



Brussels, 7 March 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES ON TRADE IN PROTECTED SPECIES OF WILD FAUNA AND FLORA

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that, unless a ratified withdrawal agreement¹ establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date').² The United Kingdom will then become a 'third country'.³

Preparing for the withdrawal is not just a matter for EU and national authorities but also for private parties.

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, relevant stakeholders are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.⁴

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, as of the withdrawal date, Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein⁵ no longer applies to the United Kingdom.

¹ Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

² Furthermore, in accordance with Article 50(3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

³ A third country is a country not member of the EU.

⁴ For a movement of goods that has started before and ends on or after the withdrawal date, the EU undertakes to agree solutions with the United Kingdom in the withdrawal agreement on the basis of the EU's position on Customs related matters needed for an orderly withdrawal of the United Kingdom from the Union (https://ec.europa.eu/commission/publications/position-paper-customs-related-matters-needed-orderly-withdrawal-uk-union_en).

⁵ OJ L 61, 3.3.1997, p. 1.

This has in particular the following consequences:⁶

According to Article 4 of Council Regulation 338/97, the introduction into the EU of specimens of species included in Annexes A and B to that Regulation (hereafter "protected species") is subject to the prior presentation, at the customs office of entry, of an import permit issued by a management authority of the Member State of destination. Article 4 of Council Regulation 338/97 also lays down the conditions determining the issuance of this import permit.

According to Article 5 of Council Regulation 338/97, the export or re-export from the EU to a third country of specimens of protected species are subject to the prior presentation, at the customs office at which the export formalities are completed, of an export permit or re-export certificate issued by a management authority of the EU Member State in which the specimens are located. Article 5 of Council Regulation 338/97 also lays down the conditions determining the issuance of these export permits or certificates.

As of the withdrawal date, Articles 4 and 5 of Council Regulation 338/97 apply to the introduction and (re-) export of specimens of protected species between the United Kingdom and the EU-27. For the cross-border movement of protected species for non-commercial purposes specific derogations to these rules are in place, especially for personal and household effects and scientific institutions, pursuant to Article 7(3) and 7(4) of Council Regulation 338/97.

The website of the Commission on the EU wildlife trade regulatory framework (http://ec.europa.eu/environment/cites/legislation_en.htm) provides general information concerning these issues. These pages will be updated with further information, where necessary.

European Commission
Directorate-General for the Environment

⁶ Regarding notifications of imports, see also the "Notice to stakeholders - Withdrawal of the United Kingdom and EU rules in the field of import/export licences for certain goods" (https://ec.europa.eu/info/brexit/brexit-preparedness_en).