates** for **dead specimens**, as well as **parts and derivatives**, of species listed in **Annexes A, B and C**, that were **acquired before the date on which CITES or the EU Wildlife Trade Regulations[203] became applicable to them** in the country in which they were acquired.

In the case of **dead Annex A specimens** (as well as **parts and derivatives**) which fulfil the **"pre-Convention"/"pre-Regulation"** criteria (discussed below), an **export permit or re-export certificate** can be issued:

- for commercial purposes;
- without the prior sight of an import permit; and
- without reference to the Scientific Authority for advice on whether the (re-)export will have a detrimental effect on the conservation status of the species (only relevant in the case of **exports** of Annex A specimens, not **re-exports**)[204]. Note that the Scientific Authority will still need to be consulted by the Management Authority regarding whether there are other factors relating to conservation of the species that militate against the (re-)export[205].

The main rationale for the inclusion of the pre-Regulation/pre-Convention derogation in *Regulation (EC) No 338/97* is to **permit commercial exports and re-exports of non-living Annex A specimens** acquired before the EU Wildlife Trade Regulations/CITES became applicable to those species.

Although not subject to a prohibition on commercial exports, the derogation still has implications for exports of **dead Annex B and C specimens** (and **parts/derivatives**) which fulfil the **"pre-Convention"/"pre-Regulation"** criteria as an export permit can be issued in such cases without

201 Article 5(3) *Regulation (EC) No 338/97.*
202 Articles 5(6)(i) and 5(2)(c)(ii) *Regulation (EC) No 338/97*
203 Including *Regulation (EEC) 3626/82* that entered into force in 1984 - see Article 5(6) *Regulation (EC) No 338/97.*
204 Article 5(6)(ii) *Regulation (EC) No 338/97.* Note: if the specimen is considered a "worked" specimen and has been acquired before 3 March 1947, the conditions outlined in **Section 3.6.3** may apply.
205 Article 5(2)(d) *Regulation (EC) No 338/97*

reference to the Scientific Authority for advice (as above for Annex A specimens)[206]. The Scientific Authority's advice on non-detriment does not need to be sought for re-exports of dead Annex B and C specimens[207].

For information on the other requirements for issuance of an export permit/re-export certificate for Annex A, B and C specimens that still apply, see **Section 3.5** above.

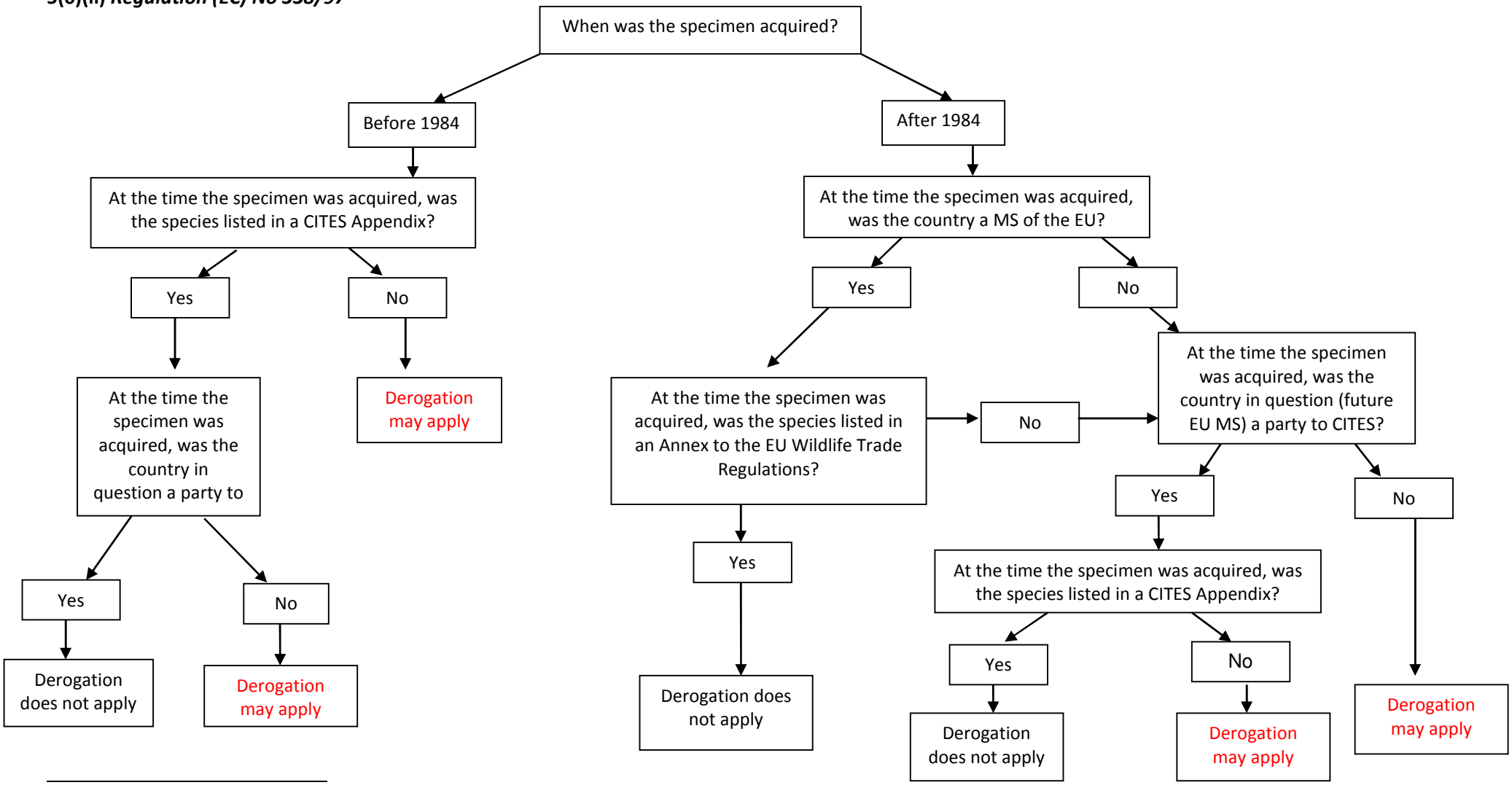
The circumstances in which the pre-Regulation/pre-Convention derogation in *Regulation (EC) No 338/97* may apply to a specimen are set out in **Figure 8**. In summary, the EU Wildlife Trade Regulations **do not** include the concept of "**pre-Convention**" specimens as understood by other CITES Parties. 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 EU 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 of the EU), and **not only** on the date the species was listed in the CITES Appendices or the EU Wildlife Trade Regulations Annexes. The table in **Annex XV** 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.

Import into the EU

It is noted that the same derogation **does not apply** for **imports** into the EU. Consequently, import permits are required for specimens acquired before CITES or the EU Wildlife Trade Regulations became applicable to them, and the full range of conditions for issuance will need to be satisfied. However, where such specimens are being reintroduced into the EU, or where the specimens are considered worked specimens acquired before 3 March 1947 (see **Section 3.6.3**), certain conditions for issuance of the import permit will not apply[208].

206 Article 5(6)(ii) *Regulation (EC) No 338/97.*
207 Article 5(6) *Regulation (EC) No 338/97*
208 Article 4(5) *Regulation (EC) No 338/97*

Figure 8: Application of the derogation relevant for export or re-export of "pre-Convention/pre-Regulation" specimens from the EU, contained in Article 5(6)(ii) *Regulation (EC) No 338/97*[209]



209 Note the following: (i) the derogation applies only to dead specimens (and parts/derivatives); (ii) worked specimens acquired before 3 March 1947 are subject to a different regime (see **Section 3.6.3**); (iii) 1984 is the reference date as this was the year of entry into force of *Regulation (EEC) No 3626/82*, i.e. when the EU first began implementing CITES through a common regulation.

3.6.5 What is the situation regarding personal effects and household goods (including hunting trophies)?

3.6.5.1 What are the general rules regarding personal and household effects?

The EU 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 and household effects**[210]. However, this only applies to specimens comprising/made of dead animals or plants which are:

- contained in the **personal luggage** of travellers coming from or going to a third country; or
- contained in the personal property of a person **transferring her or his normal place of residence** to or from the EU; or
- in the case of hunting trophies[211], taken by a traveller and imported into the EU at a later date[212] (see also **Section 3.6.5.3** on the rules for hunting trophies).

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 EU at a later date, i.e. after the importer's own arrival.
The derogation **does not apply** to:

- **live animals and plants** (although live, personally owned pets may obtain a special certificate – see **Section 3.6.11**); or
- goods imported or exported by any other transport method such as by post or by courier (e.g. goods purchased over the **Internet**) even if the purchaser only intends them for personal use.

It is also noted that the derogation for personal and household effects **only applies to certain imports, exports and (re-)exports** of specimens of species listed in the Annexes. For example, the derogation **does not apply to exports of specimens of Annex A or B-listed species[213]**, to **the first import of specimens of Annex A-listed species by EU residents[214]** or to the **first import of hunting trophies of certain Annex B-listed species/populations by EU residents**[215] (see **Section 3.6.5.3**). Therefore normal documentation requirements will apply in these cases.
In addition, specific requirements apply to the re-export of **rhino horn and elephant ivory** contained in personal and household effects. Further explanation is provided under ***(b) (Re-)exports*** below.

The "personal and household effects" derogation **does not normally apply** to dead specimens or parts and derivatives that are to be given away as a **gift,** or used for **commercial purposes** (this includes use for commercial gain, sale, display for commercial purposes, keeping for sale, offering

210 Article 7(3) *Regulation (EC) No 338/97*, Articles 57 and 58 *Regulation (EC) No 865/2006.*
211 For definition, see **Annex III of this Guide.**
212 Article 57(1) and 58(1) *Regulation (EC) No 865/2006.*
213 Article 58(2) *Regulation (EC) No 865/2006*
214 Article 57(2) *Regulation (EC) No 865/2006*
215 Article 57(3a) *Regulation (EC) No 865/2006*

for sale or transport for sale)[216]. However, specimens of Annex B-listed species that are introduced into EU under the personal and household effects derogation may be authorised for commercial use at a later date by a Member State Management Authority provided that:

(a) the applicant can demonstrate that the specimen was introduced into the EU **at least two years** previously; and
(b) the Management Authority is satisfied that the specimen **would have fulfilled the conditions for commercial import** (and hence would have been granted an import permit) at the time it was introduced into the EU[217].

In contrast, the **sale** of specimens of **Annex A**-listed species (or of specimens of species listed in **CITES Appendix I or in Annex C1 to *Regulation (EEC) No 3626/82***) introduced into the EU under this derogation is **not allowed**[218] (even if they could be considered under one of the exemptions to the internal trade prohibition set out in Article 8(3) of *Regulation (EC) No 338/97*).

Subject to the above exceptions, **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.

There are **differences** in the treatment of **persons normally residing in the EU** (or **taking up residence there**) and of persons that are **residents of third countries**. A person **normally residing in the EU** is a person who lives in the EU for at least **185 days** in each calendar year because of occupational ties, or if there are no occupational ties, because of personal ties which show close links between that person and the place where s/he is living[219].

Table 12 provides an overview of the documents needed by **EU and non-EU residents**, for trade into and from the EU in specimens considered as personal effects and household goods under CITES and the EU Wildlife Trade Regulations. It is also noted that, for the import and export to/from the EU of certain specimens of Annex B-listed species, general exemptions may apply (see **Section 3.6.5.2**)[220].

216 Articles 57(1) and 58(1) *Regulation (EC) No 865/2006.*
217 Article 58a(1) *Regulation (EC) No 865/2006*
218 Article 58a(2) *Regulation (EC) No 865/2006*
219 Article 1(5) *Regulation (EC) No 865/2006*
220 Article 57(5) and 58(4) *Regulation (EC) No 865/2006*

(a) Imports

EU residents:

EU residents introducing into the EU for the **first time** personal or household effects:

(i) which are specimens of species listed in **Annex A**, are required to have both an **export permit and an import permit**[221] (in other words, the "personal and household effects" derogation does not apply in such cases);

(ii) which are hunting trophies of specimens of **Annex B-listed species/populations** which are **also listed in Annex XIII** to *Regulation (EC) No 865/2006*, are required to have both an **export permit and an import permit**[222] (again, in other words, the "personal and household effects" derogation does not apply in such cases); or

(iii) which involve specimens of **Annex B**-listed species (including hunting trophies – with the **exception** of those specimens to which **point (ii)** above applies), are required to present to Customs **either**: (i) an **export permit** issued by a third country; **or** (ii) in case such an export permit is not issued by the third country[223], an **import permit**[224].

The **reintroduction** into the EU by an **EU resident** of personal or household effects (including hunting trophies) that are specimens of species listed in **Annex A or B** does not require presentation of an import permit to Customs. However, one of the following must be presented[225]:

- a Customs-endorsed "copy for the holder" (**Form 2**) of a previously used EU import or export permit;
- the copy of the (re-)export document presented upon first introduction into the EU;
- proof that the specimens were acquired within the EU.

Non-EU residents:

Persons that are **not normally residing in the EU** 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 gifts, and as long as they are contained in the personal luggage of the traveller. An **export permit** from the third country in which the person normally resides is only needed if that country requires that such a permit be issued, subject to **national legislation**.

Both EU and non-EU residents:

No documentation is required for the **import** of dead specimens of **Annex C or D-listed species** as personal or household effects to the EU, provided the conditions outlined above are satisfied.

221 Article 57(2) *Regulation (EC) No 865/2006.*
222 Article 57(3a) *Regulation (EC) No 865/2006*
223 For example, due to the fact that country is not a Party to CITES.
224 Article 57(3) *Regulation (EC) No 865/2006*
225 Article 57(4) *Regulation (EC) No 865/2006*

(b) (Re-)exports

The derogation for personal and household effects **does not apply** to the **export** from the EU of specimens of species listed in **Annexes A or B**, regardless of **whether being carried out by an EU or non-EU resident**[226]. Therefore an **export permit** will be required (unless the export falls within the more general exemption outlined at **Section 3.6.5.2**) and the full set of conditions for issuance of the permit detailed in **Table 10** will need to be fulfilled.

The derogation for personal and household effects **does apply** to the **re-export** from the EU of specimens of species listed in **Annexes A or B**. The re-export by an **EU resident** of personal or household effects (including personal hunting trophies) that are specimens of species listed in Annexes A or B **shall not require the presentation of a re-export certificate** provided that one of the following is presented:

- a Customs-endorsed "copy for the holder" (**Form 2**) of a previously used EU import or export permit;
- the copy of the (re-)export document presented upon first introduction into the EU;
- proof that the specimens were acquired within the EU[227].

This **does not**, however, apply to the **re-export by an EU resident of rhino horn and elephant ivory** contained in personal or household effects. For these specimens, the **presentation of a re-export certificate is required**[228].

In the case of **non-EU residents, re-export certificates** from the EU will be required for the re-export of personal or household effects (including hunting trophies) that are specimens of species listed in **Annex A** which were acquired outside that person's state of usual residence[229]. The same requirement applies to the re-export as personal or household effects of **rhino horn** or **elephant ivory** from specimens from populations listed in **Annex B**[230].

For **both EU and non-EU residents**, no documentation is required for the (re-)export of dead specimens of **Annex C or D-listed species** as personal or household effects to/from the EU, provided the conditions outlined above are satisfied.

3.6.5.2 Are there any general exemptions for certain personal and household effects?

For certain items made of species listed in Annex B, **no documents are required** for (re-) introduction and (re-)export. That is currently the case for the following items up to the stated maximum quantity[231]:

226 Article 58(2) *Regulation (EC) No 865/2006.*
227 Article 58(3) *Regulation (EC) No 865/2006*.
228 Article 58(3) *Regulation (EC) No 865/2006*
229 i.e. acquired outside the EU, or bought in the EU but which were previously imported into the EU from a third country, e.g. rhino horn bought in the EU by a Vietnamese national who wants to take the rhino horn back home with them as a personal and household effect: Article 58(3a) *Regulation (EC) No 865/2006*
230 Article 58(3a) *Regulation (EC) No 865/2006*
231 Article 57(5) and 58(4) *Regulation (EC) No 865/2006*

a) *Caviar* of sturgeon and paddlefish species (Acipenseriformes spp.) - up to a maximum of 125 grams per person (containers to be individually marked in accordance with Article 66(6) of *Regulation (EC) No 865/2006*);

b) Rainsticks of Cactaceae (cacti) - up to three per person;

c) Dead worked specimens of Crocodylia (crocodile) (excluding meat and hunting trophies) - up to four per person;

d) Shells of *Strombus gigas* (Queen Conch) - up to three per person;

e) *Hippocampus* spp. (seahorses) – up to four dead specimens per person, and

f) Shells of *Tridacnidae* spp. (Giant Clam) – up to three specimens per person, not exceeding 3 kg in total, where a specimen may be one intact shell or two matching halves.

g) Specimens of agarwood (*Aquilaria* spp. and *Gyrinops* spp.) – up to 1 kg woodchips, 24 ml oil, and two sets of beads or prayer beads (or two necklaces or bracelets) per person.

3.6.5.3 What is the situation for the import of hunting trophies into the EU?

Hunting trophies[232] that are introduced into the EU for **non-commercial purposes** are considered to be **personal effects** under the EU Wildlife Trade Regulations – even if they do not accompany the importer and are shipped at a later date (in order to allow for them to be preserved or cured)[233]. Hence, the provisions described above for personal effects and household goods apply to the import of these specimens into the EU (see **Table 12**).

However, the **first introduction** into the EU **by EU residents** of hunting trophy specimens of **Annex-B listed species/populations** that **are also listed in Annex XIII to *Regulation (EC) No 865/2006* do not fall within the derogration** for personal and household effects[234]. Therefore the normal import documentation requirements will apply in these cases. The species/populations for which more stringent control of imports has been deemed necessary are those for which there are **concerns as to the sustainability** of trade in hunting trophies or for which there are **indications of significant illegal trade**[235] (see **Annex XI** of this Guide for the current list of species/populations).

It should also be noted that **many of the popularly hunted species** are listed in **Annex A** of the EU 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 **prohibitions** on the import of **certain species** that may be subject to hunting, and hence trophies of these species cannot be imported (as no import permit will be issued: see **Section 3.3.9**).

Persons importing hunting trophies should also check that there are no considerations regarding **veterinary legislation** that might affect the import. In addition, **EU health legislation** on animal by-

232 For definition, see **Annex III of this Guide**.
233 Article 57(1)(c) of *Regulation (EC) No 865/2006*
234 Article 57(3a) *Regulation (EC) No 865/2006.*
235 Paragraph (3) of Recitals to *Regulation (EU) 2015/56*

products[236] includes restrictions on the import of certain game trophies, which may need to be accompanied by a health certificate and processed by a registered establishment in a third country for import into the EU to be permitted. For further information on these requirements, please see: http://ec.europa.eu/food/food/biosafety/establishments/animal_byproducts_en.htm.

3.6.5.4 Are the EU Wildlife Trade Regulations requirements the same as those in CITES?

It should be noted that the provisions of CITES governing personal and household effects are somewhat different compared to those of the EU Wildlife Trade Regulations. Therefore the Convention text and relevant Resolutions are not an adequate guide to the provisions of the Regulations in this regard.

236 *Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products not intended for human consumption with animal by-products* and *Regulation (EC) No 142/2011 of the Commission of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive.*

Table 12: Documents needed by EU and non-EU residents for the trade in personal effects and household goods made of animal and plant species regulated under CITES and the EU Wildlife Trade Regulations

			EU residents	Non-EU residents
Annex	**Article**	**Import into and/or export from EU**	**Documents Required:** ***Issued before travelling and presented to Customs officer***	**Documents Required:** ***Issued before travelling and presented to Customs officer***
Regulation (EC) No 865/ 2006				
A	57(2)	**Introduction** (1st import into the EU)	• Export permit **(issued by country of origin of specimen)*** AND • **Import permit** (issued by an EU Member State)	• Export permit **(only if required by national legislation of third country)**
A	57(4)	**Re-introduction** (returning again to the EU)	• **"Copy for the holder"** of an EU export/import permit (presented at first exit from or entry in the EU), OR • **Evidence of purchase** in the EU (when applicable), e.g. invoice / receipt, OR • **Stamped copy of a (re-) export document** (presented at first entry in the EU), OR • Import permit (**issued by an EU Member State**).	• Export permit **(only if required by national legislation of third country)**
A	58(2)	**Export** (originally acquired in the EU)	• Export permit **(issued by an EU Member State)** AND • Import permit **(issued by country of destination)****.	• Export permit **(issued by an EU Member State)** AND • Import permit **(issued by country of destination)****.
A	58(3)	**Re-export** (previously introduced into the EU)	• "**Copy for the holder**" of an EU export/import permit (presented at first exit from or entry in the EU) OR • **Evidence of purchase** in the EU (when applicable), e.g. invoice / receipt, OR • **Stamped copy of a (re-) export document** (presented at first entry in the EU) OR • **Re-export certificate** (issued by country of re-export).***	• Re-export certificate **(only for specimens of Annex A-listed species which were acquired outside of the non-EU resident's state of usual residence, i.e. bought whilst in the EU but previously imported from a third country, or acquired outside of the EU)[237].**
B	57(3)	**Introduction** (1st import into the EU)	• Export permit **(issued by country of origin of specimen)*, ****,*******	• Export permit **(only if required by national legislation of third country)**

237 Article 58(3a) *Regulation (EC) No 865/2006*

Annex	Article	Import into and/or export from EU	EU residents **Documents Required:** ***Issued before travelling and presented to Customs officer***	Non-EU residents **Documents Required:** ***Issued before travelling and presented to Customs officer***
Regulation (EC) No 865/ 2006				
B	57(4)	**Re-introduction** (returning again to the EU)	• "**Copy for the holder**" of an EU export/import permit (presented at first exit from or entry in the EU) OR • **Evidence of purchase** in the EU (when applicable), e.g. invoice / receipt OR • **Stamped copy of a (re-)export document** (presented at first entry in the EU) OR • **Import permit** (issued by an EU Member State). ****	• Export permit **(only if required by national legislation of third country)**
B	58(2)	**Export** (originally acquired in the EU)	• Export permit **(issued by an EU Member State). ******	• Export permit **(issued by an EU Member State). ******
B	58(3)	**Re-export** (previously introduced into the EU)	• "**Copy for the holder**" of an EU export/import permit (presented at first exit from or entry in the EU) OR • **Evidence of purchase** in the EU (when applicable), e.g. invoice / receipt OR • **Stamped copy of a (re-)export document** (presented at first entry in the EU) OR • **Re-export certificate** (issued by country of re-export).***, ****	• No permit, certificate or notification required.***,******
Regulation (EC) No 338/97				
C	7(3)		No permit, certificate or notification required.	No permit, certificate or notification required.
D	7(3)		No permit, certificate or notification required.	No permit, certificate or notification required.

* 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.

***A re-export certificate issued by EU MSs will always be required for the re-export of rhino horn or elephant ivory contained in personal or household effects by an EU resident. In the case of non-EU residents, the same requirement applies to the re-export of rhino horn or elephant ivory contained in personal or household effects which were acquired outside that person's state of usual residence.

**** General exemptions apply for certain specimens of Annex B (see details in **Section 3.6.5.2**).

***** In addition, an import permit will be required for the first introduction of hunting trophies of those Annex B-listed species/populations that are also listed in Annex XIII to *Regulation (EC) No 865/2006* (see **Annex XI** of this Guide)

****** However, a re-export certificate will be required for the re-export of personal or household effects of rhino horn or elephant ivory from Annex B-listed populations, which were acquired outside of the non-EU resident's state of usual residence, i.e. bought whilst in the EU but previously imported from a third country, or acquired outside of the EU.

3.6.6 How is exchange between scientific institutions facilitated?

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 (EU) 792/2012* lays down the model for the label (see **Figure 9**) and Article 52 of *Regulation (EC) No 865/2006* 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[238].** 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[239].

238 Article 52(1) *Regulation (EC) No 865/2006*
239 Article 52(2) *Regulation (EC) No 865/2006*

Figure 9: Label provided for in Article 2(6) of *Regulation (EU) No 792/2012* and Article 52 of *Regulation (EC) No 865/2006*

Convention on International Trade in Endangered Species of Wild Fauna and Flora

Article VII (6)

SCIENTIFIC MATERIAL

1. Contents:

2. From (full name and address):

3. Registration N°: ☐☐☐☐☐

4. To (full name and address):

5. Registration N°: ☐☐☐☐☐

Label N°:

This part to be returned to the management authority immediately after use

Registration N° of sender ☐☐☐☐☐

Registration N° of recipient ☐☐☐☐☐

Contents:

Label N°:

3.6.7 Can permits and certificates be pre-issued for trade in biological samples?

In certain circumstances, such as for **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 or 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 Guide as **Annex XIII**).

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** of these persons and bodies is maintained by the Management Authority. The main criterion for approval by the Scientific Authority is that multiple transactions involving such biological samples would **not have a harmful effect on the conservation status** of the species in question[240].

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**[241].

Registered persons and bodies must be **authorised** by the Management Authority to enter **specific information** on the permit/certificate, provided that the Management Authority has entered into **box 23**, or in an appropriate annex to the permit/certificate, the following:

a) a list of the boxes that registered persons or bodies are authorised to complete for each shipment, and
b) a place for the signature of the person who completed the document[242].

The **container** in which biological samples are shipped must also bear a label that specifies "**CITES Biological Samples**" and the CITES document number[243].

3.6.8 What about the use of pre-issued documents for the (re-)export of dead specimens of species listed in Annexes B and C?

The **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**[244], provided that such trade is otherwise in accordance with Article 5(4) and Article 5(5) of *Regulation (EC)*

240 Article 18(2) *Regulation (EC) No 865/2006*
241 Article 18(1)(a) *Regulation (EC) No 865/2006*
242 Article 18(1)(c) *Regulation (EC) No 865/2006*
243 Article 18(3) *Regulation (EC) No 865/2006*
244 Article 19(1) *Regulation (EC) No 865/2006*

No 338/97[245] (provisions on export and re-export). The Scientific Authority must also advise that such export/re-export will **not be detrimental** to the conservation status of the species concerned[246].

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[247].

It is at the discretion of the Management Authority to determine who is eligible for inclusion in the list of "registered persons and bodies". Registered persons and bodies must be authorised 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.

3.6.9 Are there streamlined procedures for travelling exhibitions?

Travelling exhibition certificates[248] 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, circus, menagerie, plant exhibition, orchestra or museums exhibition that is used for commercial display for the public[249].

A travelling exhibition certificate makes travelling with specimens of species listed in the Annexes of the EU Wildlife Trade Regulations much easier, because it **may be used more than once** providing that all the required conditions are met. Therefore, it **precludes** the need for application for **CITES permits** each time an international border is crossed, since it is accompanied by a **continuation sheet** which can be endorsed by Customs offices more than once. The type and colour of the paper used for the travelling exhibition certificates should be as detailed in **Table 13**.

245 Article 19(2) *Regulation (EC) No 865/2006*
246 Article 19(1)(a) *Regulation (EC) No 865/2006*
247 Article 19(1)(b) *Regulation (EC) No 865/2006*
248 Articles 30 to 36 *Regulation (EC) No 865/2006*
249 Article 1(6) *Regulation (EC) No 865/2006*

Table 13: Documents required as part of a travelling exhibition certificate[250]

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

3.6.9.1 In which cases can travelling exhibition certificates be used?

Travelling exhibition certificates can only be used for specimens which were **legally acquired** and which were:

- **born and bred in captivity,** in accordance with Articles 54 and 55 of *Regulation (EC) No 865/2006*;
- **artificially propagated** in accordance with Article 56 of *Regulation (EC) No 865/2006* as amended by paragraph 14 of *Regulation (EU) No 791/2012*, or
- acquired or introduced into the EU **before CITES provisions or EU Regulations** were applicable to them (see also **Section 3.6.4** on "pre-Convention/pre-Regulation" specimens)[251].

In the case of **live animals**, a travelling exhibition certificate shall cover **one specimen only**[252]. On the other hand, for dead specimens, parts and derivatives, one certificate can cover more than one specimen.

3.6.9.2 How are travelling exhibition certificates used?

A travelling exhibition certificate **may be used in place 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 (see **Section 4.1**)[253].

3.6.9.3 Where can travelling exhibition certificates be obtained, and what requirements apply when using them?

If the travelling exhibition **originates in the EU**, 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 10**[254].

If the travelling exhibition **originates in a country outside the EU**, 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 this case, a travelling exhibition certificate should be issued only when **equivalent documentation has been provided by the country of export**[255].

250 Articles 2 and 3 *Regulation (EU) No 792/2012*
251 Article 30(1) *Regulation (EC) No 865/2006*
252 Article 30(2) *Regulation (EC) No 865/2006*
253 Article 31 *Regulation (EC) No 865/2006*
254 Article 32(1) *Regulation (EC) No 865/2006*
255 Article 32(2) *Regulation (EC) No 865/2006*

Figure 11 provides an example of a travelling exhibition certificate.

If an **animal** covered by a travelling exhibition certificate **gives birth** whilst the exhibition is in a Member State, the **Management Authority of that State must be notified** and a certificate issued, or a permit issued (as appropriate), if the offspring is to be used for purposes other than the travelling exhibition[256].

Specimens which are covered by a travelling exhibition certificate **must be:**

- **uniquely and permanently marked** either in accordance with Article 66 of *Regulation (EC) No 865/2006* in the case of live animals (see **Section 6** on 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;
- **registered by the issuing Management Authority,** unless the specimens originated from a country outside the EU;
- **returned to the Member State in which they are registered prior to the expiry of the certificate** unless they originated from a country outside the EU[257].

Where the specimens originated from outside the EU (i.e. from 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*[258].

The forms for travelling exhibition certificates, and the accompanying continuation sheet that must be endorsed by Customs whenever a border is crossed, are provided respectively in **Annexes III and IV** of *Regulation (EU) No 792/2012*, and also for reference as **Figures 11 and 12** of this Guide.

Travelling exhibition certificates issued by an EU Management Authority are valid for **three years**[259] (see **Section 8.2**)

256 Article 32(3) *Regulation (EC) No 865/2006*
257 Article 33(1) *Regulation (EC) No 865/2006*
258 Article 33(2) *Regulation (EC) No 865/2006*
259 Article 10(3) *Regulation (EC) No 865/2006*

Figure 10: Steps involved in the application and issuance of a travelling exhibition certificate

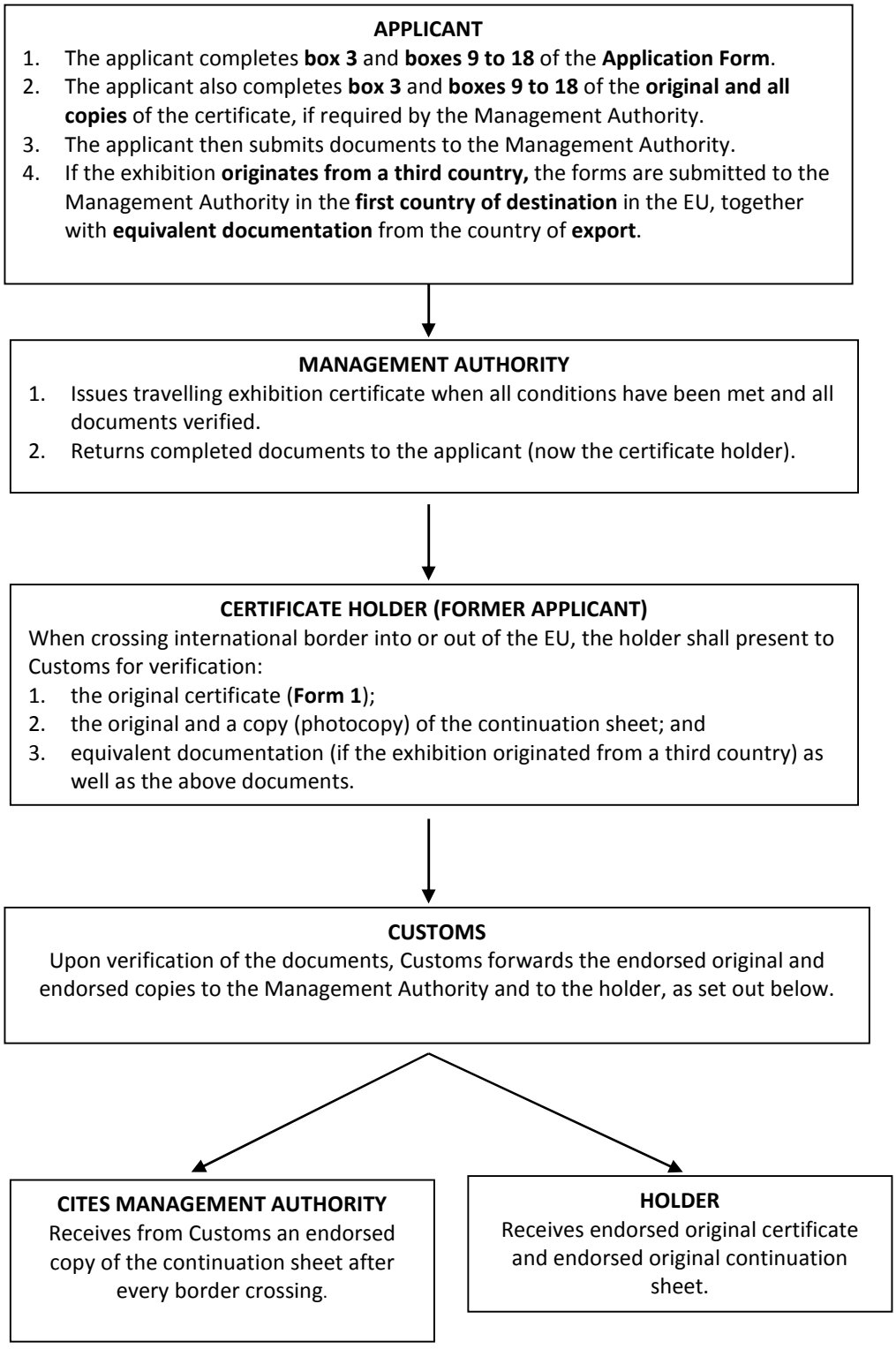


Figure 11: Travelling exhibition certificate

EUROPEAN UNION CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA	TRAVELLING-EXHIBITION CERTIFICATE Original	
	1. Certificate No	2. Valid until
3. Owner of specimen(s) (name, permanent address and country of registration) Signature of owner	4. Issuing management authority	

5. Special conditions:

a) Valid for multiple cross-border movements and allowing the specimens to be displayed to the public in accordance with Art. 8 (3) Regulation (EC) No 338/97. Owner to retain original form.

b) The specimen(s) covered by this certificate may not be sold or otherwise transferred, in compliance with the provisions of Regulation (EC) No 338/97, in any State other than the State in which the exhibition is based and registered. This certificate is non-transferable. If the specimen(s) dies, is stolen, destroyed, lost, sold or otherwise transferred, this certificate must be immediately returned by the owner to the issuing Management Authority.

c) This certificate is not valid unless accompanied by a continuation sheet.

d) The certificate shall in no way affect the right of states to adopt stricter domestic measures regarding restrictions or conditions for the certified specimens, especially the holding/keeping of live animals.

This certificate is valid only if the transport conditions conform to the Guidelines for Transport of Live Animals or, in the case of air transport, to the IATA Live Animal Regulations

6. Country of import	7. Purpose of the transaction	8. Security stamp no
Various	**Q**	

9. Scientific name (genus and species) and common name of species	10. Description of specimen/s, including identifying marks or numbers, age, sex

11. Quantity	12. CITES Appendix	13. EU Annex	14. Source
15. Country of origin	16. Permit No and date	17. Exhibition registration number	18. Date of acquisition (if specimen originated in a Member State of the Union)

19. This certificate is issued by:

Place	Date	Signature and official seal

20. Additional conditions

21. Customs endorsement (see Continuation sheet)

Figure 12: Continuation sheet for travelling exhibition, musical instrument and personal ownership certificates[260]

EUROPEAN UNION CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA	TRAVELLING-EXHIBITION CERTIFICATE PERSONAL OWNERSHIP CERTIFICATE CONTINUATION SHEET Page _____ of _____
1. Original certificate No	4. Issuing Management Authority
8. Security stamp No	
3. Owner of specimen(s) (name, permanent address and country of registration)	
Customs office of import / Date / Signature / Official stamp	Customs office of (re)export / Date / Signature / Official stamp
Customs office of import / Date / Signature / Official stamp	Customs office of (re)export / Date / Signature / Official stamp
Customs office of import / Date / Signature / Official stamp	Customs office of (re)export / Date / Signature / Official stamp
Customs office of import / Date / Signature / Official stamp	Customs office of (re)export / Date / Signature / Official stamp
Customs office of import / Date / Signature / Official stamp	Customs office of (re)export / Date / Signature / Official stamp
Customs office of import / Date / Signature / Official stamp	Customs office of (re)export / Date / Signature / Official stamp

260 Updated continuation sheet not available at the time of publication. To be provided as soon as available.

3.6.10 Are there streamlined procedures for the non-commercial cross-border movement of musical instruments?

Musical instrument certificates[261] can be used for the **non-commercial cross-border movement of musical instruments** for purposes including, but not limited to, personal use, performance, production (recordings), broadcast, teaching, display or competition. Such certificates may be used for instruments derived from species listed in Annexes A, B or C of the Regulations, with the exception of specimens of species listed in Annex A that were acquired after the species was included in the CITES Appendices.

A musical instrument certificate makes travelling with instruments derived from species listed in the Annexes of the EU Wildlife Trade Regulations much easier, because it **may be used more than once,** providing that all the required conditions are met. Therefore, it **precludes** the need for application for **CITES permits** each time an international border is crossed, since it is accompanied by a **continuation sheet** that can be endorsed by Customs offices more than once. The type and colour of the paper used for the musical instrument certificates should be as detailed in **Table 14**.

Table 14: Documents required as part of a musical instrument certificate[262]

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 issuing authority	Form number 4	Pink
Application form	Form number 5	White
Continuation sheets		White

3.6.10.1 In which cases can musical instrument certificates be used?

Musical instrument certificates can only be used for **non-commercial** cross-border movements of musical instruments, where the specimen used in the manufacture of the musical instrument concerned has been **legally acquired** and where the musical instrument is **appropriately identified** (see **Section 3.6.10.3**)[263].

A musical instrument certificate may only be issued for an instrument derived from an Annex A-listed species when pre-Convention acquisition of the specimen has been proven.[264] Musical instruments derived from an Annex A-listed species for which pre-Convention acquisition cannot be

261 Articles 44h to 44p *Regulation (EC) No 865/2006*
262 Articles 2 and 3 *Regulation (EU) No 792/2012*
263 Article 44h(1) *Regulation (EC) No 865/2006*
264 Article 44h(1) *Regulation (EC) No 865/2006*

proven may be (re-)exported or imported from/into the EU as "personal effects or household goods" provided certain conditions are met (see **Section 3.6.5**).

3.6.10.2 How are musical instrument certificates used?

A musical instrument certificate **may be used in place of an import permit, export permit or re-export certificate**[265].

3.6.10.3 Where can musical instrument certificates be obtained, and what requirements apply when using them?

The applicant should apply to the **Management Authority** in their **Member State of usual residence**[266]. Detailed steps regarding application and issuance of a musical instrument certificate are provided in **Figure 13**.

The **form** to be used for a musical instrument 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. The **description of the instrument** in the form (**box 8**) should allow the competent authority to verify that the certificate corresponds to the specimen being imported or exported, and the description should include elements such as the **manufacturer's name, the serial number or other means of identification such as photographs**[267].

The form is accompanied by a **continuation sheet** similar to that used with a travelling exhibition certificate[268] (see **Figure 12**), that is endorsed by Customs whenever a border is crossed. **Musical instrument certificates** issued by an EU Management Authority are valid for **three years**[269] (see **Section 8.2**).

In **box 23** of the musical instrument certificate, or in an **appropriate annex** to the certificate, the following text must be inserted[270]:

> *Valid for multiple cross-border movements. Original to be retained by holder.*
>
> *The musical instrument covered by this certificate, which permits multiple cross-border movements, is for non-commercial use for purposes including, but not limited to, personal use, performance, production (recordings), broadcast, teaching, display or competition. The musical instrument covered by this certificate may not be sold or possession of it transferred whilst it is outside the State in which the certificate was issued.*

265 Article 44i *Regulation (EC) No 865/2006*
266 Article 44j(1) *Regulation (EC) No 865/2006*
267 Paragraph 8 of the Instructions and explanations to Annex I *Regulation (EU) No 792/2012*
268 Article 44h(2) *Regulation (EC) No 865/2006* and Annex IV *Regulation (EU) No 792/2012*
269 Article 10(3) *Regulation (EC) No 865/2006*
270 Article 44j(2) *Regulation (EC) No 865/2006*

This certificate must be returned to the management authority of the State which issued the certificate before the expiration of the certificate.

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.

A specimen which is covered by a musical instrument certificate **must be**[271]**:**

- **registered** by the certificate-issuing Management Authority;
- **returned** to the Member State in which it is registered **prior to the expiry** of the certificate**;** and
- **appropriately identified.**

A specimen covered by a musical instrument certificate may not be sold or possession of it transferred whilst outside the applicant's State of usual residence[272]. If an owner wishes to **sell** the specimen covered by a musical instrument certificate, they must first **surrender** the certificate to the issuing management authority. In order to keep/offer a specimen listed in Annex A for sale in the EU, the owner must apply to the relevant authority for a certificate in accordance with Article 8(3) of *Regulation (EC) No 338/97*[273] (see **Section 4**). For sale outside of the EU, the provisions of *Regulation (EC) No 338/97* on exports (and associated documentation) will apply – for further information see **Section 3.5** above.

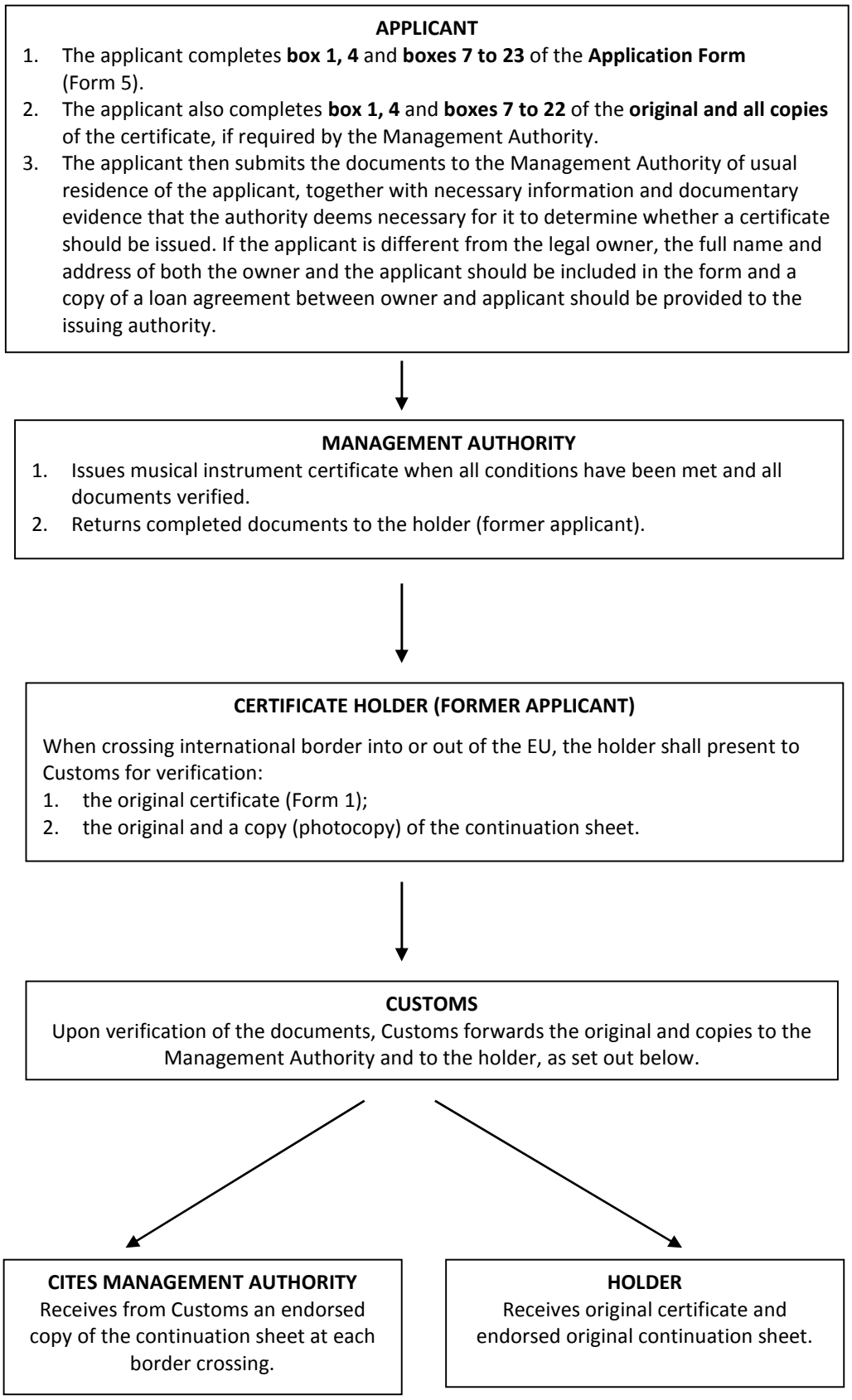
The forms on which musical instrument certificates should be drawn up must conform to the model set out in Annex I and, for the continuation sheet, to the model set out in Annex IV of *Regulation (EU) No 792/2012* (see also **Figures 2** and **12**).

3.6.10.4 How does the EU treat musical instrument certificates issued by third (non-EU) countries?

An instrument covered by a musical instrument certificate issued by a third country may be introduced into the EU, or re-exported from the EU, without requiring the presentation of a (re-)export document or an import permit, **provided that** the musical instrument certificate was issued by the third country under similar conditions to those described in Articles 44h and 44j of *Regulation (EC) No 865/2006* (see above).

271 Article 44k *Regulation (EC) No 865/2006*
272 Article 44k(c) *Regulation (EC) No 865/2006*
273 Article 44n *Regulation (EC) No 865/2006*

Figure 13: Steps involved in the application and issuance of a musical instrument certificate



3.6.11 Are there simpler procedures for personally owned live animals (e.g. pets, etc.)?

Personal ownership certificates[274] can be used to facilitate travel with **personally-owned live animals** of species listed in Annexes A, B or C of the Regulations, provided that those animals are held for **personal non-commercial purposes** only. 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.

Personal ownership certificates are not issued for plants or dead animals, or their parts or derivatives.

3.6.11.1 When can personal ownership certificates be used?

Personal ownership certificates may only be issued for legally acquired **live animals** held for **personal, non-commercial purposes**[275].

A personal ownership certificate can only cover **one specimen**[276].

3.6.11.2 How are personal ownership certificates used?

A personal ownership certificate may be used **in place of an import permit**. If the **country of destination agrees** (Management Authority will advise on this), it may also be used as an **export permit or re-export certificate**[277].

The specimen **must be accompanied by the owner** when crossing an international border.

3.6.11.3 Where can a personal ownership certificate be obtained, and what requirements apply?

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 14**. The form is accompanied by a continuation sheet similar to that used with a travelling exhibition certificate[278] (see **Figure 12**), that is endorsed by Customs whenever a border is crossed. **Personal ownership certificates** issued by an EU Management Authority are valid for **three years**[279] (see **Section 8.2**).

If the specimen **originates from within the EU**, the applicant should apply to the **Management Authority of the Member State** from which the specimen originates[280].

274 Articles 37 to 44 *Regulation (EC) No 865/2006.*
275 Article 37(1) *Regulation (EC) No 865/2006*
276 Article 37(2) *Regulation (EC) No 865/2006*
277 Article 38 *Regulation (EC) No 865/2006*
278 Annex IV *Regulation (EU) No 792/2012*
279 Article 10(3) *Regulation (EC) No 865/2006*
280 Article 39(1) *Regulation (EC) No 865/2006*

If the specimen originates from a country **outside of the EU**, 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 EU Management Authority[281].

In **box 23** of the personal ownership certificate, or in an **appropriate annex** to the certificate, the following text must be inserted[282]:

> *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 a Member State, the **Management Authority** of that State must be **notified** and a certificate issued (or a permit if the offspring is to be used for purposes other than as a personal pet), as appropriate[283].

3.6.11.4 What other conditions apply to a personal ownership certificate?

All live animal specimens must be **uniquely and permanently marked** in accordance with Article 66 of *Regulation (EC) No 865/2006* (see **Section 6** on marking methods), in order that the authorities may verify that the animal covered by the personal ownership certificate corresponds to the animal being imported/exported[284].

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

281 Article 39(2) *Regulation (EC) No 865/2006*
282 Article 39(3) *Regulation (EC) No 865/2006*
283 Article 39(4) *Regulation (EC) No 865/2006*
284 Article 40(1)(d) *Regulation (EC) No 865/2006*

to the expiry of the certificate, unless they originated from a country outside of the EU[285]. Where the specimens originated from outside of the EU (a third country), the certificate must include the following text in **box 20** of the form[286]:

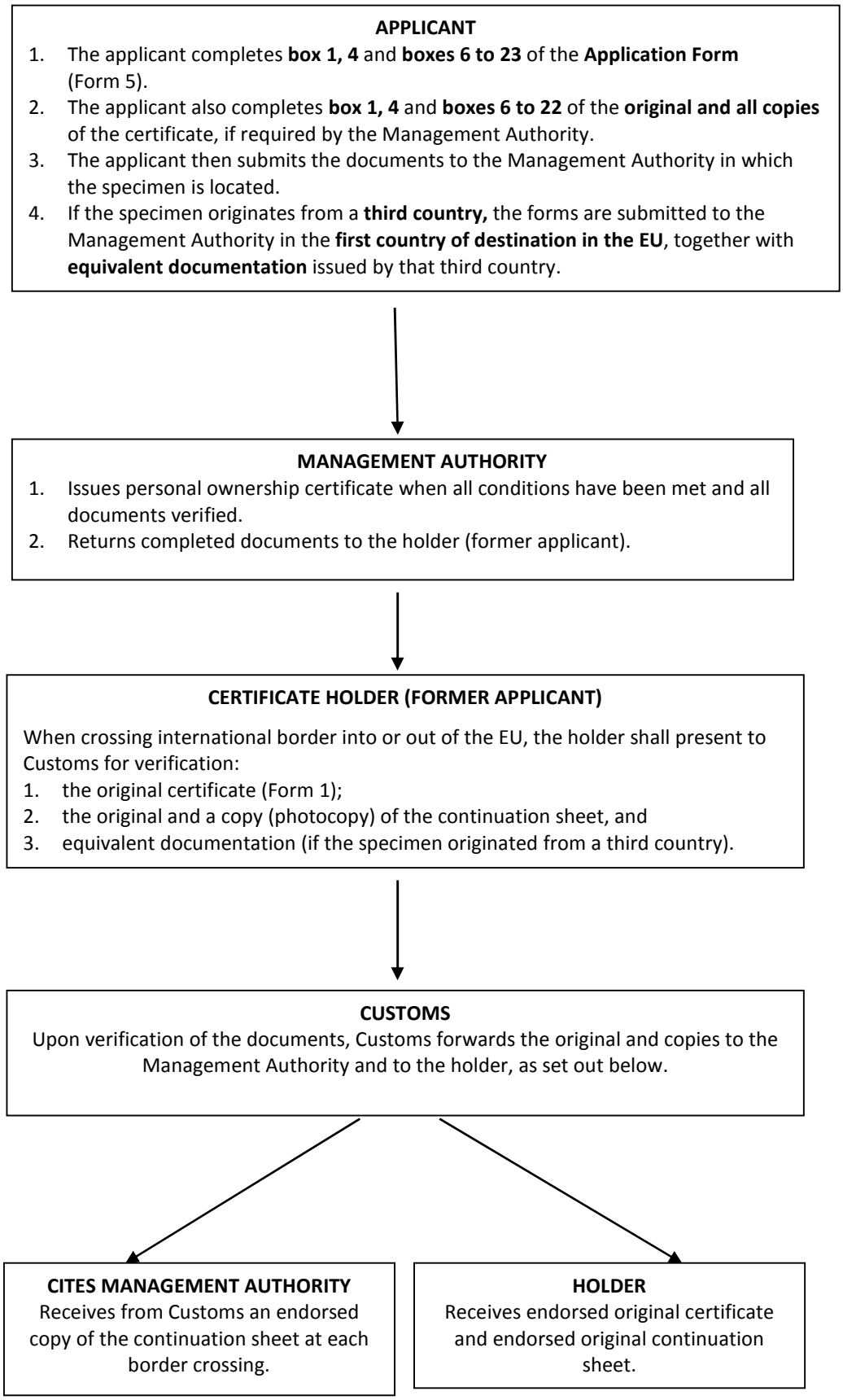
> *This certificate is not valid unless accompanied by an original personal ownership certificate issued by a third country and unless the specimen to which it relates is accompanied by its owner*.

Specimens covered by a personal ownership certificate may not be used for commercial purposes[287]. If the owner wishes to **sell** the specimen, they must first **surrender** the certificate to the issuing authority. In order to keep/offer a specimen listed in Annex A for sale in the EU, the owner must apply to the relevant authority for a certificate in accordance with Article 8(3) of *Regulation (EC) No 338/97*[288] (see **Section 4**). Such a certificate will also be required in the case of Annex B specimens for which it is not possible to prove they were legally acquired in (and, if originating outside of the EU, introduced into) the EU[289]. For sale outside of the EU, the provisions of *Regulation (EC) No 338/97* on exports (and associated documentation) will apply – for further information see **Section 3.5** above.

The forms on which personal ownership 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 *Regulation (EU) No 792/2012* (see also **Figures 2** and **12**).

285 Articles 40(1)(a) and (b) *Regulation (EC) No 865/2006*
286 Article 40(2) *Regulation (EC) No 865/2006*
287 Article 40(1)(c) *Regulation (EC) No 865/2006*
288 Article 43 *Regulation (EC) No 865/2006*
289 Article 8(5) *Regulation (EC) No 338/97*

Figure 14: Steps involved in the application and issuance of a personal ownership certificate



3.6.12 Can travelling sample collections make use of simpler procedures?

Sample collection certificates[290] may be issued in respect of sample collections, provided those collections are accompanied by a **valid ATA carnet**[291].

3.6.12.1 When can sample collection certificates be used?

Sample collection certificates can be used for collections of legally acquired dead specimens of species listed in Annexes A, B or C of *Regulation (EC) No 338/97* (as well as parts and derivatives thereof) which are transported across borders for presentation purposes[292]. Specimens, parts or derivatives of species listed in Annex A must also:

- in the case of animal specimens, be **of captive born and bred origin**, in accordance with Articles 54 and 55 of *Regulation (EC) No 865/2006*, or
- in the case of plant specimens, be **artificially propagated** in accordance with Article 56 of *Regulation (EC) No 865/2006*.

3.6.12.2 What can sample collection certificates be used for?

A sample collection certificate may be used in place of[293]:

- an **import permit;**
- an **export permit** or **re-export certificate** (if the country of desination recognises and allows the use of ATA carnets), and
- an **internal trade certificate**, exempting the holder from the prohibition to **display** the specimens to the public for commercial purposes (see **Section 4**).

3.6.12.3 How are sample collection certificates obtained and what requirements apply when using them?

The **form** to be used for a sample collection certificate is the **same as for an import or export permit or a re-export certificate**[294] (see **Figure 2 and Table 7**). However, the certificate must indicate that the document is for "**Other: Sample Collection**" and the number of the accompanying **ATA carnet** should be included in **box 23**[295]. The following text should also be included in **box 23** or in an appropriate annex to the certificate:

> *For sample collection accompanied by ATA carnet No. xxx.*
>
> *This certificate covers a sample collection and is not valid unless accompanied by a valid ATA carnet. This certificate is non-transferable. The*

290 Articles 44a to 44g *Regulation (EC) No 865/2006*
291 The ATA carnet is an international Customs document that can be used in different countries around the world to cover temporary use of goods without payment of Customs charges. Using a carnet simplifies Customs clearance of goods in exporting and importing countries by replacing Customs documents that would normally be required (http://customs.hmrc.gov.uk).
292 Article 44a *Regulation (EC) No 865/2006*
293 Article 44b *Regulation (EC) No 865/2006*
294 Annex I *Regulation (EU) No 792/2012*
295 Article 44d(4) *Regulation (EC) No 865/2006*

specimens covered by this certificate may not be sold or otherwise transferred whilst outside the territory of the State that issued this document. This certificate may be used for (re-)export from [indicate country of (re-) export] via [indicate countries to be visited] for presentation purposes and import back to [indicate country of (re-)export].

Detailed steps on application and issuance are provided in **Figure 15**.

If the sample collection **originates in the EU**, the applicant should apply to the **Management Authority of the Member State** in which the collection originates[296].

If the sample collection **originates in a country outside of the EU**, the **Management Authority of the EU Member State that is the first country of destination** for the collection should issue the sample collection certificate[297]. In the latter case, a sample collection certificate should be issued only when **equivalent documentation has been provided by the country of export** and the certificate must include the following text in **box 23** of the form (instead of that set out above)[298]:

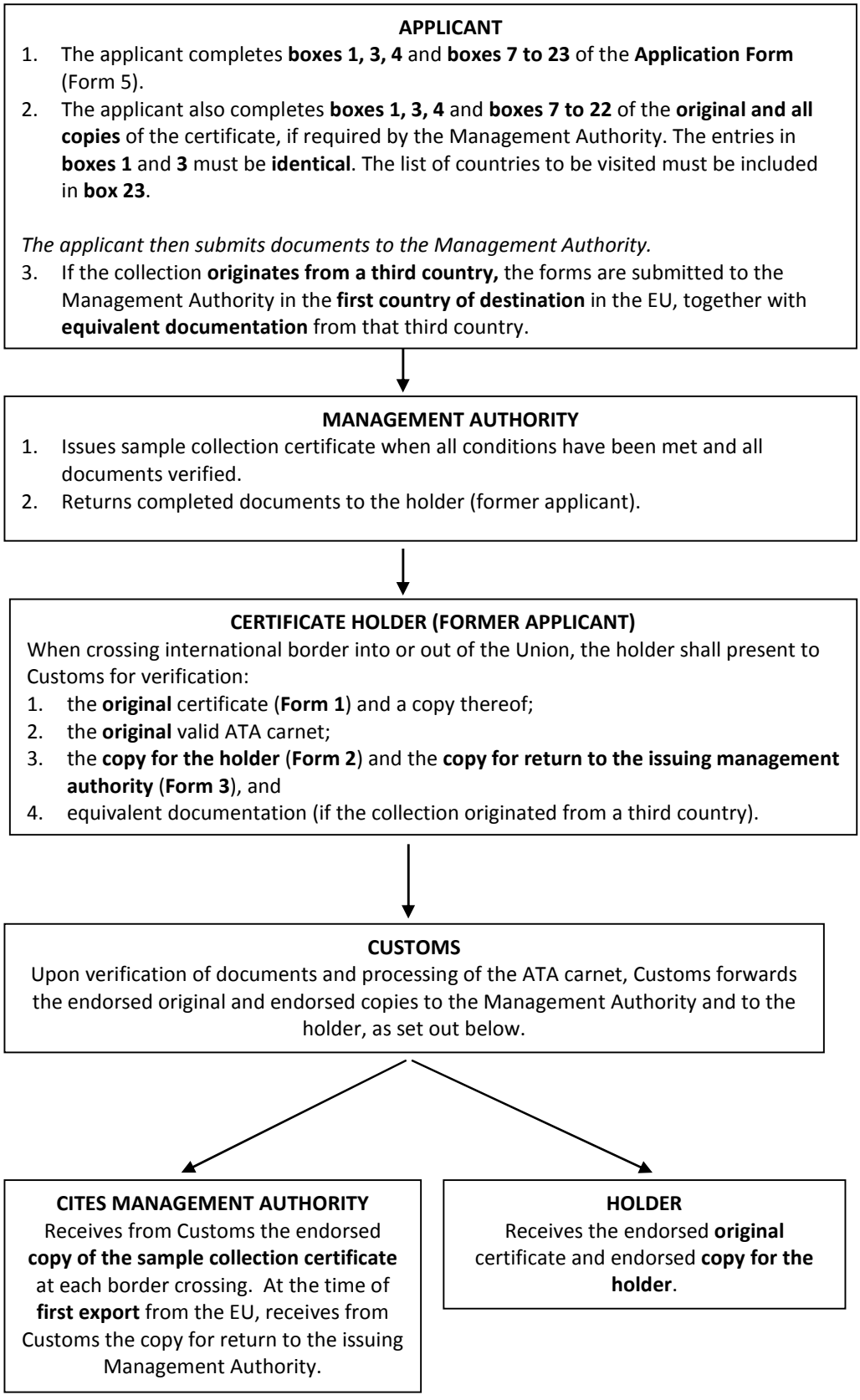
This certificate is not valid unless accompanied by an original CITES document issued by a third country in accordance with the provision established by the Conference of the Parties to the Convention.

A sample collection covered by a sample collection certificate must be **re-imported into the EU before the date of expiry** of the certificate. The specimens **may also not be sold or otherwise transferred** whilst outside the territory of the EU Member State that issued the certificate. If the **specimens** covered by the certificate are **stolen, destroyed, or lost,** the issuing Management Authority and the Management Authority of the country in which this occurred shall be immediately informed[299].

Sample collection certificates issued by an EU Management Authority are valid for **six months**[300].

296 Article 44c(1) *Regulation (EC) No 865/2006*
297 Article 44c(2) *Regulation (EC) No 865/2006*
298 Article 44d(5) *Regulation (EC) No 865/2006*
299 Article 44d *Regulation (EC) No 865/2006*
300 Article 10(3a) *Regulation (EC) No 865/2006*

Figure 15: Steps involved in the application and issuance of a sample collection certificate



3.7 Trade involving EU dependent and other territories

When considering trade involving a **dependent or other territory** of an EU Member State, it is important to note that the **territory may or may not be treated as within the EU for the purposes of the EU Wildlife Trade Regulations**. A number of Member States currently (at the time of writing) have such dependent or other territories, including Denmark, France, Italy, the Netherlands, Portugal and the UK. The Treaty on the Functioning of the European Union[301] provides the framework governing the application of the EU Treaties to the EU dependent and other territories, and the relationship between such territories and the EU Member States.

Annex V contains further information on the application of CITES in the EU, with particular reference to the status of dependent and other territories. For territories considered part of the wider **EU territory** (and to which the EU Treaty applies), the EU Wildlife Trade Regulations are applicable and **import and (re-)export documents are not required** for trade with EU Member States. For dependent and other territories forming part of the **EU Customs territory**, **Customs checks are not required** for intra-EU trade.

In light of these complexities, it is advised that the **Management Authority of the relevant EU Member State be contacted in the first instance** when contemplating trade in an Annex-listed species **to, from or within an EU dependent or other territory**. Contact details of the relevant Management Authority for the territory in question can be found on the National Contacts and Information page of the CITES website: http://www.cites.org/eng/cms/index.php/component/cp. The Management Authority should be able to advise on any trade restrictions that may apply, as well as relevant documentation requirements.

301 OJ No. C 83 of 30.3.2010, p.47.

4. What rules govern internal EU trade?

4.1 What are the general principles?

Internal trade in the EU includes trade **within one EU Member State** and **trade between individual EU Member States**. Due to the establishment of the EU single market, there are no border controls inside the EU and generally wildlife goods can be moved and traded freely inside the EU.

However, wild specimens of species listed in **Annex A** (and any others that do not meet the formal definitions of captive-bred or artificially propagated) are **generally not allowed to be used for commercial purposes** and their **movement** inside the EU is also regulated[302]. Commercial purposes includes the 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, and transport for sale[303]. The **prohibitions** applicable to specimens of Annex A-listed species **also apply** to specimens of species listed in **Annex B** for which it **cannot be proven** to the satisfaction of the competent authorities of Member States that they were **acquired** (and where applicable, **introduced** into the EU) **in accordance with CITES, the Regulations and relevant national conservation legislation**[304].

Additionally, for species listed in **Annex A**, any **movement of live specimens** (which were not bred in captivity and for which the location of the specimen is specified in an import permit/certificate issued in compliance with the Regulations) **requires prior authorisation from and issuance of a certificate by a Management Authority** of the Member State where the specimen is located (see **Section 5.3**). This certificate will only be granted when the competent Scientific Authority of the relevant Member State is satisfied that the intended accommodation for a live specimen at the place of destination is adequately equipped to conserve and care for it properly.

As a general rule, **no permits or certificates** are needed for **keeping or moving a specimen of a species listed in Annex B, C or D inside the EU**, although individual EU Member States have the power to restrict the holding of certain types of specimens (in particular, live specimens of species listed in Annex A[305]). Likewise, permits are **generally not required for commercial activities** inside the EU involving specimens of **species listed in Annex B** (if they have been legally acquired and imported into the EU)**, C or D**. However, in certain instances it will be necessary to provide documentary evidence showing that the specimens kept and/or used commercially were legally obtained or introduced. Therefore it is advisable to keep copies of the import documents (i.e. import permits for Annex B, import notifications for Annex C and D) or other proof that the specimens were legally obtained (i.e. a certificate from a national CITES Management Authority).

302 Article 8(1) *Regulation (EC) No 338/97*
303 Article 8(1) *Regulation (EC) No 338/97*
304 Article 8(5) *Regulation (EC) No 338/97*
305 Article 8(2) *Regulation (EC) No 338/97*

It is noted that the rules governing internal EU trade in Annex-listed species may, in some cases, apply to dependent and other territories of the European Union (see **Section 3.7** and **Annex V**). It is therefore advised that the **Management Authority of the relevant EU Member State be contacted in the first instance** when contemplating trade in an Annex-listed species **within an EU dependent and other territory**. Contact details of the relevant Management Authority for the territory in question can be found on the National Contacts and Information page of the CITES website: http://www.cites.org/eng/cms/index.php/component/cp. The Management Authority should be able to advise on any trade restrictions that may apply, as well as relevant documentation requirements.

4.2 Are there any exemptions from the internal trade prohibition for Annex A-listed species?

4.2.1. Exemptions for which no certificate is needed

There are a number of **general exemptions** contained in Article 62 of *Regulation (EC) No 865/2006* which provide that, for certain specimens, **no certificate is required** whatsoever for commercial trade within the EU. These are:

(a) Animal species commonly bred in captivity in the EU

No certificates are needed for specimens of **captive born and bred animal species** listed in Annex X of *Regulation (EC) No 865/2006,* and hybrids thereof.[306] This Annex is reproduced as **Annex X** of this Guide. To date, the Annex has principally been used to list bird species that are bred in such numbers that it is felt unnecessary for them to be uniquely marked**.** The general exemption 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.

(b) 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[307]. 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*.

(c) Worked specimens ("antiques") acquired prior to 3 March 1947

Worked specimens of species listed in the Annexes that were acquired more than 50 years before the Regulations entered into force (i.e. **before 3 March 1947**) are considered antiques (see also

306 Article 62(1) *Regulation (EC) No 865/2006.* Provided that specimens of annotated species are marked in accordance with Article 66(1) of *Regulation (EC) No 865/2006* (see **Section 6**). At present none of the species are annotated, so marking is not required.
307 Article 62(2) *Regulation (EC) No 865/2006.*

Section 3.6.3). 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[308]. However, the vendor of the specimens may be asked to provide documentary evidence to the Management Authority that the specimen meets the conditions of a "worked" specimen acquired before 3 March 1947.

(d) Dead specimens of Annex A-listed Crocodilians bred in captivity for commercial purposes by operations registered in accordance with *CITES Resolution Conf. 12.10 (Rev. CoP15)*[309]

No certificate is required for commercial trade in these specimens within the EU.

(e) Caviar of *Acipenser brevirostrum* and its hybrids bred in captivity for commercial purposes (as above), provided that the container is labelled in accordance with *Regulation (EC) No 865/2006*[310]

No certificate is required for commercial trade in these specimens within the EU.

4.2.2 Exemptions which can be granted provided that a certificate is issued

In addition to the general exemptions detailed above, there are a number of **specific exemptions** from the internal trade prohibition and, under certain conditions, specimens of species listed in Annex A are allowed to be used for internal trade – including for commercial purposes - inside the EU through the issuance of a **certificate** (see **Figure 16**) and on a **case-by-case basis**[311]. The conditions that must be fulfilled for issuance of such a certificate are described in more detail below.

Some of the **specific exemptions for which internal trade certificates (issued in accordance with Article 10 of *Regulation (EC) No 338/97*) are required** relate to specimens from **certain sources**, in which case there are **no restrictions on the purpose** for which they are to be used. Others, meanwhile, apply to specimens from **any source**, provided that there is **no conservation detriment** arising from the use of the specimen, but in these cases the **purposes are restricted** to those of a primarily non-commercial nature. In each case, for the specific exemption to apply the applicant must be able to prove to the satisfaction of the competent Management Authority that the specimens have been legally acquired[312].

The **conditions** set out in Article 8(3) *Regulation (EC) No 338/97* for granting **specific exemptions** are as follows:

308 Article 62(3) *Regulation (EC) No 865/2006.*
309 Article 62(4) *Regulation (EC) No 865/2006*
310 Article 62(5) *Regulation (EC) No 865/2006*
311 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 prohibition contained in Article 8(1). These exemptions must be in accordance with the requirements of other EU legislation on the conservation of wild fauna and flora such as the Wild Birds Directive (*Council Directive 2009/147/EC*) and Habitats Directive (*Council Directive 92/43/EEC*), and other relevant national legislation.
312 Article 59(1a) *Regulation (EC) No 865/2006*

(i) the specimens were **acquired** in or introduced into the EU **before** the provisions relating to **Annex A** of *Regulation (EC) No 338/97*, **Annex C1** of *Regulation (EEC) No 3626/82*, or **Appendix I** of CITES became applicable to them (in this case there is **no restriction on their purpose** - see **Section 3.6.4**)[313];

(ii) the specimens are **worked specimens** that were acquired **before 3 March 1947** (again, there are **no restrictions on their purpose** - see **Section 3.6.3**)[314]; however, note that such specimens are now subject to a general derogation (see above) meaning that no internal trade certificates are required for commercial use within the EU[315];

[NB: The above two provisions, together with the provisions relating to the import of specimens of Annex A-listed species imply that any wild-taken[316] specimen of a species already listed in Annex A when it arrives in the EU, is subject to the prohibition on import for primarily commercial purposes (see **Section 3.3**), and subsequent internal commercial use **no matter when it was first acquired in its country of origin**. The EU does therefore not recognise pre-Convention certificates issued by third countries. An exception is only made for specimens acquired before 3 March 1947, which, as discussed, are in addition subject to a general derogation[317].]

(iii) the specimens were introduced in compliance with *Regulation (EC) No 338/97* and are to be used for **purposes** that are deemed **non-detrimental** to the species, e.g. an animal imported for a captive-breeding programme which has become redundant can be sold for the same or another non-detrimental purpose (**no restrictions on source** but there are **restrictions on purpose**)[318];

(iv) the specimens were **born and bred in captivity** in compliance with the criteria laid down in Articles 54 of *Commission Regulation (EC) No 865/2006* (**no restrictions on purpose** - see **Section 3.6.1**)[319]. A certificate (for commercial use of animals born and bred in captivity) can only be issued if the applicant has satisfied the Management Authority, the latter having consulted the Scientific Authority, that the conditions are met[320];

(v) the specimens are required under **exceptional circumstances** for the **advancement of science** or **essential biomedical purposes** (*Directive 86/609/EEC* (animal experimentation)). The specimens must be of the **only species suitable for those purposes** and there must be **no suitable captive-born and bred specimens available**[321]. 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 (**source is not restricted** but the purpose is)[322];

(vi) the 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 Management Authority, the latter having consulted the

313 Article 8(3)(a) *Regulation (EC) No 338/97*
314 Article 8(3)(b) *Regulation (EC) No 338/97*
315 Article 62(3) *Regulation (EC) No 338/97*
316 Or ranched or captive-born, but not captive-bred.
317 Aritlce 62(3) *Regulation (EC) No 865/2006*
318 Article 8(3)(c) *Regulation (EC) No 338/97*
319 Article 8(3)(d) *Regulation (EC) No 338/97*
320 Article 59(2) *Regulation (EC) No 865/2006*
321 Article 8(3)(e) *Regulation (EC) No 338/97*
322 Article 59(3) *Regulation (EC) No 338/97*

Scientific Authority, that the conditions are met (**source is not restricted** but the purpose is)[323]. It should also be noted that breeding programmes of a primarily commercial nature cannot make use of this exemption – nor can hobbyists who are offloading surplus progeny. Many such cases have a too restrictive gene pool to be of real conservation value.

(vii) the specimens are intended for **research or education** aimed at the **preservation or conservation** of the species[324]. Normally display to the public for commercial purposes is prohibited (with the exception of cases where travelling exhibition certificates apply) but zoos, dolphinaria and other fauna and flora exhibitions may use specimens of **any source** for display purposes if: (i) they are also engaged in conservation-oriented captive-breeding, artificial propagation or research with conservation benefits for the species involved, or (ii) if they contribute to an educational programme aimed at the conservation of the species (in these cases, the **source is not restricted** but the purpose is). The judgment of whether these requirements are met is a matter for the Scientific and Management Authorities of the Member State concerned[325]; and

(viii) 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[326].

In addition to the above, 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 **Section 3.6.9**). 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. However, this exemption applies only to specimens that were captive-bred/artificially propagated or were introduced into or acquired in the EU before they were listed in Annex A/Annex C1 or Appendix I (see **Section 3.6.4**)[327].

Certificates are "**transaction-specific**" unless the specimens covered by such certificates are **uniquely and permanently marked** in accordance with *Regulation (EC) No 865/2006* (see **Section 6**) or, in the case of dead specimens which cannot be marked, identified by other means[328]. A **transaction-specific** certificate is normally valid for specified transactions **within the territory of the issuing Member State**. It must be indicated in **box 20** whether it is for one or more transactions. If the specimen moves to another Member State the certificate is valid for **one transaction only**[329].

323 Article 8(3)(f) *Regulation (EC) No 338/97.* It should also be noted that breeding programmes of a primarily commercial nature cannot make use of this exemption – nor can hobbyists who are offloading surplus progeny. Many such cases have a too restrictive gene pool to be of real conservation value.
324 Article 8(3)(g) *Regulation (EC) No 338/97*
325 Article 59(3) *Regulation (EC) No 865/2006*
326 Article 8(3)(h) *Regulation (EC) No 388/97* and Article 59(4) *Regulation (EC) No 865/2006*
327 Article 30(1) *Regulation (EC) No 865/2006*
328 Article 11(3) *Regulation (EC) No 865/2006*
329 *As above.* The Management Committee has clarified that the text "valid in [issuing Member State]" serves to clarify that the certificate: (i) was issued in accordance with Article 11(3) of *Regulation (EC) No 865/2006*; and (ii) is valid for more than one transaction in the issuing Member State, and for one transaction in a Member State other than the issuing Member State only.

Management Authorities can also restrict a certificate to a **specific holder**. Whether or not must be explicitly indicated on the certificate by ticking a "Yes" or "No" sub-box between boxes 19 and 20 of the certificate. In such cases a certificate is also transaction-specific.

In cases where the specimens are uniquely and permanently marked (especially relevant for live vertebrates), a "**specimen-specific**" certificate that remains with the specimen can be issued[330]. However, if there are other factors relating to the conservation of the species that lead the Management Authority to conclude that a specimen-specific certificate would not be appropriate, it can decide to issue a transaction-specific certificate in such circumstances. A specimen-specific 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 16**) has **not changed**[331]. Specimen-specific certificates issued in any EU Member State are **valid throughout the EU**.

The Management Authority of a Member State may accept an import permit as an internal trade certificate without the need for issuance of a new document if the permit states that the specimens are exempted from one or more of the prohibitions of commercial use (laid down in Article 8(1) of *Regulation 338/97*)[332].

330 *As above.*
331 Article 11(2) *Regulation (EC) No 865/2006*
332 Article 48(2) *Regulation (EC) No 865/2006*

Figure 16 : Annotated internal trade certificate form (Annex V *Regulation (EU) No 792/2012*)

Number and name of the form

EUROPEAN UNION

1	1. Holder	CERTIFICATE ***Not for use outside the European Union*** ☐ Certificate of legal acquisition ☐ Certificate for commercial activities ☐ Certificate for movement of live specimen	**No.** *Unique number to be attributed by the issuing authority*
ORIGINAL		**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. Authorized location for live 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. EU Annex / 9. Source 10. Country of origin 11. Permit No / 12. Date of issue	
1	16. Scientific name of species	13. Member State of import	
	17. Common name of species (if available)	14. Document No / 15. Date of issue	

18. It is hereby certified that the specimens described above:

a) ☐ were taken from the wild in accordance with the legislation in force in the issuing Member State

b) ☐ are abandoned or escaped specimens that were recovered in accordance with the legislation in force in the issuing Member State

c) ☐ are captive born-and-bred or artificially propagated specimens

d) ☐ were acquired in or introduced into the Union in compliance with the provisions of Council Regulation (EC) No 338/97

e) ☐ were acquired in or introduced into the Union before 1 June 1997 in accordance with Council Regulation (EEC) No 3626/82

f) ☐ were acquired in or introduced into the Union before 1 January 1984 in compliance with the provisions of CITES

g) ☐ were acquired in or introduced into the issuing Member State before the provisions of Regulations (EC) No 338/97 or (EEC) No 3626/82 or of CITES became applicable in this territory

19. This document is issued for the purpose of :

a) ☐ 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

b) ☐ exempting for sale Annex A specimens from the prohibitions relating to commercial activities listed in Article 8.1 of Regulation (EC) No 338/97

c) ☐ exempting for display to the public without sale Annex A specimens from the prohibitions relating to commercial activities listed in Article 8.1 of Regulation (EC) No 338/97

d) ☐ using the specimens for the advancement of science/breeding or propagation/research or education or other non-detrimental purposes

e) ☐ authorising the movement within the Union of a live Annex A specimen from the location indicated in the import permit or in any certificate

Certificate valid only for holder named in box 1 Yes ☐ No ☐

20. Special conditions

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"

Name of issuing official | Place and date | Signature and stamp

Summary of key instructions and explanations for internal trade certificates

(Note: For full instructions and explanations, see Annex V to *Regulation (EC) No 792/2012.* The numbers below refer to the boxes on the form – see **Figure 16**.)

1. **Holder**: Complete name and full address of the holder of the certificate, not of the agent.

2. **Authorised location for live specimens of Annex A-listed species**: 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. **Issuing Management Authority**: The Management Authority of the Member State in which the specimens are located.

4. **Description of specimens**: Description must be as precise as possible and include one of the 3-letter codes provided for in **Annex VII** to *Regulation (EC) No 865/2006*.

5/6. **Net mass** and **quantity**: Use units mentioned in **Annex VII** to *Regulation (EC) No 865/2006*.

7. **CITES Appendix:** I, II or III.

8. **EU Annex**: A or B (normally A).

9. **Source**: Use codes in **Annex IX** of *Regulation (EC) No 865/2006* (as amended).

10. **Country of origin**: Country where specimens were taken from the wild, born and bred in captivity or propagated.

11/12. **Permit no.** and **Date of issue**: Only applicable where country of origin is not a Member State.

13/14/15. **Member State of import, Document no.** and **Date of issue**: Details of the import permit issued by importing Member States. Only applicable for specimens originating outside of the EU.

16. **Scientific name**: Use name in accordance with standard references referred to in **Annex VIII** to *Regulation (EC) No 865/2006* (as amended) or refer to: http://www.speciesplus.net/.

17. **Common name**: Not available for all species, see Annexes to *Regulation (EC) No338/97* or the Species+ website at http://www.speciesplus.net/.

18. **Declaration**: This states the grounds for granting the certificate, so it is important that it is filled out correctly.

19. **Purpose of certificate**: This states whether the certificate is intended: (i) as evidence of legal origin; (ii) to grant an exemption from the prohibition on commercial activities (sale or display to public); (iii) to allow use for particular non-detrimental purposes; or (iv) to allow movement of a specimen of an Annex A-listed species from its authorised address.

20. **Special conditions**: Space for the issuing authority to impose stipulations, conditions and requirements in order to ensure compliance with EU and national legislation.

4.3 What about trade on the Internet?

The provisions of the EU Wildlife Trade Regulations also apply to "**cyber trade**" (trade via the Internet) in specimens of species listed in the Annexes. That means that **specimens of Annex A-listed species** offered via the Internet must be still **accompanied by valid certificates** issued by the Member State **in whose territory the specimen is located**.

4.4 Derogations for the benefit of scientific institutions and the use of pre-issued certificates

4.4.1 Approved scientific institutions

Bona fide[333] **zoos**, **botanical gardens**, **museums** or similar establishments, which are considered to be "scientific institutions"[334] can be exempted from the prohibition on the use of specimens of **Annex A-listed species** for commercial purposes (which includes the display of a specimen to the public) by its Management Authority[335]. 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 issuance of a certificate on a case-by-case basis**. Note, however, that if there is a **prescribed location** for live specimens of Annex A-listed species, the **movement** of such specimens still requires **prior authorisation** from the Management Authority (see **Section 5.3**)[336]. Another limitation is that **sale or exchange** without specific authorisation can only be to another scientific institution holding a **certificate** under this exemption.

Discretion as to whether or not this simplified provision may be used rests with the competent Management Authority, and is not an entitlement of the scientific institution.

4.4.2 *Bona fide* breeders

In certain circumstances, certificates may be pre-issued for the purposes of allowing commercial activities that comply with the conditions set out in Article 8(3) *Regulation (EC) No 338/97*[337]. Pre-

333 Meaning "authentic" or "true".
334 The term "scientific institutions" is used more loosely here than for the circumstances where institutions can exchange labelled specimens (see **Section 3.6.6**).
335 Article 60 *Regulation (EC) No 865/2006*
336 Article 9(1) *Regulation (EC) No 338/97*
337 Article 63 *Regulation (EC) No 865/2006*

issued certificates only become valid once they have been completed and a copy of the certificate is transmitted to the issuing Management Authority by the applicant[338].

Management Authorities can provide pre-issued certificates to breeders of Annex A-listed animal species which **need a certificate** if they intend to use these specimens for commercial purposes[339]. Certificates may also be required for the **parents**, even if only the offspring is to be used commercially. In addition, the parents will be subject to **marking requirements** (see **Section 6**).

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 should, in **box 20**, include the following statement:

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

4.4.3 Dead captive-bred / wild specimens of Annex A-listed species

A Management Authority can also provide **pre-issued certificates** to persons that have been **approved** to sell **dead captive-bred specimens of Annex A-listed species** 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[340].

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

4.5 How are internal trade certificates obtained and used in practice?

4.5.1 What are internal trade certificates used for?

Internal trade certificates (see **Figure 16**) are issued in accordance with Article 10 of *Regulation (EC) No 338/97*. They are issued for a number of purposes, which are set out in box 19 of the certificate:

- Letter a) EC certificate required for export or re-export
- Letters b) to d) EC certificate for commercial use:
    - Letter b): with no restriction
    - Letter c): for the purpose of display to the public only
    - Letter d): for the purpose of using the specimens for the advancement of science/breeding or propagation/research or education or other non-detrimental purposes
- Letter e): EC certificate for the movement of live specimens.

338 Article 63(3) *Regulation (EC) No 865/2006*
339 Article 63(1) *Regulation (EC) No 865/2006*
340 Article 63(2) *Regulation (EC) No 865/2006*

4.5.1.1. As documentary evidence that the specimen was legally obtained for the purpose of application of (re-)export documents

Documentary evidence may be required to prove that a specimen of an **Annex A, B or C-listed species** which is acquired in one Member State, and is to be exported from another, was **taken from the wild** in accordance with the **legislation** of the Member State of origin (see **Section 3.5.8**)[341].

Likewise, **documentary evidence** may also be required for the purpose of re-export, to prove that specimens of Annex A, B or C-listed species were **imported in accordance with** *Regulation (EC) No 338/97* (after 3 March 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 **Section 3.5.8**)[342];

Certificates issued for that purpose shall state that specimens[343]:

(a) were **taken from the wild** in accordance with the legislation in force on its territory;
(b) are **abandoned or escaped specimens** that were recovered in accordance with the legislation in force on its territory;
(c) were **acquired in, or were introduced** into, the EU in accordance with the provisions of ***Regulation (EC) No 338/97***;
(d) were **acquired in, or were introduced** into, the EU before **3 March 1997** in accordance with *Regulation (EEC) No 3626/82*;
(e) were **acquired in, or were introduced** into, the EU 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 current Regulations (referred to in (c) above), the old regulations (referred to in (d)) or the Convention (referred to in (e)) became applicable to the species, or became applicable in that Member State.

4.5.1.2. To grant a specific exemption from the prohibition of trade in Annex A-listed species in accordance with Article 8(3) of **Regulation (EC) No 338/97**

Certificates issued in accordance with Article 10 for this 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[344]:

a) were acquired in, or were introduced into, the EU when the provisions relating to species listed in Annex A or in Appendix I to the Convention or in Annex C1 to *Regulation (EEC) 3626/82* were **not applicable to them**;
b) **originate in a Member State** and were taken from the wild in accordance with the legislation in force in its territory;
c) are, or are parts of, or are derived from, **animals born and bred in captivity**; or

341 Articles 5(2)(b), 5(4) and 8(3)(h) *Regulation (EC) No 338/97*
342 Articles 5(3) and 5(4) *Regulation (EC) No 338/97*
343 Article 47 *Regulation (EC) No 865/2006*
344 Article 48(1) *Regulation (EC) No 865/2006*

d) 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*, namely:

- unspecified non-detrimental purposes;
- advancement of science or biomedical research where the species is the only one suitable for those purposes and where there are no specimens of the species which have been born and bred in captivity available;
- breeding/propagation programmes of conservation benefit for the species; or
- research or education of conservation benefit for the species.

4.5.1.3. To authorise the movement of live specimens of Annex A-listed species from a prescribed location

(See **Section 5.3**).

The requirement for a certificate to authorise the movement of live specimens of Annex A-listed species from a prescribed location is contained 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 (see **Section 5.3**)[345].

4.5.2 What are the procedures from application to issuance of an internal trade certificate?

The applicant must obtain a **form** for a certificate application (model laid down in Annex V to *Regulation (EU) No 792/2012* – see **Figure 16**) 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**[346]. Applications must therefore be made in a **timely fashion**. The applicant must be informed of significant delays. The applicant must also be informed of the rejection of his/her application and the reasons for which it was rejected.

Table 15 indicates the documents that are required for an internal trade certificate within the EU. The procedures described in this Section are similar to those that apply to imports (see **Section 3.3.1** and **Figure 1**) as well as exports or re-exports (see **Section 3.5.1** and **Figure 6**).

Table 15: Documents required as part of an internal trade certificate

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

345 Article 49 *Regulation (EC) No 865/2006*
346 Article 8(3) *Regulation (EC) No 865/2006*

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)[347]. Erasures and alterations should be avoided[348].

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**[349]. This must be done in **typescript** and not in manuscript[350]. 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[351].

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[352]. 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 found on the back of the application form and the original.

The 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[353].

Some Member States may charge a **fee** for processing the application.

For **live specimens of Annex A-listed species** that are **taken from the wild in a Member State** and for live wild-taken specimens[354] of Annex A species for which a **location was prescribed in the import permit** or an earlier certificate, the **proposed address for keeping the specimen 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 (see also **Section 5.2**).

The **omission** of information from the application must be **justified**[355].

347 Articles 50(1) and 4(1) *Regulation (EC) No 865/2006*
348 Article 4(2) *Regulation (EC) No 865/2006*
349 Article 50(1) *Regulation (EC) No 865/2006*
350 Article 4(1) *Regulation (EC) No 865/2006*
351 Article 4(2) *Regulation (EC) No 865/2006*
352 Article 6(1) *Regulation (EC) No 865/2006*
353 Article 50(2) *Regulation (EC) No 865/2006*
354 Or ranched, or captive born, but not meeting the full definition of captive-bred.
355 Article 50(2) *Regulation (EC) No 865/2006*

When an application is made for a certificate relating to specimens for which such an application has previously been **rejected** (whether in that country or in any other EU Member State), the applicant must inform the Management Authority of that fact[356]. The Management Authority must inform the applicant of the **rejection** of his application and the reasons thereof.

When an internal trade certificate is issued, it may contain **stipulations, conditions and requirements** imposed by the issuing authority in order to ensure compliance with the EU Regulations and national legislation on their implementation[357]. The use of the document issued is without prejudice to **other necessary formalities** or provisions of related documents[358].

356 *As above.*
357 Article 8(1) *Regulation (EC) No 865/2006*
358 Article 8(2) *Regulation (EC) No 865/2006*

5. What are the rules governing transport, keeping and movement of live specimens?

5.1 What are the rules for transport of live specimens?

Article 9(5) of *Regulation (EC) No 338/97* states that **live specimens** that are transported into, from or within the EU, or that are held during any period of transit or transhipment, must be **prepared, moved and cared for** in a manner such as to **minimise the risk** of injury, damage to health or cruel treatment. In the case of animals, this must be in conformity with Community legislation on the protection of animals during transport.

This requirement applies to **all live specimens of Annex A-, B-, C- or D-listed species**.

The transport of **all live animals** from, into and within the EU is governed by *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 EU of animals for distances of less than 50 kilometres nor to the movement of personal pets.

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 for the non-air transport of live wild animals and plants*[359] adopted at CITES CoP16 for other modes of transport. This is a condition governing the issuance of all relevant permits and certificates so they are **rendered invalid** if it is not complied with. 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.

Live plants listed in the Annexes must be transported in compliance with the ***IATA Perishable Cargo Regulations*** for air transport and the *CITES Guidelines for the non-air transport of live wild animals and plants* for other modes of transport.

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 **CITES *Resolution Conf. 10.21 (Rev. CoP16) on the Transport of Live Specimens***. This resolution recommends that the IATA *Live Animals Regulations (for live animals)*, the *IATA Perishable Cargo Regulations (for live plants)* and the *CITES Guidelines for the non-air transport of live wild animals and plants* be deemed to meet CITES transport requirements, and should be followed by all CITES Parties as well as (relevant sections) incorporated into national legislation.

359 http://www.cites.org/sites/default/files/eng/resources/transport/transport_guidelines_2013-english.pdf

5.2 What about the keeping of live specimens?

One of the **import conditions** for live specimens of Annex A- or B-listed species is the availability of **adequate housing facilities** at the place of destination[360]. For specimens of species listed in **Annex A,** other than those that **fully meet** the definitions of captive-bred or artificially propagated[361], 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 specimens of species listed in Annex A**, any **subsequent housing facilities** must also be **approved** and authorised by a **Scientific Authority**, if a location is prescribed in the import permit or in a certificate[362]. 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-listed** 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 **Section 3.3.9**)[363]. However, no such restrictions are in place at present: (http://www.unep-wcmc-apps.org/eu/Taxonomy/tradeRestSearch.cfm)[364].

360 Article 4(1)(c) and 4(2)(b) *Regulation (EC) No 338/97*
361 Article 7(1) *Regulation (EC) No 338/97*
362 Articles 9(1) and 9(2)(a) *Regulation (EC) No 338/97*
363 Article 4(6)(c) *Regulation (EC) No 338/97*
364 *Commission Implementing Regulation (EU) No 888/2014 of 14 August 2014 prohibiting the introduction into the Union of specimens of certain species of wild fauna and flora*

5.3 Movement of live specimens within the EU

The movement of live specimens of **Annex A-listed** species within the EU requires the prior authorisation by the Management Authority of the Member State in which the specimen is located when the import permit or certificate indicates the location at which the specimen must be kept[365] (**not required in the case of captive-bred or artificially propagated specimens**[366]). This authorisation is confirmed by the Management Authority by means of a certificate (**Figure 16** and **Section 4.5**) and, where applicable, must be immediately communicated to the Management Authority of the **Member State** in which the specimen is to be located[367]**.**

It will not be necessary in every case to specify on an import permit or certificate the location at which the specimen must be kept, for example, for specimens of species with no particular housing requirements or where the purpose of the 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 specimen must have been approved by the **Scientific Authority** (prior to the Management Authority issuing the authorisation for movement) in either the Member State where the specimen is currently located or the Member State to which the specimen is to be moved[368].

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[369].

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 prior authorisation, however the transport requirements outlined in **Section 5.1** still apply to all live specimens of species listed in the Annexes. Note also the obligation on holders of specimens of Annex B-listed species to ensure that the intended recipient is adequately informed of the accommodation, equipment and practices required to ensure the specimen will be properly cared for[370].

5.4 What about the holding and movement of live specimens subject to import restrictions

The Commission may establish restrictions on the holding and movement of live specimens of species subject to import restrictions under Article 4(6)(d) of *Regulation (EC) No 338/97*, for example, because they are known to pose an ecological threat to species that are indigenous to the EU[371] (see **Section 3.3.9**). However, it has not exercised this power to date.

365 Article 9(1) *Regulation (EC) No 338/97*
366 Article 7(1)(a) *Regulation (EC) No 338/97*
367 Article 9(2) *Regulation (EC) No 338/97*
368 Article 9(2)(a) *Regulation (EC) No 338/97*
369 Article 9(3) *Regulation (EC) No 338/97*
370 Article 9(4) *Regulation (EC) No 338/97*
371 Article 9(6) *Regulation (EC) No 338/97*

6. What are the rules regarding 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. live Annex A-listed vertebrates[372]) or for the purposes of **controlling trade to and from the EU** (e.g. crocodilian skins and caviar[373]). Specimens of species covered by certain certificates, such as **specimen-specific certificates**[374], **travelling exhibition certificates**[375] and **personal ownership certificates**[376] are also required to be uniquely marked.

These marking requirements have been developed to prevent fraud and to curtail illegal trade in specimens and products that are controlled by the EU Wildlife Trade Regulations. 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.

6.1 In what circumstances must specimens be marked?

6.1.1 What general rules on the marking of specimens apply?

All **live vertebrate specimens** (mammals, birds, reptiles, amphibians and fish) of species listed in **Annex A** that are **exempted** from the **prohibition of commercial** use[377], for example captive-bred specimens, must be **uniquely marked** in accordance with the criteria described in Article 66 of *Regulation (EC) No 865/2006* before a specimen-specific 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** for live vertebrates of species listed in Annex A[378]. The full details of the mark have to be provided on the permit or certificate of the specimen[379].

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. For these specimens, the Conference of the Parties to CITES has determined the approved or recommended marking method and information on these can be obtained through the **relevant CITES Resolutions**. The marking requirements for **imports into the EU** currently apply to the following specimens:

372 Article 59(5) *Regulation (EC) No 865/2006*
373 Article 64(1)(e) and (g) *Regulation (EC) No 865/2006*
374 Article 11(3) *Regulation (EC) No 865/2006*
375 Article 33(1)(c) *Regulation (EC) No 865/2006*
376 Article 40(1)(d) *Regulation (EC) No 865/2006*
377 Article 8(3) *Regulation (EC) No 388/97*
378 Articles 65(4), 33(1)(c) and 40(1)(d) *Regulation (EC) No 865/2006*
379 Article 68(2) *Regulation (EC) No 865/2006*

a) those derived from a **captive-breeding operation**[380] that was approved by the Conference of the Parties to the Convention;
b) those derived from a **ranching operation** that was approved by the Conference of the Parties to the Convention [381];
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[382];
d) **raw tusks of African elephant** and **cut pieces** thereof that are both over 20 cm in length and 1 kg in weight[383];
e) raw, tanned or finished **crocodilian skins**, flanks, tails, throats, feet, back strips and other parts thereof that are exported to the EU and entire raw, tanned, or finished crocodilian skins and flanks that are re-exported to the EU[384];
f) **live vertebrates** of species listed in Annex A that belong to a **travelling exhibition**, and
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[385] that is imported into the EU.

For all **commercial activities involving caviar**, caviar containers shall be marked[386] in accordance with the method approved or recommended by the Conference of the Parties to the Convention[387]. This labelling requirement also applies to caviar produced for non-commercial purposes. Additional provisions concerning the registration of caviar processing and (re-)packaging plants are set out in Article 66(7) of *Regulation (EC) No 865/2006* (see also **Annex XIV of this Guide**).

6.1.2 Are there exemptions from the marking provisions?

In some cases certain live animals are exempt from the marking requirement of Article 66 of *Regulation (EC) No 865/2006*:

- ***Certain commonly-bred species:*** These are captive-born and bred species (and hybrids thereof) that are listed in Annex X of *Regulation (EC) No 865/2006* (at present they are all birds), unless they are annotated in Annex X[388]. At present none of the Annex X listed species are 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

380 There are only vague recommendations on the use of a uniform marking system by registered commercial breeding operations for Appendix I-listed species (*Resolution Conf. 12.10 (Rev. CoP15)*), which is not implemented by the EU)
381 Marking requirements currently contained in *Resolution Conf. 11.16 (Rev. CoP15).*
382 Universal tagging system for crocodilian skins currently in *Resolution Conf. 11.12 (Rev. CoP15)*. The marking requirements for leopard skins *Panthera pardus* (hunting trophies and skins for personal use) are currently in *Resolution Conf. 10.14 (Rev. CoP16),* and for hunting trophies of Markhor *Capra falconeri* from Pakistan, in CITES *Resolution Conf. 10.15 (Rev. CoP14)*. There is no recommended marking methods for cheetah *Acinonyx jubatus* hunting trophies.
383 In *Resolution Conf. 10.10 (Rev. CoP16).*
384 In *Resolution Conf. 11.12 (Rev. CoP15).*
385 Article 66(6) *Regulation (EC) No 865/2006*
386 For the purpose of proving that the caviar was legally acquired and, if relevant, introduced into the EU, as required for commercial activities involving specimens of species listed in Annex B under Article 8(5) *Regulation (EC) No 338/97.*
387 In *Resoluation Conf. 12.7 (Rev. CoP16).*
388 Article 65(4) *Regulation (EC) No 865/2006*

Annex X (**Annex X** of this Guide) are also covered by a general exemption and no specific trade certificate is needed for the commercial use of these specimens[389] (see **Section 4.2** above).

- ***For animal welfare reasons***[390]***:*** 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 appropriate marking technique. It should be noted that animal welfare regulations and deduced marking conditions are not harmonised within the EU[391]. 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 cannot be issued for such live specimens**[392].

6.2 What are the prescribed marking methods?

6.2.1 What are the specific marking methods approved for live animals?

There are specific marking provisions for live specimens of bird species and for all other live vertebrate species subject to marking requirements.

- **Captive-born and bred birds subject to marking requirements** must be marked with a uniquely marked seamlessly **closed leg-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 (E) and 11785:1996 (E) should be used[393].

- **All other live vertebrates subject to marking requirements** should be marked with an **unalterable microchip transponder** conforming to ISO Standards 11784:1996 (E) 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[394].

The marking must be undertaken with **due regard** to the humane care, well-being and natural behaviour of the specimens concerned[395]. In cases where this can not be guaranteed (e.g. for juveniles), Member State Management Authorities can both authorise and recognise alternative methods or procedures.

389 Article 62(1) *Regulation (EC) No 865/2006*
390 See also Article 67 *Regulation (EC) No 865/2006*
391 Therefore, invasive marking methods in particular (such as microchip transponders) may be differently applied by Member States depending on the size or weight of the live animal concerned.
392 Article 66(4) *Regulation (EC) No 865/2006*
393 Article 66(2) *Regulation (EC) No 865/2006*
394 Article 66(3) *Regulation (EC) No 865/2006*
395 Article 67 *Regulation (EC) No 865/2006*

Marking methods **approved in one EU Member State** should be **recognised** by the Management Authority of **another** EU Member State[396].

6.2.2 Are there alternative marking methods?

In cases where the required marking method (i.e. closed 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 vertebrates of Annex A-listed species. 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 requirements of the EU Wildlife Trade Regulations.

396 Article 68 *Regulation (EC) No 865/2006*

7. When can permits and certificates be issued retrospectively?

It is possible that an importer receives an **unexpected shipment** (e.g. before the scheduled date of arrival and before he/she has been able to apply for a permit) at an EU border for which the bill of lading indicates that s/he is the consignee. In such cases, s/he must immediately **inform the competent Management Authority** of the relevant Member State of the arrival of the shipment. Only in such **exceptional cases** may a Management Authority issue **the relevant documents** in retrospect for species listed in **Annexes A, B or C**. In addition, for specimens of **Annex A-listed** species, the document may only be issued retrospectively if the specimens are being **reintroduced** into the EU (i.e. not imported for the first time) or are **worked specimens** that were acquired before **3 March 1947** (see **Section 3.6.3**)[397].

Before retrospectively issuing a permit 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 EU Regulations, the Convention and the relevant legislation of the third country involved[398].

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.

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 commercial traders are concerned. 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[399].

However, *Regulation (EC) No 865/2006* recognises that **private individuals** can make mistakes and so provides that retrospective permits/certificates may be issued to such persons in respect of **personal effects** (see **Section 3.6.5**) and **personally owned pets** (see **Section 3.6.11**) imported or (re-)exported for **non-commercial purposes** where the competent Management Authority is satisfied that:

- a **genuine error** has been made and there was **no intention to deceive**, and
- the import/(re-)export is **otherwise in compliance** with the provisions of EU Regulations, the Convention and the relevant legislation of the third country involved[400].

397 Article 15(1) *Regulation (EC) No 865/2006*
398 Article 15(2) *Regulation (EC) No 865/2006*
399 Article 13(1) *Regulation (EC) No 865/2006*
400 Article 15(2) *Regulation (EC) No 865/2006*

Where a permit is issued retrospectively for the **import of a personally-owned live animal** of a species listed in **Annex A** (only permitted if a reintroduction – see above) or **Annexes B or C**, **commercial activities** within the EU shall be **prohibited for 2 years** from the date of issuance of the permit. No exemptions for specimens of Annex A species provided for in Article 8(3) of *Regulation (EC) No 338/97* (see **Section 4.2** above) shall be granted during that period. This latter restriction applies equally where import permits were issued retrospectively **for personal effects** consisting of Annex A-listed specimens – only possible for **worked specimens acquired prior to 3 March 1947** (see above)[401].

Retrospectively issued permits and re-export certificates must clearly **indicate that they have been issued retrospectively** and **why**[402].

401 Article 15(3a) *Regulation (EC) No 865/2006*
402 Article 15(3) *Regulation (EC) No 865/2006*

8. Validity, replacement and amendment of permits and certificates

8.1 Validity of permits elsewhere in the EU

In principle, permits and certificates **issued by one Member State** in accordance with the EU Wildlife Trade Regulations are **valid throughout the EU**[403]. Import permits are issued by the Member State of destination and export permits by the Member State where the specimens are located. However, the **actual import or export can**, and often does, **occur at the border Customs office of another Member State**.

Permits or certificates may, however, **not be valid for import into another Member State** when that Member State has **stricter measures** in place with regard to the specimens concerned. The latter Member State may have regulations – especially as regards live specimens, that effectively preclude the specimen from being kept in that country, even if, technically, the import is permissible.

8.2 How long do permits and certificates remain valid and in what circumstances may they become invalid?

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

- **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**[404].
- **Export permits/re-export certificates** (and the copy for the holder) issued by an EU Management Authority are valid for **six months**[405].
- **Travelling exhibition certificates, personal ownership certificates** and **musical instrument certificates** issued by an EU Management Authority are valid for **three years**[406].
- **Sample collection certificates** issued by an EU Management Authority are valid for **six months**[407].

After their **expiration**, these documents shall be considered as **void** and are of no legal value whatsoever[408].

However, in the case of **caviar** of **sturgeon and paddlefish** species (Acipenseriformes spp.) that originated from **shared stocks** subject to **export quotas**, import and export permits cease to be valid

403 Article 11(1) *Regulation (EC) No 338/97*
404 Article 10(1) *Regulation (EC) No 865/2006*
405 Article 10(2) *Regulation (EC) No 865/2006*
406 Article 10(3) *Regulation (EC) No 865/2006*
407 Article 10(3a) *Regulation (EC) No 865/2006*
408 Article 10(4) *Regulation (EC) No 865/2006*

on **the last day of the quota year** to which the quota applies (quotas run from 1 March to the last day of February of the following year for Acipenseriformes spp.), if this is earlier than the normal maximum period[409]. Special time limits also apply to certificates for the re-export of caviar from such stocks: re-export certificates cease to be valid on the last day of the period of 18 months after the date of issuance of the relevant original export permit, if this is earlier than the normal maximum period[410].

Permits and certificates **will also cease to be valid** in the following cases (i.e. other than due to expiration), which are set out in Article 11 of *Regulation (EC) No 865/2006*:

(a) Copies for the holder of used import permits, internal trade certificates and **pre-issued certificates for breeders** where[411]:

- the live specimens referred to have died or, in the case of live animals, have escaped or have been released to the wild;
- the specimens referred to have been lost, destroyed or stolen;
- the details of the importer, the authorised location for the keeping of live Annex A specimens, or the description of the specimen contained in the permit (e.g. the unique mark) no longer reflect the actual situation; or
- any of the special conditions specified by the issuing Management Authority are no longer fulfilled (NOTE: applies in the case of internal trade certificates and pre-issued certificates for breeders, only).

(b) Travelling exhibition certificates, personal ownership certificates and musical instrument certificates if the specimen is **sold, lost, destroyed or stolen** (and in the case of a live specimen, if it has died, escaped or been released into the wild), or if the **ownership** of the specimen is otherwise **transferred**[412].

Specimen-specific certificates will generally **not cease** to be valid when the **holder** changes (as specified in **box 1**) as long as the **other information contained in the permit has not changed**. However, there are exceptions to this[413], including for

- specimens required under exceptional circumstances for the advancement of science or for essential biomedical purposes[414];
- specimens required for **research, education, breeding or propogation purposes** of benefit to the conservation of the species[415], or
- the **exchange** of specimens between designated **scientific institutions** under certificates issued in accordance with Article 60 of *Regulation (EC) No 865/2006*.

409 Article 10(1) and (2) *Regulation (EC)No 865/2006*
410 *As above.*
411 Article 11(1) and (2) *Regulation (EC) No 865/2006*
412 Article 10(5) *Regulation (EC) No 865/2006*
413 Article 11(4) *Regulation (EC) No 865/2006*
414 Article 48(1)(d) *Regulation (EC) No 865/2006*
415 *As above.*

The holder shall **return** the original and all copies of expired or unused documents, or those which are no longer valid, to the issuing Management Authority without undue delay[416]. The issuing Management Authority may then, if appropriate, issue a new certificate reflecting any changes that may be required[417].

Note that 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 will be **seized** and may subsequently be confiscated[418]. It is important to note, however, that in relation to Article 11 of *Regulation (EC) No 338/97*, the European Court of Justice has ruled that an import permit which does not comply with the conditions laid down in *Regulation (EC) No 338/97* **must be considered void only in respect of the specimens actually affected by the ground of invalidity** of that import permit. Accordingly, the competent authority of the Member State where the specimens concerned are situated **may seize and confiscate only the specimens actually affected by the ground of invalidity** of the import permit (i.e. the other specimens travelling legally in the same consignment cannot be confiscated).[419]

8.3 Can permits and certificates be amended or replaced?

Import permits, **export** permits and **re-export** certificates can be **replaced** in cases where they have been **cancelled, lost, stolen, destroyed, or expired**[420]. In such cases 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 of this fact[421].

Internal trade certificates can also be replaced if they have been **cancelled, lost, stolen, destroyed**[422].

A permit, notification or certificate that has been lost, stolen or destroyed can **only be replaced by the authority that issued it**[423]. 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[424].

416 Article 10(6) *Regulation (EC) No 865/2006*
417 Article 11(5) *Regulation (EC) No 865/2006*
418 Article 11(2) *Regulation (EC) No 338/97*
419 Judgment No. C-532/13 of the Court of Justice, 4 September 2014
420 Article 12(1) *Regulation (EC) No 865/2006*
421 Article 12(2) *Regulation (EC) No 865/2006*
422 Article 12(1) *Regulation (EC) No 865/2006*
423 Article 51(3) *Regulation (EC) No 865/2006*
424 Article 51(2) *Regulation (EC) No 865/2006*

Documents that **cease to be valid in accordance with Article 11 of *Regulation (EC) No 865/2006*** (see **Section 8.2** above) must be returned to the issuing Management Authority without undue delay, which, where appropriate, may issue a certificate reflecting the required changes.

Amendments to permits, notifications and certificates may be made by a Management Authority in the following cases[425]:

- where a shipment covered by a "copy for the holder" (Form 2) of an import permit, a "copy for the importer" (Form 2) of an import notification, or a certificate, is split; or
- where, for other reasons, the entries in the document no longer reflect the actual situation.

Any amendments made by the Management Authority must be authenticated with its stamp and signature[426]. Alternatively, in such cases, the Management Authority may decide to issue one or more corresponding internal trade certificates[427], where the purpose of the document is to **prove either legal acquisition or to authorise commercial activities** in relation to a specimen/specimens. 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 a request[428].

It is noted elsewhere in this Guide 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[429]. For example, imports of specimens of **Annex A-listed** species can only be authorised for a **specified purpose**[430], and for live specimens there may be a **prescribed housing location**[431]. 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. Any changes that may be necessary must be made in accordance with the provisions described in this Section (see **Section 8.3**).

425 Article 51(1) *Regulation (EC) No 865/2006*
426 Article 4(2) *Regulation (EC) No 865/2006*
427 For example, where a captive-bred specimen has been imported and the import permit is used for trade within the EU. If the import permit is subsequently lost, the Management Authority may decide to issue an internal trade certificate instead which grants the same trading rights.
428 Article 51(4) *Regulation (EC) No 865/2006*
429 Article 11(3) *Regulation (EC) No 338/97* and Article 8(1) *Regulation (EC) No 865/2006*
430 Articles 4(1)(a)(ii) and 4(1)(d) *Regulation (EC) No 338/97*
431 Article 4(1)(c) *Regulation (EC) No 338/97*

9. Can specimens be traded through any Customs office?

Member States are obliged to **designate Customs offices** for carrying out the checks and formalities required under the Regulation and to **state which offices are specifically intended to deal with live specimens**[432]. The latter will necessarily have to be the same as those designated under EU veterinary legislation. The list of designated Customs offices must be communicated to and published by the Commission in the Official Journal. The list can also be obtained at http://ec.europa.eu/environment/cites/pdf/list_points_of_entry.pdf.

Designated offices must have **sufficient and adequately trained staff**. They must further have **accommodation for live animals** in accordance with EU 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[433].

Regulation (EC) No 338/97 provides that, in exceptional cases, the Commission may allow for introduction into/(re-)export from the EU at a Customs office other than one designated in accordance with the above[434]. To January 2015, no provisions for the implementation of this possibility had been established.

It is important for checks on shipments introduced into the EU to take place at the **first point** of introduction **irrespective** of the shipment's **final destination** within the EU[435]. An **exception** to this rule is possible for a shipment that is introduced into the EU and which arrives at a border Customs 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[436]. In this case, the completion of the necessary checks and the presentation of the import documents shall take place at the second Customs office (which must be designated in accordance with Article 12(1) *Regulation (EC) No 338/97*).

Shipments are frequently dispatched from a first Customs office at the outside border to another Customs office where the scope for physical checks is greater. In these cases the second Customs office shall require presentation of the "copy for the holder" (Form 2) of an import permit or the "copy for the importer" (Form 2) of an import notification and may carry out any checks it deems necessary in order to establish compliance with the provisions of the Regulations[437].

432 Article 12(1) *Regulation (EC) No 338/97*
433 Article 12(2) *Regulation (EC) No 338/97*
434 Article 12(4) *Regulation (EC) No 338/97*
435 Article 4(1) *Regulation (EC) No 338/97*
436 Article 4(7) *Regulation (EC) No 338/97* and Article 53 *Regulation (EC) No 865/2006*
437 Article 53(2) *Regulation (EC) No 865/2006*

10. How are the Regulations enforced?

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).

Under Article 14, the competent authorities of the Member States are responsible for monitoring compliance with the provisions of the Regulations. 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. 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 Regulations. These significant cases include seizures and confiscations. The **Commission**, in 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(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 **Section 11.2.3**).

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 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, as follows:

(a) **introduction** into, or **export or re-export** from, the EU of specimens **without** the **appropriate permit or certificate** or with a **false, falsified or invalid** permit or certificate or **one altered without authorization** by the issuing authority;

(b) **failure to comply** with the **stipulations** specified on a permit or certificate issued in accordance with the Regulation;

(c) making a **false declaration** or knowingly providing **false information** in order to obtain a permit or certificate;

(d) using a **false, falsified or invalid permit or certificate** or **one altered without authorization** as a basis for **obtaining an EU permit or certificate** or for any other official purpose in connection with this Regulation;

(e) making **no import notification** or a **false import notification**;

(f) **shipment of live specimens not properly prepared** so as to minimize the risk of injury, damage to health or cruel treatment;

(g) **use** of specimens of species listed in **Annex A other than in accordance** with the **authorization** given at the time of issuance of the import permit or subsequently;

(h) **trade in artificially propagated plants contrary to the provisions** laid down in accordance with the Regulation;

(i) **shipment** of specimens **into or out of or in transit through** EU territory **without the appropriate permit or certificate** issued in accordance with this Regulation and, in the case of export or re-export from a third country party to the Convention, in accordance therewith, or without satisfactory proof of the existence of such permit or certificate;

(j) purchase, offer to purchase, acquisition for **commercial purposes**, use for commercial gain, display to the public for commercial purposes, sale, keeping for sale, offering for sale or transporting for sale of Annex A or B specimens **in contravention of Article 8** of the Regulation;

(k) **use** of a permit or certificate for any **specimen other than one** for which it was issued;

(l) **falsification** or alteration of any permit or certificate issued in accordance with this Regulation, and

(m) failure to **disclose rejection** of an application for an EU import, export or re-export permit or certificate.

Article 16 further provides that **sanctions shall be appropriate to the nature and gravity of infringements and must include provisions on seizure and, where appropriate, 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-listed** 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[438].

Article 16(4) of *Regulation (EC) No 338/97* provides that **live specimens of Annex B- or C-listed** 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 *Resolution Conf. 9.9*, *Resolution Conf. 9.10 (Rev. CoP15)* and *Resolution Conf. 10.7 (Rev. CoP15)*. The latter contains CITES Guidelines for the disposal of confiscated live specimens (see http://www.cites.org/eng/res/10/10-07R15.php).

In addition to the legally binding provisions on enforcement set out in *Regulation (EC) No 338/97*, *Commission Recommendation No 2007/425/EC identifying a set of actions for the enforcement of Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein was adopted in June 2007*[439] (the **EU Enforcement Action Plan**) was issued as a follow-up to the Council's December 2006 conclusions on halting the loss of biodiversity and to a Commission study on the Enforcement of the Wildlife Trade Regulations in the EU.

The EU Enforcement Action Plan sets out a series of measures that Member States should implement in order to enhance their efforts to combat illegal trade. These include adopting national action plans for enforcement, imposing sufficiently high penalties for wildlife trade offences and using risk and intelligence assessments to detect illegal and smuggled wildlife products. It also addresses the need for increased public awareness about the negative impacts of illegal wildlife trade and for greater co-operation and exchange of information within and between Member States as well as with third countries and relevant international organizations (e.g. Interpol, World Customs Organization).

438 Article 16(3) *Regulation (EC) No 338/97*
439 OJ L 159 of 20 June 2007

11. How are CITES duties organised at national and EU levels between the relevant authorities?

11.1 How are duties organised at the national level?

11.1.1 Management Authority structure and function

The complexity of the Regulations and the workload involved in ensuring 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 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 designate **at least one Management Authority**, which shall have primary responsibility for the implementation of the Regulations and for communication with the Commission[440]. 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") at the EU level, which meets 3-4 times per year (see **Section 11.2.1** and **Figure 17**). Member States may also include experts in particular sectors in their Management Authorities (e.g. fisheries or timber experts) if they find this useful.

Additional Management Authorities and other authorities competent 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[441]. Representatives of additional authorities may attend Committee meetings.

The **contact details** of the primary management Authorities of the Member States are available at http://ec.europa.eu/environment/cites/pdf/list_authorities.pdf, and http://www.cites.org/eng/cms/index.php/component/cp.

440 Article 13(1) *Regulation (EC) No 338/97.* A similar requirement exists under CITES, and concerns communication with the CITES Secretariat and the Parties to the Convention.
441 Article 13(1)(b) *Regulation (EC) No 338/97*

11.1.2 Scientific Authority structure and function

Each Member State must designate **at least one Scientific Authority** which must have **appropriate qualifications** and for which **duties must be separate** from those of any designated Management Authority[442]. At least one representative of the Scientific Authority also represents his or her Member State in the Scientific Review Group (**Figure 17**), depending on the agenda and the expertise required to ensure a proper scientific input (see **Section 11.2.2**)[443]. Member States may also include experts from particular sectors in their Scientific Authorities (for example, fisheries or timber experts) if they find this useful.

Member States may have additional Scientific Authorities, or as is the case in several Member States, 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 proper co-ordination and a fixed partner for dialogue with the Commission and the Scientific Authorities of the other Member States.

The absence of a properly designated and notified Scientific Authority may lead third countries to refuse imports - see CITES *Resolution Conf. 10.3: Designation and role of Scientific Authorities* (see http://www.cites.org/eng/res/10/10-03C15.php. This 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 by the Scientific Authorities (see **Annex XII of this Guide**). 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 over 30 000 plant and animal species.

11.1.3 What about Enforcement Authorities?

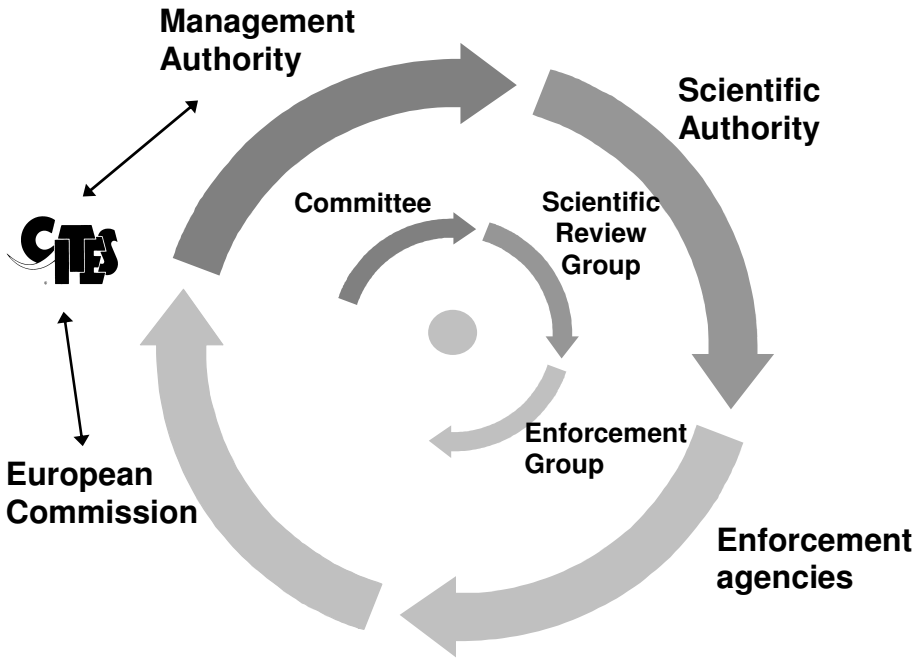
Normally there are **several authorities** in each EU Member State that are responsible for the enforcement and monitoring of the compliance with the provisions of the Regulations, including **Customs, police and environmental inspection** services. These authorities must take the appropriate steps to ensure compliance or to instigate legal action if they have reason to believe that provisions are being infringed[444].

Regulation (EC) No 338/97 establishes an Enforcement Group consisting of representatives of each of the Member State's authorities that have responsibility for monitoring compliance with the Regulations, such as Customs, Police and Wildlife Inspectorates. The Group is chaired by the European Commission and meets on average twice a year in Brussels. Opinions of the Enforcement

442 Article 13(2) *Regulation (EC) No 338/97*
443 Article 17 *Regulation (EC) No 338/97*
444 Article 14(1) *Regulation (EC) No 338/97*

Group are conveyed to the Committee by the Commission. For further details regarding the role of the Enforcement Group, see **Section 11.2.3** below.

Figure 17: Co-operation and co-ordination between the different institutions at EU and national level



11.2 Which bodies operate at EU level?

11.2.1 What is the role of the "Committee"?

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' **competent authorities (usually these would be the Management Authorities)** and is **chaired** by a representative of the **Commission**. The Committee meets three to four times a year in Brussels and approves the necessary implementing measures to be adopted by the Commission. The Committee also discusses and provides guidance on the implementation of the EU Wildlife Trade Regulations. The meeting agenda and summaries can be obtained from the European Commission's CITES website at http://ec.europa.eu/environment/cites/ctwff_en.htm.

Many of the Articles of *Regulation (EC) No 338/97* refer to implementation issues and, in particular, to measures to be adopted by the Commission as **Commission Regulations** in accordance with a regulatory procedure in which it is assisted by a Committee – known as "Comitology". These include:

- **amendments to the Annexes** (other than amendments to Annex A that do not arise from amendments to Appendix I of the Convention);

- changes in the detailed **implementation rules** (regarding issuance of documents, derogations, marking, etc.), and
- **prohibition of imports** of certain species from certain countries.

Proposals for such measures require a **positive opinion from the Committee** that is established by a qualified majority in line with Article 19 of Council Regulation (EC) No 338/97.

11.2.2 What is the role of 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 three to four times a year in Brussels and examines **all scientific questions** related to the application of the EU 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 at http://ec.europa.eu/environment/cites/srg_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 **Section 3.3.9**). In cases where an import restriction is established by the Commission[445] 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 SRG are to be conveyed to the Committee by the Commission.

11.2.3 What is the role of 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 on average twice a year in Brussels, either on the initiative of the chairman or at the request of a member of the group or the Committee. Opinions of the Enforcement Group are to be conveyed to the Committee by the Commission.

The task of the group is to monitor enforcement policy and practice in the EU Member States and make recommendations to improve the enforcement of wildlife trade legislation. It also catalyses the exchange of information, experience and expertise on wildlife trade control related topics between the Member States (trends in illegal trade, significant seizures and investigations), including sharing of intelligence information and establishing and maintaining databases.

445 And in accordance with the procedure laid down in Article 18 of *Regulation (EC) No 338/97* (Article 4(6) *Regulation (EC) No 338/97*)

11.2.4 What is the role of the European Commission?

The European Commission monitors the **implementation** of the EU 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 and to adopt implementing measures**. 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 **Conference of the Parties**.

12. What information must be provided by Member States and the Commission?

12.1. What information must be provided to the public?

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

The European Commission website on wilidfe trade issues http://ec.europa.eu/environment/cites/home_en.htm provides relevant information to stakeholders and citizens involved in wildlife trade in the EU. 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, Article 12(5) of *Regulation (EC) No 338/97* specifically states that **Member States** shall ensure that the **public is informed** of the implementing provisions at **border crossing points**.

Furthermore, several Member States, often in co-operation with non-governmental organisations, have undertaken campaigns at national level or contributed in different ways to raising the public awareness regarding the EU 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://ec.europa.eu/environment/cites/pdf/list_authorities.pdf).

12.2 What are the reporting obligations for Member States?

Each Management Authority is required to report **annually** on **all trade** in specimens of species covered by the EU Wildlife Trade Regulations. These reports are called the "**Annual Report**". Every **two years** an **additional report**, the "**Biennial Report**" must be submitted to report on **legislative, regulatory and administrative** measures adopted by the country to implement and enforce the regulations. Analyses and compilations of EU Member State Annual and Biennial Reports are published via the Commission website:
http://ec.europa.eu/environment/cites/reports_en.htm#annual.

12.2.1 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 the Convention) for the **previous year** to the Commission **before 15 June** each year. The Commission must publish an Annual Report on EU trade in wildlife covered by the Regulations 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 data and information on **imports** into, as well as **exports and re-exports** from, the EU 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[446], and
- The Annual Report shall also include information on **seized and confiscated shipments**.

The information shall be presented in **two separate parts**[447]:

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 EU 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 338/9* which were **dead at the time of introduction** into the EU[448].

The above information shall be communicated to the Commission for each calendar year before 15 June of the following year on a species-by-species basis and per country of (re-)export[449].

12.2.2 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 required in Article VIII(7)(b) of CITES). The Biennial Reports include details on **legislative, regulatory and administrative measures** taken to implement and enforce the provisions of the EU Wildlife Trade Regulations[450].

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[451], and subsequent additional guidelines for information to be submitted under the EU Wildlife Trade Regulations.

The first Biennial Report was due on **15 June 1999**, so Biennial Reports are due **every unevenly numbered** year. The Commission publishes the Biennial Reports via its website at http://ec.europa.eu/environment/cites/reports_en.htm#biennial_compilation.

446 The guidelines concerned are contained in the CITES Secretariat Notification to the Parties No 2006/030 of 2 May 2006. See http://www.cites.org/eng/notif/2006/E-ARguide.pdf
447 Article 69(2) *Regulation (EC) No 865/2006*
448 Article 69(3) *Regulation (EC) No 338/97*
449 Article 69(4) *Regulation (EC) No 338.97*
450 Article 15(4)(c) *Regulation (EC) No 338/97*
451 The guidelines concerned are contained in the CITES Secretariat Notification to the Parties No. 2005/035 of 6 July 2005.

13. List of Annexes to this Guide

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Annex I

What is CITES?

CITES, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, entered into force in 1975 and has since become one of the most prominent international agreements in the field of species conservation. To-date (January 2015) 180 nations have joined and are Party to the Convention, including all EU Member States.

What are the core functions of CITES?

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 35 600 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.

How is CITES governed?

CITES provides for a **Secretariat** and a **Conference of the Parties (CoP)**, which play a major role in the functioning of the Convention. The CoP, which meets every three years, has established a number of permanent committees which play a significant role in between its triennial meetings. The CITES permanent committees are:

- the Standing Committee, which deals with policy, budgetary, administrative and enforcement issues;
- the Animals Committee, which deals with scientific issues relating to animals, and
- the Plants Committee, which deals with scientific issues of relevance to plants.

The provisions of CITES 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 CoP. Parties can, however, list native species in Appendix III of their own initiative.

How do the Parties implement CITES?

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 **Section 11.1.2**). The contact details of the competent Management and Scientific Authorities for each of the EU Member States can be found at http://www.cites.org/eng/cms/index.php/component/cp, and http://ec.europa.eu/environment/cites/pdf/list_authorities.pdf.

How are decisions made on the issuance 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;
- whether the specimens were legally acquired;
- the preparation for shipment of live specimens, and
- for Appendix I-listed species, whether the importer has suitable facilities to house and care for live specimens.

What permits are needed under CITES?

For **specimens of species listed in Appendix I** 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 **specimens of species listed in Appendix II** 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 **specimens of species listed in Appendix III** 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.

Are there any exemptions?

The Convention provides for several conditioned exemptions and derogations from its provisions (see **Section 3.6**). They concern transit and transhipment, 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 between scientists and scientific institutions, trade in biological samples, certificates for travelling exhibitions, certificates for the frequent non-commercial cross-border movement of musical instruments and CITES certificates for personal ownership. Such transactions/specimens are less strictly regulated.

How does CITES keep track of trade levels?

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 an annual basis. The Annual Reports (see **Section 12.2.1**) 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-listed 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.

What about Non-Parties?

There are a number of countries that are not Parties 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.

Are there rules beyond the Convention itself?

The Convention text is further interpreted and elaborated upon by Resolutions that are passed by the CoP, as well as by operational Decisions that may recommend specific action by Parties. These Resolutions and Decisions are non-binding and lead to significant differences in implementation between Parties. The European Union (EU) implements most of them, except in a few cases where there are policy objections or where they conflict with the provisions of *Regulation (EC) No 338/97*, which can only be amended by the EU Council of Ministers and the European Parliament. *Regulation (EC) No 865/2006* (and *Regulation (EC) No 100/2008*, *Regulation (EU) No 791/2012* and *Regulation (EU) No 2015/56* which amend it) and *Regulation (EU) No 792/2012* as amended (which also deleted and replaced certain provisions of *Regulation (EC) No 865/2006*) give effect to those Resolutions which the EU is implementing at present.

How does the EU fit in with CITES?

How did CITES become part of EU law?

Although the EU 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*[452] and *Commission Regulation (EEC) No 3418/83*[453]). In 1982, only five of the - at that time - 10 Member States were Party to CITES (see **Annex XV**). 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 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 EU wildlife trade legislation. Disparate implementation by Member States of the EU Regulations and recommendations of the CoP had led to confusion and an increasing lack of harmonisation. Furthermore, 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, the Council of Ministers adopted *Council Regulation (EC) No 338/97*[454] *on the protection of species of wild fauna and flora by regulating trade therein.* Early the following year, the Commission adopted *Commission Regulation (EC) No 939/97, laying down detailed rules for the implementation of Council Regulation (EC) No 338/97*[455] *on the protection of species of wild fauna and flora by regulating trade therein.* Both Regulations entered into force on 1 June 1997.

Since then, the above-mentioned Commission Regulation, has been replaced twice in order to take into account new provisions adopted at the meetings of the CoP. The most recent is *Commission Regulation (EC) No 865/2006* of 4 May 2006, which entered into force on 9 July 2006. This was subsequently amended – but not replaced – by *Commission Regulation (EC) No 100/2008*, *Commission Regulation (EU) No 791/2012* and *Commission Regulation (EU) No 2015/56*. In addition, Articles 2 and 3, as well as Annexes I to VI, of *Regulation (EC) No 865/2006* (regarding the design of permits certificates and other documents provided for in *Regulation (EC) No 338/97*) were deleted and replaced by the provisions of *Commission Implementing Regulation (EU) No 792/2012.*

452 OJ No. L 384 of 31.12.82, p.1.
453 OJ No. L 344 of 7.12.83, p.1 .
454 OJ No. L 61 of 3.3.97, p. 1.
455 OJ No. L 61 of 3.3.97, p. 1.

Regulation (EC) No 338/97 is directly applicable[456] in all EU Member States and, together with *Regulation (EC) 865/2006* (as amended), 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 the EU 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 addition, the EU has a range of veterinary and phytosanitary provisions, while each EU Member State has national and/or regional legislation relevant to biodiversity and species conservation, animal and plant welfare, and Customs matters.

Why is the EU not a Party to CITES?

The European Union has been to date an observer to CITES as the initial text of the Convention only foresaw membership by States.

However, an amendment to the Convention allowing accession by regional economic integration organizations, such as the European Union, entered into force on 29 November 2013 ("the Gaborone amendment"). The European Union is therefore now able to become a Party to CITES. A proposal for a Council Decision allowing the EU to do so was adopted by the European Commission in December 2013 and is currently being considered by the Council and the European Parliament.

When the European Union becomes a party to CITES, it will play a full role in the work of the Convention.

456 Meaning that Member States do not need to take action to transpose the legislation into national law. In contrast, EU Directives are not directly applicable and must be transposed by Member States into their national laws.

Annex II

What are the main differences between CITES and the EU Wildlife Trade Regulations?

If you are already familiar with the workings of the Convention but not with those of the EU Wildlife Trade Regulations governing CITES, you should be aware that there are important differences between the former and the latter. Nor, as has already been said, can you rely on CITES Resolutions and Decisions for correct interpretation of the Regulations.

The EU 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 EU Wildlife Trade 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.

- Some species are listed in a "higher" equivalent Annex in the EU: i.e. are listed in CITES Appendix II, but in EU Annex A, and trade in these species is consequently more strictly controlled by EU Member States than by other CITES Parties.

- Annex D has no equivalent in CITES and contains species for which import levels are monitored.

- The EU has stricter import conditions: import permits are required for Annex B-listed species (not required under CITES for Appendix II-listed species). 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 specimens of Appendix I-listed species.

- Internal EU trade in Annex A-listed species is controlled - CITES only regulates international trade.

- The EU can restrict imports of species from certain countries: *Regulation (EC) No 338/97* enables the Commission to suspend imports with regard to certain specimens even if the trade is allowed under CITES.

Annex III

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 EU 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 EU 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 sale'*** 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 EU, 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 the 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 EU'*** shall mean the export from the EU of any specimen that has previously been introduced;

(o) ***'reintroduction into the EU'*** shall mean the introduction into the EU 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 EU, including introduction from the sea, and the export and re-export therefrom, as well as the use, movement and transfer of possession within the EU, 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 EU through the territory of the EU 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 (i.e. before 3 March 1947) 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 effect 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 EU 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* (as amended by paragraph 1 of *Regulation (EC) No 100/2008,* paragraph 2 of *Regulation (EU) No 791/2012* and paragraph 1 of *Regulation (EU) No 2015/56*) 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, or, if such date is unknown, the earliest provable date on which it was possessed by any person;

(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) '***cultivated parental stock***' means the ensemble of plants grown under controlled conditions that are used for reproduction, and which must have been, to the satisfaction of the designated CITES authorities of the exporting country:

(i) established in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild; and

(ii) maintained in sufficient quantities for propagation so as to minimise or eliminate the need for augmentation from the wild, with such augmentation occurring only as an exception and limited to the amount necessary to maintain the vigour and productivity of the cultivated parental stock;

(f) '***hunting trophy'*** means a whole animal, or a readily recognizable part or derivative of an animal, specified on any accompanying CITES permit or certificate that fulfils the following conditions:

- is raw, processed or manufactured;
- was legally obtained by the hunter through hunting for the hunter's personal use;
- is being imported, exported or re-exported by or on behalf of the hunter, as part of the transfer from its country of origin, ultimately to the hunter's State of usual residence;

(g) ***'a person normally residing in the EU'*** means a person who lives in the EU 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;

(h) ***'pre-Convention specimen'*** means a specimen acquired before the species was first included in the Appendices to the Convention;

(i) ***'sample collection'*** means a collection of legally acquired dead specimens, parts and derivatives thereof, that are transported across borders for presentation purposes;

(j) ***'travelling exhibition***' means a sample collection, circus, menagerie, plant exhibition, orchestra or museums exhibition that is used for commercial display for the public;

(k) ***'transaction-specific certificates'*** means certificates issued in accordance with Article 48 that are valid for one or more specified transactions;.

(l) ***'specimen-specific certificates'*** means certificates other than transaction-specific certificates that are issued in accordance with Article 48.

Annex IV

Definitions of the Opinions issued by the Scientific Review Group

Positive Opinion – given current or anticipated levels of trade, introduction into the EU 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.

Negative Opinion – the information available is insufficient to form a Positive Opinion on an application and/or the given current or anticipated levels of trade, introduction into the EU might 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.

No Opinion - the species is not currently (or is only rarely) in trade, and no significant trade is anticipated, or there are insufficient data on which to make a confident Positive or Negative Opinion.

Regime applied
When an import application is on the table, or when reviewing species / country combinations, the SRG can agree on one of the following:

a) a **Positive Opinion** – opinion remains 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 does not contribute to the decline of any species in the wild, Management Authorities are encouraged to consult their Scientific Authorities (SA) on every application or, at least, to keep their SAs informed of permits issued so that the SA can determine when circumstances have changed or a 'non-detriment finding' is in need of review;

b) a **Negative Opinion** - opinion remains valid for subsequent import permit requests and Member States are expected to follow this decision, unless new information becomes available indicating the opinion needs to be reviewed by the SRG, or one of the exemptions in Article 71(4) of *Regulation (EC) No 865/2006* applies. After consultation with the SRG, the Commission may establish a formal import prohibition for species/country combination subject to a Negative Opinion;

c) a "**No Opinion**" - with three possible options:

> i) **No Opinion – no significant trade anticipated**. The species is not currently (or is only rarely) in trade, and no significant trade is anticipated. In this case, should any applications for trade arise, MAs systematically have to consult national SA for a 'non-detriment finding' before granting an import permit. In case a positive opinion is given by an SA at the national level, this will be notified promptly by the SA via the Circa Newsgroup "positive opinion".
>
> The SRG may subsequently go on to form a Positive or Negative Opinion.

ii) **No Opinion – decision deferred**. Insufficient data on which to issue a confident Positive or Negative Opinion exist. In this case MAs systematically consult national SA for a 'non-detriment finding' before granting an import permit. In case a positive opinion is given by an SA at the national level, this will be notified promptly by the SA via the Circa Newsgroup "positive opinion".

The SRG may subsequently go on to form a Positive or Negative Opinion.

iii) **No Opinion - referral to the SRG**. The species is of sufficient conservation concern that the SRG has determined that any application must be referred to the SRG for a decision before a permit is issued or refused. Before submitting a proposed decision to the Commission, the SA of the importing country may consult the SA of the exporting country. The advice of the MS SA will be relayed to members of the SRG by the Commission (formal written procedure) and the result of the consultation (negative or positive) will be confirmed by the Commission after a deadline of 10 working days. In case of disagreement by one SA of an EU Member State, the issue will be discussed at the following SRG. In this case a formal note by CION will be sent to MAs and SAs of the EU Member States with the request to refrain from issuing any permit for the concerned species / country combination pending the advice of the SRG. In cases where an application is referred to the following SRG meeting, the SRG should strive to form a Positive or Negative Opinion for this species / country combination. If this is not possible, then the "No Opinion - referral to the SRG" is maintained.

Annex V

Application of CITES in the European Union: Status of dependent and other territories

	Party to CITES	EU territory (EU Treaty applies)	EU CITES legislation applies[1]	Import and (re-) export documents required for trade with EU Member States	EU customs territory	Customs checks required for intra-EU trade
French Overseas Departments (La Réunion, Martinique, Guadeloupe, Guyane, Mayotte) (FR)	X	X	X		X	
Saint Martin (FR)	X	X	X		X	
Canary Islands (ES)	X	X	X		X	
Madeira (PT)	X	X	X		X	
Açores (PT)	X	X	X		X	
Island of Helgoland (DE)	X	X	X			X
Territory of Büsingen (DE)	X	X	X			X
Ceuta and Melilla (ES)	X	X	X			X
Aland Islands (FI)	X	X	X		X	
Livigno (IT)	X	X	X			X
Campione d'Italia (IT)	X	X	X			X
Gibraltar (UK)	X	X	X			X
Jersey (UK)	X			X	X	
Guernsey (UK)	X			X	X	
Isle of Man (UK)	X			X	X	
Monaco[2]	X			X	X	
San Marino[3]	X	(see note 3)	X		(see note 3)	

* Note that territories/countries forming a Customs union with the EU (e.g. Andorra, Turkey) are subject to the usual Customs formalities.

[1] Trade with these areas should be handled as intra-EU trade, i.e. Articles 8 and 9 of *Council Regulation (EC) No 338/97* apply. Import and (re-)export permits are not required.

[2] As Monaco has neither an airport nor a commercial port (only for pleasure craft), in practice all (commercial) imports go through Border Inspection Posts of the EU and are regulated accordingly. Therefore Monaco is effectively treated like a Member State.

[3] San Marino applies EU Customs legislation and the EU Wildlife Trade Regulations *mutatis mutandis* as part of *'Omnibus' Decision No. 1/2010 of the EU-San Marino Cooperation Committee of 29 March 2010 establishing various implementing measures for the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino* (OJ L 156, 23.6.2010, p.13). In order to apply this legislation, the Customs territory of the EU and the Customs territory of the Republic of San Marino are to be considered a single Customs territory (Article 3 of the Omnibus Decision).

All other dependent territories of the EU Member States are not part of the EU Territory or the EU customs territory and permits are therefore required for trade with the EU Member States. These include the Overseas Countries and Territories (OCT) (listed below), which have constitutional ties with one of Denmark*, France, the Netherlands and the United Kingdom. Although the nationals of OCT are in principle EU citizens, these territories are not part of the EU and not directly subject to EU law.

**Although not classed as an OCT, the Faroe Islands are also under the sovereignty of Denmark and do not form part of the EU. As they are also a non-Party to CITES, imports into the EU from the Faroe Islands follow the rules of import from non-Parties*

Overseas Countries and Territories:

Anguilla (UK)
Aruba (NL)
Bermuda (UK)
Bonaire (NL)
British Antarctic Territory (UK)
British Indian Ocean Territory (UK)
British Virgin Islands (UK)
Cayman Islands (UK)
Curação (NL)
Falkland Islands (UK)
French Polynesia (FR)
French Southern and Antarctic Territories (FR)
Greenland (DK)
Montserrat (UK)
New Caledonia and Dependencies (FR)
Pitcairn (UK)
Saba (NL)
Saint Barthélemy (FR)
Saint Helena, Ascension Island, Tristan da Cunha (UK)
Sint Eustatius (NL)
Sint Maarten (NL)
South Georgia and South Sandwich Islands (UK)
Saint Pierre and Miquelon (FR)
Turks and Caicos Islands (UK)
Wallis and Futuna Islands (FR)

Annex VI

Codes to be included in the description of specimens and units of measurement to be used in permits and certificates pursuant to Articles 5(1) and (2) of *Regulation (EC) No 865/2006*

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^3	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 Aquilaria malaccensis* and *Pterocarpus santalinus*
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^2	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^3		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, *Guaiacum* 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^2		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^3		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, *Guaiacum* 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 crocodilian Tinga 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 (scientific)	SPE	kg/l/ml		Scientific specimens - includes blood, tissue, (e.g. 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^3	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^3, m^2	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)

Key to units (equivalent non-metric measurements may be used)
g = grams
kg = kilograms
l = litres
cm^3 = cubic centimetres
ml = millilitres
m = metres
m^2 = square metres
m^3 = cubic metres
no. = number of specimens

Annex VII

Standard references for nomenclature to be used pursuant to Article 5(4) of *Regulation (EC) No 865/2006* to indicate scientific names of species in permits and certificates (as contained in Annex VIII *Regulation (EC) No 865/2006*, as amended by *Regulation (EU) No 2015/56*)

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TOLLEY, K. A., TILBURY, C. R., BRANCH, W. R. & MATHEE, C. A. (2004): Phylogenetics of the southern African dwarf chameleons, Bradypodion (Squamata: Chamaeleonidae). – Molecular Phylogen. Evol., 30: 351-365. [for Bradypodion caffrum, Bradypodion damaranum, Bradypodion gutturale, Bradypodion occidentale, Bradypodion taeniobronchum, Bradypodion transvaalense, Bradypodion ventrale]

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(d) AMPHIBIA

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(f) ARACHNIDA

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(g) INSECTA

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(h) HIRUDINOIDEA

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(i) ANTHOZOA AND HYDROZOA

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FLORA

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

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

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CITES Aloe and Pachypodium Checklist (U. Eggli et al., 2001, compiled by Städtische Sukkulenten-Sammlung, Zurich, Switzerland, in collaboration with the Royal Botanic Gardens, Kew, United Kingdom of Great Britain and Northern Ireland) and its update: An Update and Supplement to the CITES Aloe & Pachypodium Checklist [J. M. Lüthy (2007), CITES Management Authority of Switzerland, Bern, Switzerland] as a guideline when making reference to the names of species of Aloe and Pachypodium.

World Checklist and Bibliography of Conifers (A. Farjon, 2001) 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) as a guideline when making reference to the names of species of Cattleya, Cypripedium, Laelia, Paphiopedilum, Phalaenopsis, Phragmipedium, Pleione and Sophronitis (Volume 1, 1995) and Cymbidium, Dendrobium, Disa, Dracula and Encyclia (Volume 2, 1997), and Aerangis, Angraecum, Ascocentrum, Bletilla, Brassavola, Calanthe, Catasetum, Miltonia, Miltonioides and Miltoniopsis, Renanthera, Renantherella, Rhynchostylis, Rossioglossum, Vanda and Vandopsis (Volume 3, 2001); and Aerides, Coelogyne, Comparettia and Masdevallia (Volume 4, 2006).

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CITES checklist for Bulbophyllum and allied taxa (Orchidaceae). Sieder, A., Rainer, H., Kiehn, M. (2007): Address of the authors: Department of Biogeography and Botanical Garden of the University of Vienna; Rennweg 14, A-1030 Vienna (Austria) as a guideline when making reference to the names of species of Bulbophyllum.

The Checklist of CITES species (2005, 2007 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 Annexes to Regulation (EC) No 338/97, and as an informal summary of information contained in the standard references that were adopted for CITES nomenclature.'

Annex VIII

Codes for the indication in permits and certificates of the purpose of a transaction, referred to in Article 5(5) of *Regulation (EC) No 865/2006* as amended by *Regulation (EU) No 2015/56*

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	Travelling exhibitions (sample collection, circus, menagerie, plant exhibition, orchestra or museums exhibition that is used for commercial display for the public)
S	Scientific
T	Commercial
Z	Zoos

Annex IX

Codes for the indication in permits and certificates of the source of specimens, referred to in Article 5(6) of *Regulation (EC) No 865/2006* as amended by *Regulation (EU) No 791/2012 and Regulation (EU) No 2015/56*

W Specimens taken from the wild

R Specimens of animals reared in a controlled environment, taken as eggs or juveniles from the wild, where they would otherwise have had a very low probability of surviving to adulthood

D Annex A animals bred in captivity for commercial purposes in operations included in the Register of the CITES Secretariat, in accordance with *Resolution Conf. 12.10* (Rev. CoP15), 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 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 865/2006* are not met, as well as parts and derivatives thereof

I Confiscated or seized specimens[457]

O Pre-Convention[458]

U Source unknown (must be justified)

X Specimens taken in the marine environment not under the jurisdiction of any State

457 To be used only in conjunction with another source code.
458 To be used only in conjunction with another source code.

Annex X

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

ANSERIFORMES

Anatidae

Anas laysanensis	Laysan duck
Anas querquedula	Garganey
Aythya nyroca	Ferruginous duck
Branta ruficollis	Red-breasted goose
Branta sandvicensis	Hawaiian goose
Oxyura leucocephala	White-headed duck

GALLIFORMES

Phasianidae

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

COLUMBIFORMES

Columbidae

Columba livia	Rock pigeon

PSITTACIFORMES

Psittacidae

Cyanoramphus novaezelandiae	Red-fronted parakeet
Psephotus dissimilis	Hooded parrot

PASSERIFORMES

Fringillidae

Carduelis cucullata	Red siskin

Annex XI

Species and populations referred to in Article 57(3a) of *Regulation (EC) No 865/2006* as inserted by *Regulation (EU) No 2015/56*

Ceratotherium simum simum

Hippopotamus amphibius

Loxodonta africana

Ovis ammon

Panthera leo

Ursus maritimus

Annex XII

Scientific Authorities and Scientific Review Group - guidelines on their designation, duties and tasks under *Regulation (EC) No 338/97* and *Regulation (EC) No 865/2006*[459]

REGULATION (EC) No 338/97	
ESTABLISHMENT	
Article	**Duty**
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.

IMPORT/EXPORT PERMITS		
Article	**Duty**	**Relevant considerations**
ANNEX A-IMPORTS		
Article 4.1(a)(i)	Advise that the introduction into the EU 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 the introduction into the EU 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
Article 6	When a Member State rejects an application for a permit or certificate referred to in Articles 4, 5 and 10, in a case of significance in respect of the objectives of Regulation (EC) No 338/97, it shall immediately inform the Commission.	Attachment A
ANNEX B-IMPORTS		
Article 4.2(a)	Advise, after examining available data and considering any opinions from the SRG, that the introduction into the EU 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
Article 6	When a Member State rejects an application for a permit or certificate referred to in Articles 4, 5 and 10, in a case of significance in respect of the objectives of Regulation (EC) No 338/97, it shall immediately inform the Commission.	Attachment A
ANNEX A-EXPORTS		
Article 5.2 (a)	Advise, in writing, that the capture or collection of the specimens in the wild or	Attachment A

459 Agreed on 3 September 2014.

	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.	
Article 5.2 (d)	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
Article 6	When a Member State rejects an application for a permit or certificate referred to in Articles 4, 5 and 10, in a case of significance in respect of the objectives of Regulation (EC) No 338/97, it shall immediately inform the Commission.	Attachment A
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
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 permit.	Attachment D
Article 6	When a Member State rejects an application for a permit or certificate referred to in Articles 4, 5 and 10, in a case of significance in respect of the objectives of Regulation (EC) No 338/97, it shall immediately inform the Commission.	Attachment A
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
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 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

CONFISCATIONS		
Article	**Duty**	**Relevant considerations**
Article 16.3 (a)	Advise the competent authority about the placement or disposal of confiscated specimens.	Attachment J

SRG VIEW ON PROPOSED COMMISSION IMPORT RESTRICTIONS		
Article	**Duty**	**Relevant considerations**
ANNEX A-IMPORTS		
Article 4.6 (a)	Restrictions because the introduction into the EU 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 SRG cannot confirm that the introduction into the EU 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 4.6 (b)	Restrictions because there are other factors relating to the conservation of the species which militate against issuance of the import permit.	Attachment D
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
ANY SPECIES-IMPORTS		
Article 4.6 (d)	Restrictions on live specimens because it has been established that their	Attachment F

	introduction into the EU presents an ecological threat to wild species of fauna and flora.	
Article 6	When a Member State rejects an application for a permit or certificate referred to in Articles 4, 5 and 10, in a case of significance in respect of the objectives of Regulation (EC) No 338/97, it shall immediately inform the Commission.	Attachment A

REGULATION (EC) No 865/2006		
Article	**Duty**	**Relevant considerations**
Article 11.3	Advise the MA where there are other factors relating to the conservation of the species that militate against issuance of a specimen-specific certificate, specifically in relation to: - Certificates provided for in Article 8.3 of Regulation 338/97 (certificate for commercial use)	Attachment I
Article 54	Advise the 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. 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) and 59.2 of 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 54, 55 and 56 of EC Regulation 865/2006)	Criteria in Articles 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 of EC Regulation 338/97to 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 the 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 the species, or for research or education aimed at the preservation or conservation of the species.	Attachment H
Article 70	Advise the 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

Attachment A

CONTEXT
Advise that introduction into, or export from, the EU 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

The non-detriment finding should be based on proportionate resource assessment methodologies outlined in Resolution Conf. 16.7, which may include, but are not limited to, consideration of:

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 and conservation status

- abundance
- present/past distribution
- population structure, status and trend (in harvest area, nationally and internationally)
- conservation status (in harvest area, nationally and internationally)
- quality of data
- genetic status/diversity

Harvest characteristics

- types
- volumes
- segment of population (e.g. age, sex)
- trends (historical and current levels and patterns)
- data quality

Management regime

- Aims of management regime
- measures currently in place / proposed
- adaptive management strategies
- levels of compliance
- tenure
- effectiveness
- % harvested vs. effectively protected

Conservation benefits

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

Threats

- intrinsic and extrinsic factors

Monitoring programmes

- population, including monitoring of proxy indicators
- off take (including market make-up and demand)
- feedback (results are being used to inform and adapt management)

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

- past trade history
- volume of legal and illegal trade (known, inferred, projected, estimated)
- existence of any voluntary export quotas set by exporting countries and compliance with these
- predicted or perceived demand in the EU
- level of demand for replacement specimens of those species with a poor survival rate in captivity

The sources of information that may be considered when making a non-detriment finding include, but are not limited to:

A. relevant scientific literature concerning species biology, life history, distribution and population trends;

B. details of any ecological risk assessments conducted;

C. scientific surveys conducted at harvest locations and at sites protected from harvest and other impacts; and

D. relevant knowledge and expertise of local and indigenous communities;

E. consultations with relevant local, regional and international experts; and

F. national and international trade information such as that available via the CITES trade database maintained by UNEP-WCMC, publications on trade, local knowledge on trade and investigations of sales at markets or through the Internet for example.

Further reference material is available, but is not limited to:

- Scientific Authorities are recommended to consider the information included in the Annex to document AC26/PC20 Doc. 8.4 and any subsequent updates available on the CITES website http://www.cites.org/eng/prog/ndf/index.php as reference material when making NDF's.
- International Expert Workshop on CITES Non-Detriment Findings, Cancun, Mexico, November 2008 http://www.conabio.gob.mx/institucion/cooperacion_internacional/TallerNDF/taller_ndf.html
- Reference guide produced by the European Commission and TRAFFIC to the *Wildlife Trade Regulations* http://ec.europa.eu/environment/cites/pdf/2007_referenceguide2_en.pdf
- Resolution Conf 16.7 encourages Parties to share their non-detriment findings and the methodology that they use. Member States already share documentation to support their opinions and may wish to consider whether they have further material that could be provided to non-EU Parties in support of capacity development.

SRG opinions and consultation process

The introduction into the EU of Annex A or B species requires that any opinions formed by the SRG are taken into consideration; they are expected to be followed by individual EU Member States (MS) when assessing import applications, unless new information has become available to be taken into consideration, as per Article 4 of Council Regulation (EC) No. 338/97.

SRG opinions given in relation to the advice on imports of Annex A or B species remain valid for subsequent import permit requests, as long as the conservation status and trade levels have not changed significantly. To ensure that adequate monitoring takes place and that trade into the EU does not contribute to the decline of

any species in the wild, Management Authorities (MA) are encouraged to keep their Scientific Authorities (SA) informed of permits issued so that they can determine when circumstances have changed or a 'non-detriment finding' (NDF) is in need of review.

There are five types of SRG opinions:

Positive: Given current or anticipated levels of trade, introduction into the EU 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.

Negative: The information available is insufficient to form a positive opinion and/or given current or anticipated levels of trade, introduction into the EU is likely tohave 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. This type of opinion may be formalized as an import suspension after consultation with the SRG (published in *Suspensions Regulations*).

No opinion i): *No significant trade is anticipated*. The species is not currently (or is only rarely) in trade, and no significant trade in relation to the conservation status of the species is anticipated.

No opinion ii): *Decision deferred*. Insufficient data is available on which to issue a confident positive or negative opinion.

No opinion iii): *Referral to the SRG*. The species is not currently/only rarely in trade, but is of sufficient conservation concern that the SRG has determined that any application must be referred to the SRG for a decision before a permit is issued or refused.

SA's may wish to consult with or inform the Commission and SRG at a specific stage during the advice process on import applications for species/country combinations for which an SRG opinion is not in place, but consultation may also be needed under certain circumstances if an opinion is already in place (Figure 1).

Opinions are not formed on a country level for captive-bred specimens, but SA's assessing applications may wish to inquire whether other MS have received similar applications and ask for any supporting information. Decisions may be communicated to the SRG to ensure common implementation of Article 54 of Regulation (EC) No 865/2006 at EU level; but in order to aid other SA's that may potentially need to assess similar applications, decisions and associated information should be made available via the Captive Breeding Database http://captivebreeding.unep-wcmc.org/Account/LogOn?ReturnUrl=%2f.

Checking of current opinions

Opinions formed through postal procedures are initially communicated via Commission Notes to all MS MA's and SA's, and are included in the list of opinions formed at meetings of the SRG (available in the 'Summary of Conclusions') after each meeting. These documents are circulated after the meetings and are also available in CIRCABC https://circabc.europa.eu/faces/jsp/extension/wai/navigation/container.jsp and through the UNEP-WCMC e-library: http://elibrary.unep-wcmc.org/460. Furthermore, these opinions are entered into a database maintained by UNEP-WCMC: www.speciesplus.net.

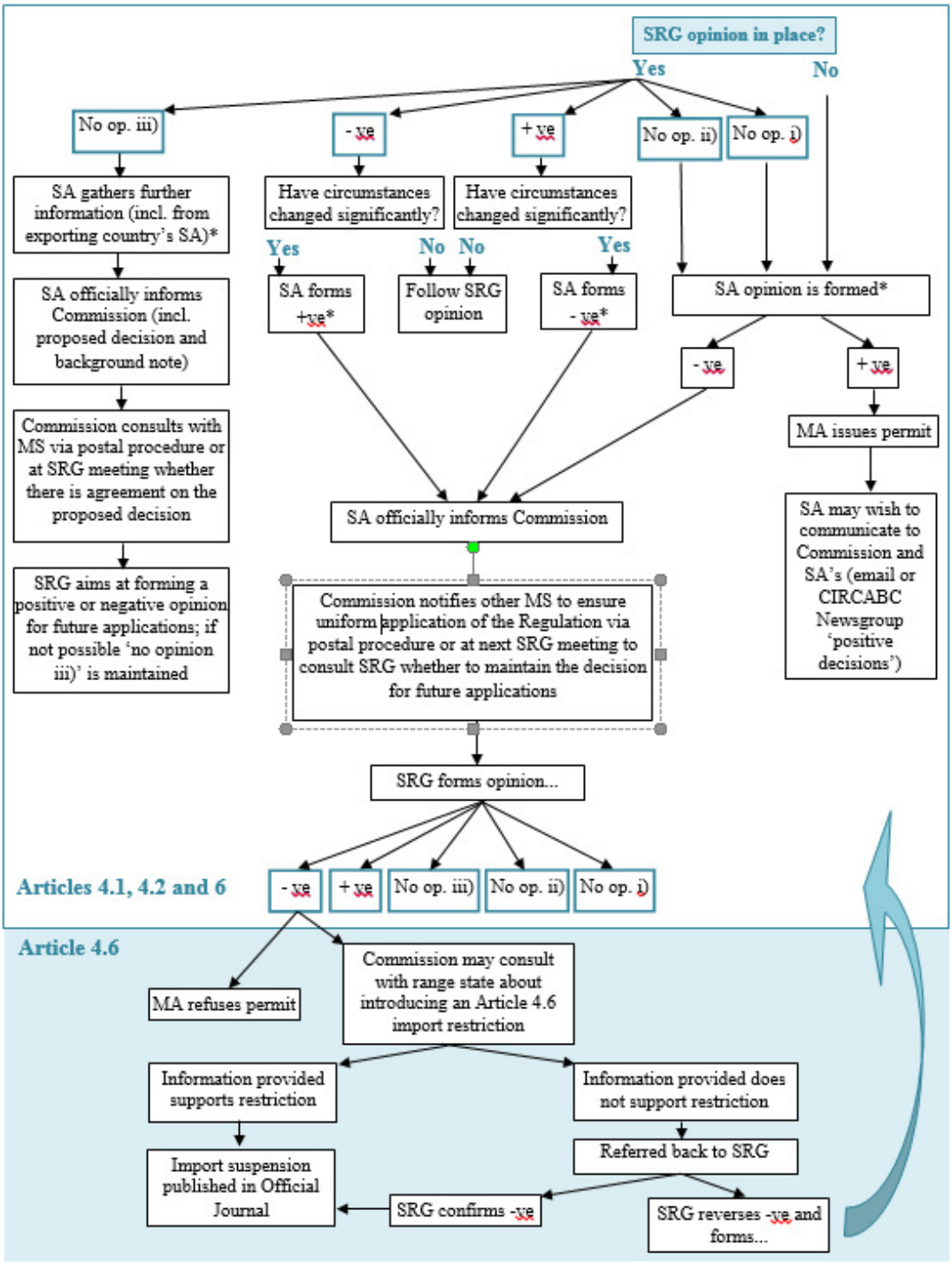
Applicability of opinions

Imports are possible under certain circumstances, even if a negative opinion/suspension is in place:

- Article 7 of Council Regulation (EC) No. 338/97 introduces derogation for cases such as specimens in transit, personal and household goods, and specific transactions between scientific institutions.
- Articles 71.2 and 71.4 of Commission Regulation (EC) No. 865/2006 define the circumstances under which import restrictions put in place by the SRG may not apply.

460 The full version is accessible to all SRG members; please contact species@unep-wcmc.org to obtain a username and password.

Figure 1: Import permit requests - process for Annex A and B taxa[461]



* SA's that are assessing particular applications may want to consult with other MS SA's to gather more scientific information on particular species/country combinations. It is recommended that this consultation include any relevant documentation received regarding the application and that the Commission be copied in the exchange of comments between SA's.

461 Other requirements must also be met, such as prior sight of export permit etc

Attachment B

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

The purposes of introduction into the EU must be in line with agreed purposes (Table 1). Under Article 4.1(a)(ii) first indent, the purposes of introduction into the EU 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 (purpose code S or M); or

The following factors should be considered:

- The importance of the science concerned, as endorsed (or not) by the relevant independent technical body in the scientific field concerned.
- The possibility of using alternative species for the objective sought.
- 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 (purpose code B or G); or

The following factors should be considered:

- 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
- The existence of captive/nursery specimens elsewhere in the world which could be used in place of wild-taken ones.
- The views of the exporting countries' Scientific Authority.
- The views of the relevant international and national studbook keeper or botanical gardens co-ordinator, where such exists.
- The views of the relevant IUCN Species Survival Specialists Group or other experts where such exist.
- The presentation of the case in terms of identification of objectives, planning and research prior to, importation.
- The output of the project in terms of co-operation with others in the field and published material on propagation, breeding, husbandry and biology.
- 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.
- 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 (purpose code S or E); or

The following factors should be considered:

- The conservation need for a research or education project, taking account of similar activities elsewhere.

- The existence of captive/nursery specimens elsewhere which could be used in place of wild-taken ones.
- The views of the exporting countries' Scientific Authority.
- The views of relevant research or education authorities, where such exists.
- The views of the relevant IUCN Species Survival Specialists Group or other experts where such exist.
- The presentation of the case in terms of identification of objectives and planning.
- The output of the project in terms of co-operation with others in the field and published material on research or education.
- 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.
- 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.

Article 4.1(a)(ii) 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, in exceptional cases, if it is clearly benign but also produces wider benefits to society. The import of Annex A specimens which form part of personal or household effects as part of a change in residence may also be acceptable in exceptional circumstances.

Some examples of purposes that might meet these conditions are:

a) **Hunting trophies (purpose code H)**

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

b) **Re-introductions (purpose code N)**

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.iucnsscrsg.org/images/English.pdf).

c) **Educational (purpose code E)**

In exceptional circumstances where such importation produces wider benefits to society (if not covered by paragraph 3 above). For example, an import by a museum for a temporary display on the culture of the Inuit which includes a narwhal carving, or a travelling exhibit of native American Indian artefacts that include headdresses with feathers from Appendix I parrots.

d) **Law enforcement (purpose code L)**

If such importation produces demonstrable conservation benefits or in exceptional circumstances where such importation produces wider benefits to society, for example, where the nature of the offence or enforcement activity is not directly related to an offence under CITES, e.g. tax evasion or fraud case.

e) **Personal (purpose code P)**

If such importation produces demonstrable conservation benefits or, in exceptional circumstances, e. g. where household effects are being imported under a change of residence with regard to a long-term pet that was legally acquired in the country of origin and without detriment to wild population.

Table 1: Treatment of purposes of Annex A import applications.

Purpose	Treatment
B: breeding in captivity or artificial propagation	Yes, under 1st indent – 8.3.f (conservation benefit required)
E: Educational	Yes, under 1st indent – 8.3.g (conservation benefit required) OR under 2nd indent in exceptional circumstances where wider benefit to society
G: Botanical gardens	Yes, under 1st indent – 8.3.f or 8.3.g (conservation benefit required)
H: Hunting trophies	Yes, under 2nd indent - if conservation benefit
L: Law enforcement/judicial/forensic	Yes, under 2nd indent - if conservation benefit OR in exceptional circumstances where wider benefit to society
M: Medical (including bio-medical research)	Yes, under 1st indent – 8.3.e (exceptional circumstances etc)
N: Reintroduction or introduction into the wild	Yes, under 2nd indent - if conservation benefit
P: Personal	No, unless under 2nd indent – if conservation benefit OR in exceptional circumstances where household effects imported under change of residence
Q: Circuses and travelling exhibitions	No (Art. 4.1.(d))
S: Scientific	Yes, under 1st indent - 8.3.e (exceptional circumstances etc), or 8.3.g (conservation benefit required)
T: Commercial	No (Art. 4.1.(d))
Z: Zoos	Yes, under 1st indent – 8.3.f or 8.3.g (conservation benefit required)

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
Article5.2 (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 CITES Animals-, Plants Committee or CITES Standing 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

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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 EU 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 EU
- impact on animal and plant species of EU 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)

Attachment G

CONTEXT
Be satisfied that a specimen of an animal species is born and bred in captivity in accordance with Article 54 of Regulation (EC) No 685/2006

A specimen[462] of an 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 concerned is satisfied that:

(1) It is, or is derived from, the offspring, born or otherwise produced in a controlled environment[463] either of parents that mated or had gametes otherwise transferred in a controlled environment, if reproduction is sexual, or of parents that were in a controlled environment when development of the offspring began, if reproduction is asexual

(2) The breeding stock[464] was established in accordance with the legal provisions applicable to it at the time of acquisition and in a manner not detrimental to the survival of the species concerned in the wild;

(3) The breeding stock is maintained without the introduction of specimens from the wild, except for the occasional addition of animals, eggs or gametes in accordance with the legal provisions applicable and in a manner not detrimental to the survival of the species concerned in the wild for the following purposes[465] only:

   i. to prevent or alleviate deleterious inbreeding, the magnitude of such addition being determined by the need for new genetic material;

   ii. to dispose of confiscated animals in accordance with Article 16(3) of Regulation (EC) No. 338/97; or

   iii. exceptionally, for use as breeding stock;

(4) The breeding stock has itself produced second or subsequent generation offspring in a controlled environment, or is managed in a manner[466] that has been demonstrated to be capable of reliably producing second generation offspring in a controlled environment.

462 These criteria also apply to specimens of Annex B species.
463 "a controlled environment" means an environment that is intensively manipulated by man, which may include artificial housing, waste removal, health care, protection from predators and artificially supplied food, for the purpose of producing specimens of the species in question. The boundaries should be designed to prevent animals, eggs or gametes of the species from entering or leaving the controlled environment.
464 "breeding stock" means all the animals in a breeding operation that are used for reproduction.
465 it should not be possible for a commercial captive breeding operation to import wild-taken specimens of Annex A species as these cannot be imported for primarily commercial purposes.
466 it is not necessary for a breeder to actually produce second-generation offspring himself, but must demonstrate that they are using a breeding method that is known to lead to the production of second-generation offspring. Each application needs to be assessed on its own merits on a case-by-case basis, taking into account the number of individuals in the breeding stock, access to unrelated F1 specimens, genetic management, previous breeding success, sex ratio, age at sexual maturity, species rarity in captivity, etc.

Attachment H

CONTEXT
Be satisfied 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 the species, or for research or education aimed at the preservation or conservation of the species.

Article 60 certificate – Regulation (EC) No 865/2006

The minimum standards expected of scientific institutions holding an Article 60 certificate are as follows (based on Res. Conf. 11.15 Rev. CoP12):

- collections of animal or plant specimens, and records ancillary to them, permanently housed and professionally curated;
- all accessions properly and permanently recorded;
- permanent records maintained for loans and transfers to other institutions holding an Article 60 certificate;
- specimens acquired primarily for purposes of captive-breeding or artificial propagation from which conservation benefits will accrue to the species, or for research aimed at the preservation or conservation of the species that is to be reported in scientific publication, or for purposes of education aimed at the conservation of the species;
- live specimens must be housed in accommodation that is adequately equipped to conserve and care for them properly;
- museum and herbarium specimens must be prepared and collections arranged in a manner that ensure their utility;
- all live Annex A animal specimens covered by the Article 60 certificate should be permanently marked with a uniquely identifying microchip, closed ring, tag or tattoo, etc. unless this is against veterinary advice, in accordance with Chapter XVI of Regulation (EC) No.865/2006;
- acquisition and possession of specimens accord with the laws of the State in which the scientific institution is located; and
- the certificate only covers those specimens of species included in Annex A centrally housed under the direct control of the scientific institution, and managed in a manner to preclude the use of such specimens for decoration, trophies or other purposes incompatible with the principles of Article 60.

Attachment I

CONTEXT
Be satisfied that there are no other factors relating to the conservation of the species that militate against issuance of a specimen-specific certificate, specifically in relation to:

Certificates provided for in Article 8.3 of Regulation (EC) No 338/97 (certificate for commercial

The SRG consider the purpose of a transaction-specific certificate (TSC) is to assist in enforcement of CITES [and domestic wildlife] legislation, allowing greater scrutiny of commercial activities involving Annex A species of European or global conservation concern. TSCs are considered by the Enforcement Group to be a practical tool to assist officers address compliance issues, by offering an audit trail and a starting point for investigations, as well as being a crime prevention measure, deterring the laundering of wild specimens into the system.

The SRG have agreed the following guiding principles to assist Member States in determining which species are likely to benefit from the stricter regulation that a TSC provides, to include:

Any live specimen (any source) of a species of European conservation concern and/or globally threatened by trade that are known, or believed, to be subject to illegal taking or illegal trade.

The following factors should be taken into consideration:

- *Status in captivity:* the captive-bred status and abundance of a species in captivity. [One interpretation of the above is that a species might not require a TSC if it is so readily available in captivity, due to captive breeding, that the likelihood of specimens being taken illegally from the wild are very small.]
- *Take from the wild/Trade status (illegal):* levels of actual or potential illegal take and/or trade and whether it is having a detrimental impact on the conservation status of the species. [If there is no evidence to suggest that a species has been, or is likely to be, affected by illegal take and/or trade, or there is no evidence to demonstrate that the EU or Member State has been involved (directly or indirectly) in illegal take/trade then there is no obvious benefit from restricting to a TSC. Equally, some level of illegal take may occur which may be inconsequential when set against the size of the population.]
- *Take from the wild/Trade status (legal):* whether a species has been traded legally historically, in what volume and whether the EU or Member State has been involved (directly or indirectly) in that trade.
- *Market demand/value:* the level of demand for live specimens for a particular species by falconers, breeders, zoological institutions or private keepers and others – some rare species command high prices which may drive illegal trade.
- *Other domestic controls*: e.g. whether the species is a registerable species.

Attachment J

CONTEXT
Provide advice to the competent authority on the placement or disposal of confiscated specimens:

Article 16.3 – Regulation (EC) No 338/97

Confiscated specimens shall be placed or otherwise disposed of under conditions which are deemed to be appropriate and consistent with the purposes and provisions of the CITES Convention and Regulation (EC) No 338/97. The MA is to consult with its SA and the decision must achieve the following (based on Resolution Conf. 10.7 (Rev. CoP15)):

1) maximize conservation value of the specimens without in any way endangering the health, behavioural repertoire, or conservation status of wild or captive populations of the species;

2) discourage further illegal or irregular trade in the species; and

3) provide a humane solution, whether this involves maintaining the animals in captivity, returning them to the wild, or employing euthanasia to destroy them.

Factors to be considered:

- conservation status (endangered or threatened species: evaluate whether and how these animals might contribute to a conservation programme for the species); and
- legal, social, economic and biological factors

For the placement or disposal of dead specimens of part and derivatives thereof, the SA may recommend *bona fide* scientific, educational, enforcement or identification purposes, or the saving in storage or destruction of specimens whose disposal for these purposes is not practicable.

For live specimens, the SA may recommend one of the following options:

A. Maintenance of the individuals in captivity

- *Rescue centres*: established specifically to treat injured or confiscated animals
- *Lifetime-care facilities:* devoted to the care of confiscated animals
- *Specialist societies or clubs*: devoted to the study and care of single taxa
- *Humane societies*: placement with private individuals who can provide humane lifetime care
- *Universities and research laboratories:* maintain collections of exotic animals for many kinds of research. Transfer to an establishment that conducts research under humane conditions may offer an option, and one which may eventually contribute information relevant to the species' conservation. In many cases, the lack of known provenance, and the potential that the animal has been exposed to unknown pathogens will make transfer to a research institution an unlikely option
- *Sale (Annex B, C and D only):* parties involved in commercial activities can help offset the costs of confiscation. However, sale should only be considered in certain circumstances, such as where the animals in question are not threatened and not subject to a legal prohibition on trade and there is no risk of stimulating further illegal or irregular trade. Sale to commercial captive breeders may contribute to reducing the demand for wild-caught individuals. However, there is a risk of creating a public perception of the State's perpetuating or benefiting from illegal or irregular trade. It is also impossible to assure the welfare of the animals following placement, unless specific legal provisions apply

Maintenance of the individuals in captivity	
Benefits	**Disadvantages**
• educational value • potential for captive breeding for eventual reintroduction • possibility for the confiscating authority to recover, from sale, the costs of confiscation	• Potential to encourage undesired trade • Cost of placement • Disease • Captive animals can escape from captivity and become pests

B. Returning the individuals in question to some form of life in the wild

- *Reintroduction*: attempt to establish a population in an area that was once part of the range of the species but where it has become extinct.
- *Reinforcement of an existing population*: the addition of individuals to an existing population of the same taxon.

  Reinforcement can be a powerful conservation tool when natural populations are diminished by a process which, at least in theory, can be reversed. Such activities are common in many western countries, and specific programmes exist. Reinforcement carries with it the very grave risk that individuals held in captivity, even temporarily, are potential vectors for disease back into a wild population. Reinforcement should therefore only be employed in instances where there is a direct and measurable conservation benefit (demographically or genetically), as when reinforcement is critical for the viability of the wild population into which an individual is being placed.

Returning the individuals in question to some form of life in the wild	
Benefits	**Concerns**
• existing population is severely threatened • strong political/educational statement - promote local conservation values	• welfare • conservation value and cost • source of individuals (genetic pollution) • disease

Any reintroduction or reinforcement activities should be undertaken in line with the relevant IUCN guidelines.

C. Euthanasia

Euthanasia may be considered if:

- Return to the wild is either unnecessary (e.g. very common species), impossible, or prohibitively expensive; and
- Placement in a captive facility is impossible; and
- There are serious concerns that sale will be problematic or controversial;
- During transport, or while held in captivity, the animals have contracted a chronic disease that is incurable and, therefore, a risk to any captive or wild population

Further information is available through:

- IUCN-Species Survival Commission Specialist Groups
- http://www.iucn-tftsg.org/contact/ and http://www.turtlesurvival.org/contact (Marine Turtles)
- World Association of Zoos and Aquariums: www.waza.org
- Species Survival Network (SSN): http://www.ssn.org/cites_rescue_intro_EN.htm (Facilities and organizations that could offer assistance)
- http://ec.europa.eu/environment/cites/pdf/studies/enforcement_trade.pdf (Managing confiscated specimens)

Annex XIII

Types of biological samples referred to in Article 18 of *Regulation (EC) No 865/2006* 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^3 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^3 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 XIV

Summary of provisions relating to caviar of sturgeons and paddlefish (Acipenseriformes spp.), according to *Regulation (EC) No 865/2006* as amended by *Regulation (EC) No 100/2008* and *Regulation (EU) No 2015/56*.

In April 1998, the decisions to list all species of sturgeon and paddlefish (Acipenseriformes spp.) 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 EU Wildlife Trade Regulations.

Imports and exports from shared stocks

Member States are obliged to **reject** applications for **import and export permits** for caviar and meat of sturgeon and paddlefish species (Acipenseriformes spp.) from **shared stocks** unless **export quotas** have been established for the species in question in accordance with the procedure laid down by the Conference of the Parties. Details of current quotas may be found on the Secretariat's website (http://www.cites.org/eng/resources/quotas/index.php).

Time validity of import and export permits

In the case of **caviar** of **sturgeon** and paddlefish species (Acipenseriformes spp.) that originated form **shared stocks** that are subject to **export quotas**:

- **Import permits** cease to be valid on **the last day of the year** to which the quota applies (i.e. the year, starting on 1 March and ending on the last day of February, in which the caviar was harvested and processed) **– if this is earlier than the normal maximum 12-month period of validity applicable to import permits, and**

- **Export permits** cease to be valid on **the last day of the year** to which the quota applies (i.e. the year in which the caviar was harvested and processed) – **if this is earlier than the normal maximum six-month period of validity applicable to export permits**.

Labelling requirements

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), October 2004 (CITES CoP 13), June 2007 (CITES CoP 14) and in March 2013 (CITES CoP 16) in order to improve the traceability of the product (see *Resolution Conf. 12.7 (Rev. CoP16) – Conservation of and trade in sturgeons and paddlefish*, which may be viewed at

http://www.cites.org/eng/res/12/12-07R16.php). In the EU, the labelling requirements for the identification of caviar are detailed in Article 66(6) of *Regulation (EC) No 865/2006* as amended by Article 18 of *Regulation (EC) No 100/2008*. **All primary containers** (tin, box, jar, or other container into which caviar is **directly packed**), irrespective of size and including containers of repackaged caviar, must be affixed with a non-reusable label that includes a unique code. The label must either **seal the container** or the caviar must be packaged in such a way that it becomes **evident** if the **container has been opened.** The uniform labelling system applies to **all caviar** produced for commercial and non-commercial purposes, from the wild or farmed, and **includes re-packaged caviar** and all caviar sold on **domestic markets**.

It is noted that the **mixing of caviar** from different Acipenseriformes species into a **primary container** is **not permitted**, except in the case of pressed caviar (i.e. caviar composed of unfertilised eggs (roe) of one or more sturgeon or paddlefish species, remaining after the processing and preparation of higher quality caviar)[467].

For the purposes of facilitating the marking requirements for caviar, the Management Authority must **license facilities** (or plants) that process, package or repackage caviar (including caviar producing aquaculture operations) and must attribute **a unique registration number** to these facilities[468]. 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. The **list of facilities** licensed in this way must be notified to the **CITES Secretariat** and to the **European Commission** and is available at http://cites.org/eng/taxonomy/term/152.

Caviar packaged in countries of origin

All containers of caviar produced by the countries of origin, must have a **non-reusable** label. It must **seal the container** unless there is some other means of packaging whereby tampering/opening becomes evident. This condition applies **regardless** of the **size** of the container or its intended **destination**, whether domestic on 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. CoP16)* (see http://www.cites.org/eng/res/12/12-07R16.php). 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 these conditions[469].

467 Article 66(6) *Regulation (EC) No 865/2006*
468 Article 66(7) *Regulation (EC) No 865/2006*
469 Article 64(1)(g), 64(2) and 65(3) *Regulation (EC) No 865/2006*

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

Re-packaged caviar

All containers in which caviar is **repackaged** must also be affixed with a new **non-reusable label** that seals the container (if the packaging is not already done in such a way as to reveal tampering) 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. CoP16)* (see http://www.cites.org/eng/res/12/12-07R16.php).

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 two-letter ISO 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

Annex XV

Date of EU Membership and CITES Accession for the EU Member States

EU Member State	Year of EU Membership	Year of CITES Accession
Austria	1995	1982
Belgium	Founding Member - 1958	1984
Bulgaria	2007	1991
Croatia	2013	2000
Cyprus	2004	1975
Czech Republic	2004	1993*
Denmark	1973	1977
Estonia	2004	1992
Finland	1995	1976
France	Founding Member - 1958	1978
Germany	Founding Member - 1958	1976
Greece	1981	1993
Hungary	2004	1985
Ireland	1973	2002
Italy	Founding Member - 1958	1979
Latvia	2004	1997
Lithuania	2004	2002
Luxembourg	Founding Member - 1958	1984
Malta	2004	1989
The Netherlands	Founding Member - 1958	1984
Poland	2004	1990
Portugal	1986	1981
Romania	2007	1994
Slovakia	2004	1993**
Slovenia	2004	2000
Spain	1986	1986
Sweden	1995	1975
United Kingdom	1973	1976

* Year of succession. Previously Party to CITES as part of the former Czechoslovakia since 28/05/1992.

Annex XVI

Articles in *Regulation (EC) No 338/97* and in *Regulation (EC) No 865/2006*

Regulation (EC) No 338/97 as amended by *Regulation (EU) No 1158/2012*	
ARTICLE	**CONTENT**
Article 1	Object
Article 2	Definitions
Article 3	Scope
Article 4	Introduction into the EU
Article 5	Export or re-export from the EU
Article 6	Rejection of applications for permits and certificates referred to in Articles 4, 5 and 10
Article 7	Derogation
Article 8	Provisions relating th the control of commercial activities
Article 9	Movement of live specimens
Article 10	Certificates to be issued
Article 11	Validity of and special conditions for permits and certificates
Article 12	Places of introduction and export
Article 13	Management of scientific authorities and other competent authorities
Article 14	Monitoring of compliance and investigation of infringements
Article 15	Communication of information
Article 16	Sanctions
Article 17	The Scientific Review Group
Articles 18 and 19	The Committee
Articles 20-22	Final provisions
Annex (as replaced by *Regulation (EU) No 1158/2012*)	Annexes A, B, C and D with notes on their interpretation

Regulation (EC) No 865/2006 as amended		
CHAPTER	**ARTICLE**	**CONTENT**
CHAPTER I	**Definitions**	
	Article 1 (amended by paragraph 1 of *Regulation (EC) No 100/2008,* paragraph 2 of *Regulation (EU) No 791/2012* and paragraph 1 of *Regulation (EU) No 2015/56*)	Definitions
CHAPTER II	**Forms and technical requirements**	
	Article 2 (deleted and replaced by Article 2 *Regulation (EU) No 792/2012*)	Forms
	Article 3 (deleted and replaced by Article 3 *Regulation (EU) No 792/2012*)	Technical specifications with regard to forms
	Article 4 (amended by paragraph 3 of *Regulation (EC) No 100/2008,* paragraph 3 of *Regulation (EU) No 791/2012* and paragraph 2 of *Regulation (EU) No 2015/56*)	Completion of forms
	Article 5	Contents of permits, certificates and applications for the issue of such documents
	Article 5a (inserted by paragraph 4 of *Regulation (EC) No 100/2008* and amended by paragraph 4 of *Regulation (EU) No 791/2012*)	Specific content of permits, certificates and applications for plant specimens
	Article 6 (amended by paragraph 5 of *Regulation (EU) No 791/2012*)	Annexes to forms
	Article 7 (amended by paragraph 5 of *Regulation (EC) No 100/2008*, paragraph 6 of *Regulation (EU) No 791/2012* and paragraph 3 of *Regulation (EU) No 2015/56*)	Permits and certificates issued by third countries
CHAPTER III	**Issue, use and validity of documents**	

	Article 8 (amended by paragraph 7 of *Regulation (EU) No 791/2012*)	Issue and use of documents
	Article 9 (replaced by paragraph 6 of *Regulation (EC) No 100/2008* and amended by paragraph 4 of *Regulation (EU) No 2015/56*)	Shipments of specimens
	Article 10 (amended by paragraph 7 of *Regulation (EC) No 100/2008* and paragraph 5 of *Regulation (EU) No 2015/56*)	Validity of import and export permits, re-export certificates, travelling exhibition certificates, and personal ownership certificates
	Article 11 (amended by paragraph 8 of *Regulation (EC) No 100/2008,* paragraph 8 of *Regulation (EU) No 791/2012* and *Regulation (EU) No 2015/56*)	Validity of used import permits and of the certificates referred to in Articles 47, 48, 49, 60 and 63
	Article 12	Replacement of documents
	Article 13	Time of application for import and export permits and re-export certificates
	Article 14 (amended by paragraph 7 of *Regulation (EU) No 2015/56*)	Validity of documents from third countries
	Article 15 (amended by paragraph 9 of *Regulation (EC) No 100/2008* and paragraph 9 of *Regulation (EU) No 791/2012*)	Retrospective issuance of certain documents
	Article 16	Specimens in transit through the EU
	Article 17	Issuance of phytosanitary certificates
	Article 18	Pre-issued permits and certificates with regard to certain trade in biological samples
	Article 19	Pre-issued permits and certificates with regard to export or re-export of dead specimens
CHAPTER IV	**Import permits**	
	Article 20	Applications for import permits

	Article 20a (inserted by paragraph 10 of *Regulation (EC) No 100/2008*)	Rejection of applications for import permits
	Article 21	Import permits issued for specimens of species included in Appendix I to the Convention and listed in Annex A to *Regulation (EC) No. 338/97*
	Article 22	Documents to be surrendered by the importer to the Customs office
	Article 23	Handling by the Customs office
CHAPTER V	**Import notifications**	
	Article 24	Documents to be surrendered by the importer to the Customs office
	Article 25	Handling by the Customs office
CHAPTER VI	**Export permits and re-exportcertificates**	
	Article 26	Applications for export permits and re-export certificates
	Article 26a (inserted by paragraph 11 of *Regulation (EC) No 100/2008*)	Applications for export permits and re-export certificates
	Article 27	Documents to be surrendered by the (re-) exporter to the Customs office
	Article 28	Handling by the Customs office
	Article 29	Pre-issued permits for nurseries
CHAPTER VII	**Travelling exhibition certificates**	
	Article 30 (amended by paragraph 10 of *Regulation (EU) No 791/2012*)	Issuance of travelling exhibition certificates
	Article 31 (amended by paragraph 12 of *Regulation (EC) No 100/2008*)	Use of travelling exhibition certificates
	Article 32	Issuing authority for travelling exhibition certificates
	Article 33	Conditions for travelling exhibition certificates
	Article 34	Application for travelling exhibition certificates

	Article 35	Documents to be surrendered by the holder of the travelling exhibition certificate to the Customs office
	Article 36 (amended by paragraph 13 of *Regulation (EC) No 100/2008*)	Replacement of travelling exhibition certificates
CHAPTER VIII	**Personal ownership certificate**	
	Article 37 (amended by paragraph 11 of *Regulation (EU) No 791/2012*)	Issuance of personal ownership certificates
	Article 38	Use of personal ownership certificates
	Article 39	Issuing authority for personal ownership certificates
	Article 40	Conditions for a personal ownership certificate
	Article 41	Application for personal ownership certificates
	Article 42	Documents to be surrendered by the holder of a personal ownership certificate to the Customs office
	Article 43	Sales of specimens covered by personal ownership certificates
	Article 44 (amended by paragraph 14 of *Regulation (EC) No 100/2008*)	Replacement of personal ownership certificates
CHAPTER VIIIa	**Sample collection certificates** **(inserted by paragraph 15 of *Regulation (EC) No 100/2008*)**	
	Article 44a	Issue
	Article 44b	Use
	Article 44c	Issuing authority
	Article 44d	Requirements
	Article 44e	Applications
	Article 44f	Documents to be surrendered by the holder to the Customs office
	Article 44g	Replacement

CHAPTER VIIIb	**Musical instrument certificates** (inserted by paragraph 8 of *Regulation (EU) No 2015/56*)	
	Article 44h	Issue
	Article 44i	Use
	Article 44j	Issuing authority
	Article 44k	Requirements for specimens
	Article 44l	Applications
	Article 44m	Documents to be surrendered by the holder to the customs office
	Article 44n	Sale of specimens covered
	Article 44o	Replacement
	Article 44p	Introduction of musical instruments into the Union with certificates issued by third countries
CHAPTER IX	**Customs procedure**	
	Article 45 (amended by paragraph 12 of *Regulation (EU) No 791/2012*)	Forwarding of documents presented to Customs offices
CHAPTER X	**Certificates provided for in Article 5(2)(b), (3) and (4), Article 8(3) and Article 9(2)(b) of *Regulation (EC) No 338/97***	
	Article 46	Issuing authority
	Article 47	Certificates provided for in Article 5(2)(b), (3) and (4) of *Regulation (EC) No 338/97* (certificates required for export or re-export)
	Article 48	Certificate provided for in Article 8(3) of *Regulation (EC) No 338/97* (certificate for commercial use)
	Article 49	Certificate provided for in Article 9(2)(b) of *Regulation (EC) No 338/97* (certificate for movement of live specimens)
	Article 50	Application for the certificates provided for in Article 5(2)(b), (3) and (4), Article 8(3) and Article 9(2)(b) of *Regulation (EC) No 338/97*
	Article 51	Amendments to permits, notifications and certificates

CHAPTER XI	**Labels**	
	Article 52 (amended by paragraph 13 of *Regulation (EU) No 791/2012* and paragraph 9 of *Regulation (EU) No 2015/56*)	Use of labels
CHAPTER XII	**Derogations from Customs procedures referred to in Article 4(7) of *Regulation (EC) No 338/97***	
	Article 53	Customs offices other than the border Customs office at the point of introduction
CHAPTER XIII	**Specimens born and bred in captivity and artificially propagated specimens**	
	Article 54	Specimens born and bred in captivity of animal species
	Article 55	Establishment of ancestry
	Article 56 (amended by paragraph 14 of *Regulation (EU) No 791/2012* and paragraph 10 of *Regulation (EU) No 2015/56*)	Artificially propagated specimens of plant species
CHAPTER XIV	**Personal and household effects**	
	Article 57 (as amended by paragraph 16 of *Regulation (EC) No 100/2008*)	Introduction and reintroduction into the Community of personal and household effects
	Article 58 (as amended by paragraph 17 of *Regulation (EC) No 100/2008*, paragraph 15 of *Regulation (EU) No 791/2012* and paragraph 11 of *Regulation (EU) No 2015/56*)	Export and re-export from the EU of personal and household effects
	Article 58a (inserted by paragraph 16 of *Regulation (EU) No 791/2012* and amended by paragraph 12 of *Regulation (EU) No 2015/56*)	Commercial use of personal and household effects within the EU
CHAPTER XV	**Exemptions and derogations**	
	Article 59 (amended by paragraph 17 of *Regulation (EU) No 791/2012*)	Exemptions from Article 8(1) of *Regulation (EC) No 338/97* laid down in Article 8(3) thereof

	Article 60	Derogation from Article 8(1) of *Regulation (EC) No 338/97* for the benefit of scientific institutions
	Article 61	Exemptions from Article 8(1) and (3) of *Regulation (EC) No 338/97*
	Article 62 (amended by paragraph 18 of *Regulation (EU) No 791/2012*)	General exemptions from Article 8(1) and (3) of *Regulation (EC) No 338/97*
	Article 63 (amended by paragraph 19 of *Regulation (EU) No 791/2012*)	Pre-issued certificates under Article 8(3) of *Regulation (EC) No 338/97*
CHAPTER XVI	**Marking requirements**	
	Article 64	Marking of specimens for the purpose of imports
	Article 65 (amended by paragraph 20 of *Regulation (EU) No 791/2012*)	Marking of specimens for the purpose of export and re-export
	Article 66 (as amended by paragraph 18 of *Regulation (EC) No 100/2008,* paragraph 21 of *Regulation (EU) No 791/2012* and paragraph 13 of *Regulation (EU) No 2015/56*)	Marking methods
	Article 67	Humane marking methods
	Article 68	Mutual recognition of marking methods
CHAPTER XVII	**Reports and information**	
	Article 69 (as amended by paragraph 19 of *Regulation (EC) No 100/2008*)	Reports on imports, exports and re-exports
	Article 70	Amendments to the Annexes to *Regulation (EC) No 338/97*
CHAPTER XVIII	**Final provisions**	
	Article 71 (as amended by paragraph 20 of *Regulation (EC) No 100/2008*)	Rejection of applications for import permits
	Article 72 (amended by paragraph 22 of *Regulation (EU) No 791/2012* and paragraph 14 of *Regulation (EU) No 2015/56*)	Transitional measures

	Article 73	Notification of implementing provisions
	Article 74	Repeal
	Article 75	Entry into force
	Annex I	Model form for import/ export/ re-export and "other" certificate
	Annex II	Model import notification
	Annex III	Model travelling exhibition certificate
	Annex IV	Model continuation sheet
	Annex V	Model internal trade certificate
	Annex VI	Model label for scientific exchanges
	Annex VII	Description codes
	Annex VIII (replaced via paragraph 23 and Annex I of *Regulation (EU) No 791/2012*)	Standard nomenclature references
	Annex IX (amended by paragraph 24 of *Regulation (EU) No 791/2012* and paragraph 2 of *Regulation (EU) No 2015/56*)	Source and purpose codes
	Annex X (replaced via paragraph 22 and Annex II of *Regulation (EC) No 100/2008*)	Animal species referred to in Article 62(1)
	Annex XI	Types of biological samples referred to in Article 18 and their use
	Annex XII	**Correlation Table (corresponding articles of current version of *Regulation (EC) No 865/2006* and the previous version of this legislation)**
	Annex XIII (inserted by paragraph 4 of the Annex to *Regulation (EU) No 2015/56*)	Species and populations referred to in Article 57(3a)