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.

This document does not necessarily represent the opinion of the European Commission and is NOT a legal interpretation of European Union legislation.

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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:

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1. How do I use this guide?

The European Union (EU) represents one of the largest markets for wild animals and plants, their products and derivatives. For many years, legislation to govern this trade has been a conservation priority in the region. Since 1984, the 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”).

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) as amended. 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 2017/160 amending Council Regulation (EC) No 338/97**, that was adopted on 4 February 2017. This updated (replaced) the Annexes to the Basic Regulation.


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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.
3 OJ No. L 61 of 3.3.97, p.1
5 OJ No. L 166 of 19.6.2006, p.1
In February 2016, the European Commission adopted a Communication on the EU Action Plan against Wildlife Trafficking10 which sets out a comprehensive blueprint for joined-up efforts to fight wildlife crime inside the EU, and for strengthening the EU’s role in the global fight against these illegal activities. The Council of the European Union adopted conclusions11 in June 2016 on the EU Action Plan against Wildlife Trafficking endorsing the three priorities of the Action Plan and calling for timely implementation of the relevant actions by the Commission, the High Representative, Europol, Eurojust and the EU Member States.

The plan has three main strands – greater enforcement, better cooperation, and more effective prevention. The Action Plan is to be implemented jointly by the EU (Commission services, EEAS, Europol, Eurojust) and its Member States until 2020.

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;

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9 OJ No. L 117 of 8.5.2015, p.25.
• **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**;

• **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


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 penalties 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 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 must be subject to stricter regulation, and can only be authorised in exceptional circumstances for specimens 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 14 February 2017

<table>
<thead>
<tr>
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<th>Appendix I</th>
<th>Appendix II</th>
<th>Appendix III</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mammals</td>
<td>318</td>
<td>502</td>
<td>52</td>
<td>872</td>
</tr>
<tr>
<td>Birds</td>
<td>155</td>
<td>1277</td>
<td>27</td>
<td>1459</td>
</tr>
<tr>
<td>Reptiles</td>
<td>87</td>
<td>743</td>
<td>61</td>
<td>891</td>
</tr>
<tr>
<td>Amphibians</td>
<td>24</td>
<td>134</td>
<td>4</td>
<td>162</td>
</tr>
<tr>
<td>Fish</td>
<td>16</td>
<td>107</td>
<td>24</td>
<td>147</td>
</tr>
<tr>
<td>Invertebrates</td>
<td>69</td>
<td>2170</td>
<td>22</td>
<td>2261</td>
</tr>
<tr>
<td>Sub-total Animals</td>
<td>669</td>
<td>4933</td>
<td>190</td>
<td>5792</td>
</tr>
<tr>
<td>Sub-total Plants*</td>
<td>321</td>
<td>32 351</td>
<td>12</td>
<td>32 684</td>
</tr>
<tr>
<td>Total **</td>
<td>990 species (plus 39 sub-species)</td>
<td>37 284 species (plus 12 sub-species)</td>
<td>202 species (plus 15 sub-species)</td>
<td>38 476 species (plus 71 sub-species)</td>
</tr>
</tbody>
</table>

Source: adapted from http://www.speciesplus.net/- data downloaded on 14 February 2017. * The total number of plant species listed in the CITES Appendices, in particular Appendix II, are approximate due to taxonomic uncertainties surrounding certain families/genera, in particular Orchidaceae (orchid family) and Dalbergia (rosewood genus). The total number of plant species in Appendix II has been amended (from that in Species+) as per the the number of accepted names for Orchidaceae species on the Plant List (accessed 14 February 2017): http://www.theplantlist.org/1.1/browse/A/Orchidaceae/. ** In some cases species listings are for certain populations only, or some populations are in one Appendix and others in another. In the latter cases, the species are included in the totals for the higher listing only to avoid double counting.

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.

As per amendments to the CITES Appendices agreed in Johannesburg in October 2016, at the meeting of the 17th CITES Conference of the Parties, and that came into force on 02/01/2017; in addition to new Appendix III listings proposed independently by CITES Parties.

For definition of “trade”, see Annex III to this Guide.

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\(^\text{16}\) 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\(^\text{17}\). 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\(^\text{18}\) 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\(^\text{19}\), and

\(^{16}\)Meaning that, unlike for EU Directives, Member States do not need to take action to transpose the EU legislation into national law.

\(^{17}\)See definition of “specimen” in Annex III of 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).

\(^{18}\)Article 3(1) Regulation (EC) No 338/97.

\(^{19}\)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 23 and the so-called “Habitats Directive”21), 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 14 February 2017

<table>
<thead>
<tr>
<th></th>
<th>Appendix I</th>
<th>Appendix II</th>
<th>Appendix I/II</th>
<th>Appendix III</th>
<th>Non-CITES</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mammals</td>
<td>325</td>
<td>97</td>
<td>12*</td>
<td>0</td>
<td>2</td>
<td>436</td>
</tr>
<tr>
<td>Birds</td>
<td>160</td>
<td>72</td>
<td>1**</td>
<td>2</td>
<td>17</td>
<td>252</td>
</tr>
<tr>
<td>Reptiles</td>
<td>86</td>
<td>10</td>
<td>6**</td>
<td>0</td>
<td>1</td>
<td>103</td>
</tr>
<tr>
<td>Amphibians</td>
<td>24</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>24</td>
</tr>
<tr>
<td>Fish</td>
<td>16</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>16</td>
</tr>
<tr>
<td>Invertebrates</td>
<td>74</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>76</td>
</tr>
<tr>
<td><strong>Sub-total Animals</strong></td>
<td>685</td>
<td>181</td>
<td>19</td>
<td>2</td>
<td>20</td>
<td>907</td>
</tr>
<tr>
<td><strong>Sub-total Plants</strong></td>
<td>325</td>
<td>11</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>336</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1010</td>
<td>192</td>
<td>19</td>
<td>2</td>
<td>20</td>
<td>1243</td>
</tr>
</tbody>
</table>


*Includes 10 (sub-)species which have some mammal populations listed in Annex B.

**Certain populations/sub-species 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 A22. External trade to and from the EU is governed by provisions comparable to those applicable to species listed in Appendix I under CITES.

---


22 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\textsuperscript{23} 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 may not be compatible with the survival of populations in certain countries, or with the maintenance of its total population at a level consistent with its role in the ecosystem\textsuperscript{24};
- 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\textsuperscript{25}).

Table 3: Number of species and subspecies listed in Annex B of the EU Wildlife Trade Regulations, updated 14 February 2017

<table>
<thead>
<tr>
<th>Category</th>
<th>Appendix I</th>
<th>Appendix II</th>
<th>Appendix III</th>
<th>Non-CITES</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mammals</td>
<td>0</td>
<td>410</td>
<td>1</td>
<td>0</td>
<td>411</td>
</tr>
<tr>
<td>Birds</td>
<td>0</td>
<td>1211</td>
<td>0</td>
<td>3</td>
<td>1214</td>
</tr>
<tr>
<td>Reptiles</td>
<td>0</td>
<td>733</td>
<td>1</td>
<td>1</td>
<td>735</td>
</tr>
<tr>
<td>Amphibians</td>
<td>0</td>
<td>134</td>
<td>0</td>
<td>1</td>
<td>135</td>
</tr>
<tr>
<td>Fish</td>
<td>0</td>
<td>107</td>
<td>0</td>
<td>0</td>
<td>107</td>
</tr>
<tr>
<td>Invertebrates</td>
<td>0</td>
<td>2169</td>
<td>0</td>
<td>9</td>
<td>2178</td>
</tr>
<tr>
<td>Sub-total Animals</td>
<td>0</td>
<td>4764</td>
<td>2</td>
<td>14</td>
<td>4780</td>
</tr>
<tr>
<td>Sub-total Plants</td>
<td>32 335*</td>
<td>0</td>
<td>1</td>
<td>32 336</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>37 099</td>
<td>2</td>
<td>15</td>
<td>37 116</td>
<td></td>
</tr>
</tbody>
</table>

Source: adapted from http://www.speciesplus.net/- data downloaded on 14 February 2017\textsuperscript{*} 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 14 February 2017) was used.

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.

\textsuperscript{23} Article 3(2) Regulation (EC) No 338/97.

\textsuperscript{24} Once again, for Appendix III-listed species listed in Annex B, all populations of the species are subject to the corresponding provisions of the Regulations, and not just the populations of the species that are listed in Appendix III.

\textsuperscript{25} 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.
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 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 14 February 2017

<table>
<thead>
<tr>
<th></th>
<th>Appendix III</th>
<th>Non-CITES</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mammals</td>
<td>55</td>
<td>0</td>
<td>55</td>
</tr>
<tr>
<td>Birds</td>
<td>25</td>
<td>0</td>
<td>25</td>
</tr>
<tr>
<td>Reptiles</td>
<td>61</td>
<td>0</td>
<td>61</td>
</tr>
<tr>
<td>Amphibians</td>
<td>4</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Fish</td>
<td>24</td>
<td>0</td>
<td>24</td>
</tr>
<tr>
<td>Invertebrates</td>
<td>25</td>
<td>0</td>
<td>25</td>
</tr>
<tr>
<td><strong>Sub-total Animals</strong></td>
<td><strong>194</strong></td>
<td>0</td>
<td><strong>194</strong></td>
</tr>
<tr>
<td>Sub-total Plants</td>
<td>12</td>
<td>0</td>
<td>12</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>206</strong></td>
<td>0</td>
<td><strong>206</strong></td>
</tr>
</tbody>
</table>


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.

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26 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\textsuperscript{27} 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)\textsuperscript{28}).

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 14 February 2017

<table>
<thead>
<tr>
<th></th>
<th>Appendix III</th>
<th>Non-CITES</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mammals</td>
<td>7</td>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>Birds</td>
<td>0</td>
<td>57</td>
<td>57</td>
</tr>
<tr>
<td>Reptiles</td>
<td>0</td>
<td>22</td>
<td>22</td>
</tr>
<tr>
<td>Amphibians</td>
<td>0</td>
<td>41</td>
<td>41</td>
</tr>
<tr>
<td>Fish</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Invertebrates</td>
<td>0</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>7</strong></td>
<td><strong>130</strong></td>
<td><strong>137</strong></td>
</tr>
<tr>
<td>Animals</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>7</strong></td>
<td><strong>166</strong></td>
<td><strong>173</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Source: adapted from [http://www.speciesplus.net/](http://www.speciesplus.net/) - data downloaded on 14 February 2017*

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

\textsuperscript{27} Article 3(4) Regulation (EC) No 338/97.

\textsuperscript{28} As of February 2017.
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\(^29\) (currently there is no such annotation in force\(^30\)). 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\(^31\).

\(^{29}\) Article 2(t) *Regulation (EC) No 338/97*.
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, 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;
- a re-export certificate for the re-export of specimens of Annex A-, B- or C-listed species, and
- an import notification form for the import of Annex C- or D-listed species, which is to be completed by the importer.

---

32 Article 4(1) and (2) Regulation (EC) No 338/97.
33 Article 5(1), (2) and (4) Regulation (EC) No 338/97.
34 Article 5(1), (3) and (4) Regulation (EC) No 338/97.
35 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, an export permit or re-export certificate is also needed from the country of origin or re-export. For the export of species listed in Appendix I of CITES, an import permit is required from the country of destination before an export permit can be issued. (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

<table>
<thead>
<tr>
<th>Type of trade</th>
<th>Annex</th>
<th>Documents Required</th>
<th>Article of Regulation (EC) No 338/97</th>
</tr>
</thead>
<tbody>
<tr>
<td>Import</td>
<td>A</td>
<td>Export permit or re-export certificate issued by country of export and import permit issued by the EU Member State of destination.*</td>
<td>4(1)</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>Export permit or re-export certificate issued by country of export and import permit issued by the EU Member State of destination.*</td>
<td>4(2)</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>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.</td>
<td>4(3)</td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>Import notification completed by the importer and presented to the Customs office upon introduction into the EU.</td>
<td>4(4)</td>
</tr>
<tr>
<td>Export</td>
<td>A</td>
<td>Export permit issued by the EU Member State of export and import permit issued by country of destination.**</td>
<td>5(1)-(2)</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>Export permit issued by the EU Member State of export.</td>
<td>5(4)</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>Export permit issued by the EU Member State of export.</td>
<td>5(4)</td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>No documents required</td>
<td></td>
</tr>
</tbody>
</table>

36 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.
37 Article 4(1) and (2) Regulation (EC) No 338/97.
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.

It is important to note that the Commission has, in cooperation with the competent CITES Management Authorities of the EU Member States, developed and adopted guidance documents for interpreting the EU Regulations on specific topics/trade. These should be referred to for the following specific cases:
- the export, re-export, import and intra-EU trade of rhinoceros horns
- the re-export and intra-EU trade in raw and worked ivory
- trade in “worked” specimens (see also section 3.6.3)

### 3.2 What document for what purpose?

---

**Reference:** 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.

---

<table>
<thead>
<tr>
<th>Type of trade</th>
<th>Annex</th>
<th>Documents Required</th>
<th>Article of Regulation (EC) No 338/97</th>
</tr>
</thead>
<tbody>
<tr>
<td>Re-export</td>
<td>A</td>
<td>Re-export certificate issued by the EU Member State of re-export and import permit issued by the country of destination.**</td>
<td>5(1), 5(3), 5(5)</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>Re-export certificate issued by the EU Member State of re-export.</td>
<td>5(4)-(5)</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>Re-export certificate from the EU Member State of re-export.</td>
<td>5(4)-(5)</td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>No documents required</td>
<td></td>
</tr>
</tbody>
</table>

---


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\(^{42}\) 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.)

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

<table>
<thead>
<tr>
<th>Type of document</th>
<th>Form Number</th>
<th>Colour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original</td>
<td>Form number 1</td>
<td>White with grey guilloche</td>
</tr>
<tr>
<td>Copy for the holder</td>
<td>Form number 2</td>
<td>Yellow</td>
</tr>
<tr>
<td>Copy for the exporting or re-exporting country (only in the case of specimens of CITES Appendix I-listed species)(^{43})</td>
<td>Form number 3</td>
<td>Pale green</td>
</tr>
<tr>
<td>Copy for the issuing authority</td>
<td>Form number 4</td>
<td>Pink</td>
</tr>
<tr>
<td>Application form</td>
<td>Form number 5</td>
<td>White</td>
</tr>
</tbody>
</table>

*Source: adapted from Regulation (EU) 792/2012.\n
*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\(^{43}\). 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)\(^{43}\) (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.

---

42 “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”).
43 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.
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

<table>
<thead>
<tr>
<th>Type of document*</th>
<th>Form Number</th>
<th>Colour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original</td>
<td>Form number 1</td>
<td>White</td>
</tr>
<tr>
<td>Copy for the importer</td>
<td>Form number 2</td>
<td>Yellow</td>
</tr>
</tbody>
</table>

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). 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 (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 CITES, an import permit must be issued by the country of import before an export permit can be issued by the relevant EU Member State.

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 before an export permit can be issued by the relevant EU Member State.

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) 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.

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48 If a Party to CITES.
49 Article 5 Regulation (EC) No 338/97.
50 If a Party to CITES.
51 Article 5 Regulation (EC) No 338/97.
52 As of January 2015.
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

<table>
<thead>
<tr>
<th>Type of document*</th>
<th>Form Number</th>
<th>Colour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original</td>
<td>Form number 1</td>
<td>White with grey guilloche</td>
</tr>
<tr>
<td>Copy for the holder</td>
<td>Form number 2</td>
<td>Yellow</td>
</tr>
<tr>
<td>Copy for return by Customs to the issuing authority</td>
<td>Form number 3</td>
<td>Pale green</td>
</tr>
<tr>
<td>Copy for the issuing authority</td>
<td>Form number 4</td>
<td>Pink</td>
</tr>
<tr>
<td>Application form</td>
<td>Form number 5</td>
<td>White</td>
</tr>
</tbody>
</table>

*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. 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 (see Section 3.5.7).  

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):

- 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;
- Management Authorities are required to issue permits within one month from the date of submission of a full application;
- permit issuance may take longer where third parties, such as the country of origin or the Scientific Authority of the Member State of destination, need to be consulted, and
- the applicant must be informed of significant delays.

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55 Articles 4(1) and (2) Regulation (EC) No 338/97  
56 Article 13(1) Regulation (EC) No 865/2006  
57 Article 8(3) Regulation (EC) No 865/2006  
58 Article 8(3) Regulation (EC) No 865/2006  
59 Article 8(3) Regulation (EC) No 865/2006
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

Note that specimens shall not be authorised to be assigned to a Customs procedure until the necessary documents have been presented\(^{60}\) (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\(^ {61}\) (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\(^ {62}\) in typescript or legibly in manuscript (ink and block capitals)\(^ {63}\). Erasures and alterations in the application form should be avoided as much as possible\(^ {64}\). The application form may relate to more than one shipment of specimens\(^ {65}\), however each shipment of specimens (shipped together as part of one load) will require a separate import permit\(^ {66}\). Where a shipment contains more than one species, the applicant must obtain and complete additional annex forms that will be attached to the permit\(^ {67}\).

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\(^{60}\) Article 13(2) Regulation (EC) No 865/2006
\(^{61}\) Article 20(1) Regulation (EC) No 865/2006
\(^{62}\) As above.
\(^{63}\) Article 4(1) Regulation (EC) No 865/2006
\(^{64}\) Article 4(2) Regulation (EC) No 865/2006
\(^{65}\) Article 20(1) Regulation (EC) No 865/2006
\(^{66}\) Article 9 Regulation (EC) No 865/2006
\(^{67}\) Article 6(2) Regulation (EC) No 865/2006
If the **full set of forms is to be completed**, the importer must fill in **boxes 1, 3 to 6 and 8 to 23 of the application form**, and **boxes 1, 3, 4, 5 and 8 to 22 of the original and all copies**. This must be done in **typescript** and not by hand. 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. A **separate set** of forms must be completed for each shipment of specimens shipped together as part of one load. Where shipments contain **more than one species**, forms for an **annex** must be obtained and completed.

Special **codes** and **standard references** must be used when filling the information in permits and certificates - 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).

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.

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

The 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 (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**.

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

Permits may be issued in paper format or in electronic format.

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69 Article 4(2) Regulation (EC) No 865/2006
70 Articles 9 and 20(1) Regulation (EC) No 865/2006
71 Article 6(2) Regulation (EC) No 865/2006
72 Article 5 Regulation (EC) No 865/2006
73 Article 20(2) Regulation (EC) No 865/2006
74 Article 6(1) Regulation (EC) No 865/2006
75 Article 20(2) Regulation (EC) No 865/2006
76 Article 4(1)(b) Regulation (EC) No 338/97
77 Article 8(1) Regulation (EC) No 865/2006
**Figure 2: Annotated import permit form**

**EUROPEAN UNION**

1. Exporter/Re-exporter

2. Last day of validity:

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.

Name of issuing official:

26. Bill of Lading / Air Waybill Number:

Place and date of issue:

27. For customs use only

<table>
<thead>
<tr>
<th>Customs document Type:</th>
<th>Signature and official stamp:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity / net mass (kg) actually imported or (re)-exported</td>
<td>Number:</td>
</tr>
<tr>
<td>Number of animals dead on arrival</td>
<td>Date:</td>
</tr>
</tbody>
</table>

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.


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.\(^{78}\)

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.\(^{79}\) 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.\(^{80}\) 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.\(^{81}\) 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.\(^{82}\)

For Appendix III-listed species, where export is from the country having listed the species in Appendix III, an export permit is required.\(^{83}\) Where export is from any other country, a certificate of origin is sufficient.\(^{84}\) However, for re-exported specimens of Appendix III-listed species, a re-export certificate will be needed.\(^{85}\)

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78 Article 4(1)(b) Regulation (EC) No 338/97
79 Article 4(1)(b)(ii) Regulation (EC) No 338/97
80 Article 21 Regulation (EC) No 865/2006
81 Article 7(2) Regulation (EC) No 865/2006
82 Article 7(5) Regulation (EC) No 865/2006
83 Article 4(3)(a) Regulation (EC) No 338/97
84 Article 4(3)(b) Regulation (EC) No 338/97
85 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\textsuperscript{86}. Especially, this should be applied when timber and the 
“EU Timber Regulation”\textsuperscript{87} (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\textsuperscript{88} 
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\textsuperscript{89}.

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\textsuperscript{90} (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\textsuperscript{91}, 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\textsuperscript{92}.

Some specimens intended for import into the EU\textsuperscript{93} must be marked in accordance with Article 66(6) 
of Regulation (EC) No 865/2006 (see Section 6).

\textsuperscript{86} Article 7(6) Regulation (EC) No 865/2006
\textsuperscript{88} 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.
\textsuperscript{89} Article 7(3) Regulation (EC) No 865/2006
\textsuperscript{90} 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.
\textsuperscript{91} Articles 4(1)(a)(i) and 4(2)(c) Regulation (EC) No 338/97
\textsuperscript{92} Paragraph (3) of Recitals to Regulation (EU) No 2015/870 and Article 7(6) Regulation (EC) No 865/2006
\textsuperscript{93} 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\(^{94}\).

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\(^{95}\).

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**\(^{96}\). 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**\(^{97}\) **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**\(^{98}\) 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**\(^{99}\).

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**).

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\(^{94}\) 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.

\(^{95}\) Articles 4(1)(c) and 4(2)(b) Regulation (EC) No 338/97

\(^{96}\) OJ No. L 3 of 5.1.2005, p.1

\(^{97}\) International Air Transport Association (IATA)


\(^{99}\) 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.

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. 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. 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. 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.). (See Section 3.5.5 for similar information on (re-)exports.)

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100 Article 6(1) and (2) Regulation (EC) No 338/97
101 Article 20a Regulation (EC) No 865/2006
102 Article 20(3) of Regulation (EC) No 865/2006
103 Article 8(1) Regulation (EC) No 865/2006
104 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)\(^{105}\).

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**\(^{106}\).

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\(^ {107}\). Unused permits must also be returned to the Management Authority\(^ {108}\).

Exceptionally, documents may be issued **retrospectively**\(^ {109}\) (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)\(^ {110}\):

- 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,

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\(^{105}\) Article 10(2) Regulation (EC) No 865/2006
\(^{106}\) Article 14 Regulation (EC) No 865/2006
\(^{107}\) Article 12(1) Regulation (EC) No 865/2006
\(^{108}\) Article 10(6) Regulation (EC) No 865/2006
\(^{109}\) Article 15(1) Regulation (EC) No 865/2006
\(^{110}\) Articles 22 Regulation (EC) No 865/2006
considering any extenuating circumstances or documents, to determine the acceptability of the document.\textsuperscript{111}

The Customs office shall carry out the \textbf{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 \textit{original} and the \textit{“copy for the holder”}, returns the \textit{latter to the importer} (for later proof of legal importation) and sends the \textit{original} - together with the document from the (re-)exporting country - to the \textbf{Management Authority of their country}\textsuperscript{112}. This Management Authority must then, in turn, forward the documentation to the \textbf{Management Authority of the Member State which has issued the permit} (if different)\textsuperscript{113}. 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 \textbf{number of dead animals} in the shipment at the time of arrival (see \textbf{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\textsuperscript{114}.

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. \textbf{Until the necessary documents are available, specimens shall not be authorised to be assigned to a Customs procedure}\textsuperscript{115} (see also Section 9).

\textbf{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 \textit{“copy for the holder”} of the import document (yellow document). This document can be used for \textbf{later proof of legal importation} into the EU, which \textbf{may be required for internal trade or subsequent re-exports} from the EU (see Section 3.5 and 4.5).

\begin{itemize}
\item \textsuperscript{111} Article 7(5) Regulation (EC) No 865/2006
\item \textsuperscript{112} Articles 23 and 45(1) Regulation (EC) No 865/2006
\item \textsuperscript{113} Article 45(2) Regulation (EC) No 865/2006
\item \textsuperscript{114} For example, see Article 4(6)(c) Regulation (EC) No 338/97
\item \textsuperscript{115} Article 13(2) Regulation (EC) No 865/2006
\end{itemize}
The copy for the holder shall cease to be valid as proof of legal importation when:

- 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.

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.

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;118
- 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;119 or
- if it concerns live specimens of species that present an ecological threat to wild species of fauna and flora indigenous to the EU - 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).121

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:

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118 Article 4(6)(a) and (b) Regulation (EC) No 338/97.
• 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) 122.

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** 123

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 124, 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).

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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\(^\text{125}\) (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\(^\text{126}\)**

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\(^\text{127}\).

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

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\(^\text{125}\) Article 6(1) Regulation (EC) No 338/97.

\(^\text{126}\) Article 4(1)(a)(i) and Article 4(2)(a) Regulation (EC) No 338/97; Article 17(2) Regulation (EC) No 338/97.

\(^\text{127}\) 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\textsuperscript{128}

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).

\textsuperscript{128} Article 4(6) Regulation (EC) No 338/97.
Step 4: Establishment of an official import restriction

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 2015/736 of 7 May 2015 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.

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).

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129 As above.
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.

At National level

Scientific Authority (SA) makes a decision on whether or not to allow an import based on non-detriment finding under Article 4(1)(a)(i) or 4(2)(a) of Regulation (EC) No 338/97

SA to check if there is an existing SRG Opinion. If so, this existing SRG Opinion will be followed unless circumstances have changed or additional information has become available.

SA positive advice = imports can take place

SA negative advice = imports cannot be allowed

The Management Authority rejects import application and informs the Commission

At EU level

SRG examines scientific issues (e.g. by regular review of trade levels for species/country combinations or levels of voluntary export quota)

The Commission notifies other EU Member States and the issuance of import permits is put on hold (where there is not yet a Negative Opinion of the SRG in place)

Consultation with SRG on this SA opinion (either by post or in meeting)

"No Opinion" by SRG

SA negative advice confirmed by SRG = SRG Negative Opinion

SA negative advice not confirmed by SRG = SRG Positive Opinion

Included in Species+ website at http://www.speciesplus.net/

SRG Negative Opinion:
The Commission may consult affected Range State about establishing an import restriction under Article 4(6) of Regulation (EC) No 338/97

Third country reply: when restriction NOT supported = issue referred back to SRG

Negative opinion reversed into a SRG Positive Opinion: imports can be allowed

SRG Negative Opinion confirmed

Third country reply: restriction supported

Legally binding import prohibition established and published in Official Journal of the European Union as “Suspension Regulation”
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:

- 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/.

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

<table>
<thead>
<tr>
<th>Annex</th>
<th>Conditions[^132]</th>
</tr>
</thead>
</table>
| A     | • 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).[^133]  

[^132]: For marking requirements, see Section 6.  
[^133]: 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.
<table>
<thead>
<tr>
<th>Annex</th>
<th>Conditions</th>
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</thead>
<tbody>
<tr>
<td>A</td>
<td>B*</td>
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<tr>
<td></td>
<td>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).</td>
</tr>
</tbody>
</table>

**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.

<table>
<thead>
<tr>
<th>A</th>
<th>B*</th>
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<tbody>
<tr>
<td></td>
<td>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).</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>A</th>
<th>B*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>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.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>A</th>
<th>B*</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>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).</td>
</tr>
</tbody>
</table>

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\(^{135}\) (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\(^{136}\). For Appendix III-listed species, where export is from the country having listed the species in Appendix III, an export permit is required\(^{137}\). Where export is from any other country, a certificate of origin is sufficient\(^{138}\). However, for re-exported specimens of Appendix III-listed species, a re-export certificate will be needed\(^{139}\).

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\(^{134}\) For marking requirements, see Section 6.

\(^{135}\) Articles 4(3) and 4(4) Regulation (EC) No 338/97.


\(^{137}\) Article 4(3)(a) Regulation (EC) No 338/97.


\(^{139}\) 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. 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.141

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 plants142 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.143

141 Article 7(5) Regulation (EC) No 865/2006
143 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. 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).

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### Figure 5: Annotated import notification form

<table>
<thead>
<tr>
<th>Form Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Description of specimens (incl. source code and (re-)export document number for CITES Appendix III species)</td>
</tr>
<tr>
<td>B</td>
<td>Description of specimens (incl. (re-)export document number for CITES Appendix III species)</td>
</tr>
<tr>
<td>C</td>
<td>Description of specimens (incl. (re-)export document number for CITES Appendix III species)</td>
</tr>
<tr>
<td>D</td>
<td>Description of specimens (incl. (re-)export document number for CITES Appendix III species)</td>
</tr>
<tr>
<td>E</td>
<td>Description of specimens (incl. (re-)export document number for CITES Appendix III species)</td>
</tr>
<tr>
<td>F</td>
<td>Description of specimens (incl. (re-)export document number for CITES Appendix III species)</td>
</tr>
</tbody>
</table>

|-----------------|--------------------------|-------------------|----------------------|--------------------------|------------------------------------------------|----------------|-------------|-----------------------------|-----------------|---------------------------|-------------|


For specimens above which are of species listed in Appendix III to CITES, I attach the necessary documents from the (re-)exporting country.

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\(^{145}\).

A **re-export certificate** is required for specimens of species that were **previously imported** into the EU\(^{146}\).

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\(^{147}\).
- 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**\(^{148}\).
- 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\(^{149}\).
- The applicant must be **informed** of significant delays\(^{150}\).

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\(^{145}\) Article 5 **Regulation (EC) No 338/97.**  
\(^{146}\) As above.  
\(^{147}\) Article 8(3) **Regulation (EC) No 865/2006.**  
\(^{148}\) Article 26(10) **Regulation (EC) No 865/2006.**  
\(^{149}\) Article 13(1) **Regulation (EC) No 865/2006.**  
\(^{150}\) 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\(^{151}\). 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\(^{152}\).

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)\(^{153}\). Erasures and alterations are to be avoided\(^{154}\). Although each shipment of specimens requires a separate (re-)export document, the application form may relate to more than one shipment\(^{155}\). Where a shipment contains more

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\(^{151}\) Article 13(2) Regulation (EC) No 865/2006
\(^{152}\) Article 26(1) Regulation (EC) No 865/2006
\(^{153}\) Article 4(1) Regulation (EC) No 865/2006
\(^{154}\) Article 4(2) Regulation (EC) No 865/2006
\(^{155}\) 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.\textsuperscript{156}

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.\textsuperscript{157} 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.\textsuperscript{158}

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, \textit{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.\textsuperscript{159} 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 \textit{Table 10} on exports, and \textit{Table 11} on re-exports).\textsuperscript{160}

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).\textsuperscript{161}

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

\begin{footnotesize}
\begin{itemize}
\item Article 6(2) Regulation (EC) No 865/2006
\item Article 4(1) Regulation (EC) No 865/2006
\item Article 4(2) Regulation (EC) No 865/2006
\item Article 5(2)(b) Regulation (EC) No 338/97
\end{itemize}
\end{footnotesize}
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. 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.

162 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

<table>
<thead>
<tr>
<th>1. Exporter/Re-exporter</th>
<th>PERMIT/CERTIFICATE</th>
<th>No. Unique number to be attributed by the issuing authority</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>IMPORT</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>X</strong> EXPORT</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(X) RE-EXPORT</td>
<td></td>
</tr>
<tr>
<td></td>
<td>OTHER:</td>
<td></td>
</tr>
</tbody>
</table>

| 2. Last day of validity: |

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

<table>
<thead>
<tr>
<th>3. Importer</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>4. Country of (re)-export</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>5. Country of import</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>6. Authorized location for live specimens of Annex A species</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>7. Issuing Management Authority</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>8. Description of specimens (incl. marks, sex/date of birth for live animals)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>9. Net mass (kg)</th>
<th>10. Quantity</th>
</tr>
</thead>
</table>

|-------------------|--------------|------------|-------------|

<table>
<thead>
<tr>
<th>15. Country of origin</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>16. Permit No</th>
<th>17. Date of issue</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>18. Country of last re-export</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>19. Certificate No</th>
<th>20. Date of issue</th>
</tr>
</thead>
</table>

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 to be surrendered to the border customs office of introduction.

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

Name of issuing official:

Place and date of issue:

26. Bill of Lading / Air Waybill Number:

27. For customs use only

<table>
<thead>
<tr>
<th>Quantity / net mass (kg)</th>
<th>Number of animals dead on arrival</th>
<th>Number of animals actually imported or (re)-exported</th>
<th>Customs document Type:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Number:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Date:</td>
</tr>
</tbody>
</table>

Reference Guide to the European Union Wildlife Trade Regulations
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.


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.

1. **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 purposes163 (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 effect164 - this is explained in more detail in Section 3.3.3.

Certain specimens need to be marked before (re-)export165 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 plants166 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 Regulations167.

The omission of information from the application must be justified168.

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163 Article 5(2)(c)(ii) Regulation (EC) No 338/97
164 Articles 5(2)(a) and 5(4) Regulation (EC) No 338/97
165 Article 26(4) and Article 65 Regulation (EC) No 865/2006
167 Annex I, Chapter II (paragraph 4.1)
168 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. 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. 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. 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.).

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

169 Article 26a of Regulation (EC) No 865/2006
170 Article 26(3) of Regulation (EC) No 865/2006
171 Article 8(1) Regulation (EC) No 865/2006
172 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\textsuperscript{173}.

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).\textsuperscript{174}

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.\textsuperscript{175}

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.\textsuperscript{176} 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.\textsuperscript{177} 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.\textsuperscript{178} 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.

\textsuperscript{173} Article 10(2) Regulation (EC) No 865/2006
\textsuperscript{174} Article 10(6) Regulation (EC) No 865/2006
\textsuperscript{175} Article 12 Regulation (EC) No 865/2006
\textsuperscript{176} Articles 27 Regulation (EC) No 865/2006
\textsuperscript{177} Articles 28 and 45 Regulation (EC) No 865/2006
\textsuperscript{178} 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 (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

<table>
<thead>
<tr>
<th>Annex</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>A*</td>
<td>B* C*</td>
</tr>
<tr>
<td></td>
<td>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).</td>
</tr>
<tr>
<td>A</td>
<td>B C</td>
</tr>
<tr>
<td></td>
<td>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).</td>
</tr>
<tr>
<td>A</td>
<td>B C</td>
</tr>
<tr>
<td></td>
<td>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).</td>
</tr>
<tr>
<td>A*</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>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).</td>
</tr>
<tr>
<td>A</td>
<td>B C</td>
</tr>
<tr>
<td></td>
<td>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).</td>
</tr>
</tbody>
</table>

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).

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179 Article 13(2) Regulation (EC) No 865/2006
180 For marking requirements (see Section 6).
181 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

<table>
<thead>
<tr>
<th>Annex</th>
<th>A</th>
<th>B</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Management Authority is satisfied with <strong>preparation for shipment and transport arrangements</strong> (Articles 5(2)(c)(i), 5(3) and 5(4) Regulation (EC) No 338/97).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A*</td>
<td>The Management Authority is satisfied that specimens will <strong>not be used for primarily commercial purposes</strong> 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).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| A     | The Management Authority is satisfied that 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     | 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*: 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).

182 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” 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\(^{183}\).

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\(^ {184}\). 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.

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183 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).

184 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\(^\text{185}\) (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\(^\text{186}\):

- 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

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\(^{186}\) 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:
  o to prevent deleterious inbreeding (in which case the amount of the new addition must be determined by the need for new material);
  o to dispose of confiscated specimens; or
  o exceptionally, for use as breeding stock.

• the breeding stock has either:
  o itself produced second or subsequent generation offspring (so-called F2, F3 and so on) in a controlled environment, or otherwise; or
  o 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:

• 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.);

• 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

• Trees of agarwood-producing taxa grown in cultivation such as:
  (a) gardens (home and/or community garden);

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188 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).
189 Plantations containing one species.
(b) state, private or community production plantations, either monospecific or mixed species.\(^{190}\)

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.\(^{191}\) 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 Annex A-listed plants, phytosanitary certificates may be used instead of import permits or export permits.\(^{193}\)

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.\(^{194}\)

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.\(^{195}\)

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192 See Section 2.2.6.
194 Article 17(2) Regulation (EC) No 865/2006
195 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)\textsuperscript{196}, 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\textsuperscript{197} must be included in these pre-issued certificates:

\textit{PERMIT VALID ONLY FOR ARTIFICIALLY PROPAGATED PLANTS AS DEFINED BY CITES RESOLUTION CONF. 11.11 (Rev. CoP16). 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\textsuperscript{198}. 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\textsuperscript{199}. 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\textsuperscript{200} (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 final destination and the CITES Secretariat are provided with all relevant information on the shipment as soon as possible.

\textsuperscript{196} Guidelines for the registration of nurseries exporting artificially-propagated specimens of Appendix I-listed species.
\textsuperscript{197} Article 29 Regulation (EC) No 865/2006.
\textsuperscript{198} Article 7(2)(a) Regulation (EC) No 338/97
\textsuperscript{199} Article 7(2)(b) Regulation (EC) No 338/97
\textsuperscript{200} Article 7(2)(c) Regulation (EC) No 338/97.
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 1947201), are considered antiques and are exempted from some of the controls that govern other types of specimens202.

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)203.

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 March 1947.

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

201 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).
The European Commission has, in cooperation with the competent CITES Management Authorities of the EU Member States, compiled and published guidance on ‘worked specimens’\(^{204}\), which aims to assist EU Member States and stakeholders in assessing what may or may not qualify as a ‘worked 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\(^{205}\).

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\(^{206}\).

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\(^{207}\). In addition, evidence must be presented that:

\(^{204}\) http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XC0517(02)&from=EN
\(^{205}\) Articles 4(1) and 4(5) Regulation (EC) No 338/97.
\(^{206}\) Article 4(5)(a) Regulation (EC) No 338/97.
• for exports, confirms that the specimens were acquired before 3 March 1947; or
• 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\(^{208}\) (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\(^{209}\).

For internal trade in worked specimens, see Section 4.2.

### 3.6.4 What about trade in “pre-Convention” specimens?

#### Export or re-export from the EU

1. **Legal basis**

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:

> “2. Where a Management Authority of the State of export or re-export is satisfied that a specimen was acquired before the provisions of the present Convention applied to that specimen, the provisions of Articles III, IV and V shall not apply to that specimen where the Management Authority issues a certificate to that effect”.

This exemption has been transposed (with a slightly different wording) into Regulation (EC) No 338/97 through Article 5(6)(ii) of Regulation 338/97, which states that export permits or re-export certificates can be issued without the production of a Non-detriment finding and for commercial purposes for:

> “dead specimens and parts and derivatives thereof for which the applicant provides documentary evidence that they were legally acquired before the provisions of this Regulation, or of Regulation (EEC) No 3626/82 or of the Convention became applicable to them”.

The implementation of this provision (both under CITES and the EU Wildlife Trade Regulations) has given rise to uncertainties over interpretation. CITES Resolution Conf. 13.6 (Rev. CoP16)\(^{210}\) was published in order to remove any ambiguity on how these CITES provisions should be interpreted. In particular, with regards to how the terms when "the provisions of the present Convention applied to that specimen" should be interpreted, it recommends that

\(^{207}\) Article 5(2)(b) and (d) Regulation (EC) No 338/97
\(^{208}\) Article 5(3) Regulation (EC) No 338/97
\(^{209}\) Articles 5(6)(i) and 5(2)(c)(ii) Regulation (EC) No 338/97
a. the date from which the provisions of the Convention apply to a specimen be the date on which the species concerned was first included in the Appendices

Commission Regulation 865/2006 incorporated this definition of "pre-Convention" into EU in its Article 1(10), through Commission Regulation (EC) No 100/2008 of 4 February 2008211 (recital 4 of this Regulation stating that the provisions of CITES Resolution 13.6 (Rev. CoP16) should be implemented in EU law).

Article 5(6)(ii) of Regulation 338/97 should therefore be interpreted in the same way, i.e. the date when a species was first included in one of the CITES Appendices should be the reference to determine from when the provisions of the Convention/Regulations became applicable to dead specimens, parts and derivatives subject to an application for export or re-export documents.

This is also consistent with the definition of "pre-Convention specimen", which, according to Article 1(10) of Commission Regulation 865/2006, "means a specimen acquired before the species concerned was first included in the Appendices to the Convention".

2. Practical considerations

In line with the "background information" above, 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 Regulations212 became applicable to them.

In the case of dead Annex A specimens (as well as parts and derivatives) which fulfil the “pre-Convention” 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)213. 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-)export214.

The main rationale for the inclusion of the 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 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” criteria as an export permit can be issued in such cases without reference to the Scientific Authority for advice (as above for Annex A specimens)\(^{215}\). The Scientific Authority’s advice on non-detriment does not need to be sought for re-exports of dead Annex B and C specimens\(^{216}\). 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.

**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\(^{217}\).

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\(^{215}\) Article 5(6)(ii) Regulation (EC) No 338/97
\(^{216}\) Article 5(6) Regulation (EC) No 338/97
\(^{217}\) Article 4(5) Regulation (EC) No 338/97
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. 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, taken by a traveller and imported into the EU at a later date (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, to the first import of specimens of Annex A-listed species by EU residents or to the first import of hunting trophies of certain Annex B-listed species/populations by EU residents (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

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219 For definition, see Annex III of this Guide.
220 Article 57(1) and 58(1) Regulation (EC) No 865/2006.
221 Article 58(2) Regulation (EC) No 865/2006
222 Article 57(2) Regulation (EC) No 865/2006
223 Article 57(3a) Regulation (EC) No 865/2006
for sale or transport for sale). 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.

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 (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.

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).

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224 Articles 57(1) and 58(1) Regulation (EC) No 865/2006.
225 Article 58a(1) Regulation (EC) No 865/2006
226 Article 58a(2) Regulation (EC) No 865/2006
228 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\(^{229}\) (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\(^{230}\) (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\(^{231}\), an import permit\(^{232}\).

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\(^{233}\):

- 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.

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\(^{229}\) Article 57(2) Regulation (EC) No 865/2006.
\(^{230}\) Article 57(3a) Regulation (EC) No 865/2006
\(^{231}\) For example, due to the fact that country is not a Party to CITES.
\(^{232}\) Article 57(3) Regulation (EC) No 865/2006
\(^{233}\) 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\textsuperscript{234}. 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\textsuperscript{235}.

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\textsuperscript{236}.

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\textsuperscript{237}. 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\textsuperscript{238}.

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\textsuperscript{239}:

\textsuperscript{234} Article 58(2) Regulation (EC) No 865/2006.
\textsuperscript{235} Article 58(3) Regulation (EC) No 865/2006.
\textsuperscript{236} Article 58(3) Regulation (EC) No 865/2006
\textsuperscript{237} 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
\textsuperscript{238} Article 58(3a) Regulation (EC) No 865/2006
\textsuperscript{239} 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 are\(^\text{240}\) 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)\(^\text{241}\). 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 derogation* for personal and household effects\(^\text{242}\). 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*\(^\text{243}\) (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-

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\(^{240}\) For definition, see Annex III of this Guide.

\(^{241}\) Article 57(1)(c) of Regulation (EC) No 865/2006

\(^{242}\) Article 57(3a) Regulation (EC) No 865/2006.

\(^{243}\) Paragraph (3) of Recitals to Regulation (EU) 2015/870
products\textsuperscript{244} 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.

\textbf{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.

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

<table>
<thead>
<tr>
<th>Annex/Article</th>
<th>Import into and/or export from EU</th>
<th>EU residents</th>
<th>Non-EU residents</th>
</tr>
</thead>
<tbody>
<tr>
<td>A 57(2)</td>
<td>Introduction (1st import into the EU)</td>
<td>• Export permit (issued by country of origin of specimen)* AND • Import permit (issued by an EU Member State)</td>
<td>• Export permit (only if required by national legislation of third country)</td>
</tr>
<tr>
<td>A 57(4)</td>
<td>Re-introduction (returning again to the EU)</td>
<td>• “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).</td>
<td>• Export permit (only if required by national legislation of third country)</td>
</tr>
<tr>
<td>A 58(2)</td>
<td>Export (originally acquired in the EU)</td>
<td>• Export permit (issued by an EU Member State) AND • Import permit (issued by country of destination)**.</td>
<td>• Export permit (issued by an EU Member State) AND • Import permit (issued by country of destination)**.</td>
</tr>
<tr>
<td>A 58(3)</td>
<td>Re-export (previously introduced into the EU)</td>
<td>• “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).***</td>
<td>• 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)245.</td>
</tr>
<tr>
<td>B 57(3)</td>
<td>Introduction (1st import into the EU)</td>
<td>• Export permit (issued by country of origin of specimen)*, ****, *****</td>
<td>• Export permit (only if required by national legislation of third country)</td>
</tr>
</tbody>
</table>

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245 Article 58(3a) Regulation (EC) No 865/2006
<table>
<thead>
<tr>
<th>Annex</th>
<th>Article</th>
<th>Import into and/or export from EU</th>
<th>EU residents</th>
<th>Documents Required: Issued before travelling and presented to Customs officer</th>
<th>Non-EU residents</th>
<th>Documents Required: Issued before travelling and presented to Customs officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>57(4)</td>
<td>Re-introduction (returning again to the EU)</td>
<td>&quot;Copy for the holder&quot; 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). ****</td>
<td>Export permit (only if required by national legislation of third country)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>58(2)</td>
<td>Export (originally acquired in the EU)</td>
<td>Export permit (issued by an EU Member State). ****</td>
<td>Export permit (issued by an EU Member State). ****</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>58(3)</td>
<td>Re-export (previously introduced into the EU)</td>
<td>&quot;Copy for the holder&quot; 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). ***, ****</td>
<td>No permit, certificate or notification required. ***, ****</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**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 XII 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 8) 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. 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.

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246 Article 52(1) Regulation (EC) No 865/2006
247 Article 52(2) Regulation (EC) No 865/2006
Figure 8: 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 No:

4. To (full name and address):

5. Registration No:

Label No:

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

| Registration No of sender |
| Registration No of recipient |

Contents:

Label No:
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.248

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.249

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.250

The container in which biological samples are shipped must also bear a label that specifies “CITES Biological Samples” and the CITES document number.251

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 certificates252, provided that such trade is otherwise in accordance with Article 5(4) and Article 5(5) of Regulation (EC)
No 338/97\textsuperscript{253} (provisions on export and re-export). The Scientific Authority must also advise that such export/re-export will \textbf{not be detrimental} to the conservation status of the species concerned\textsuperscript{254}.

Only \textbf{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\textsuperscript{255}.

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 \textbf{specific information} on the permit/certificate \textbf{into boxes 3, 5, 8 and 9 or 10}, provided that they:

\begin{itemize}
  \item[a)] sign the completed permit or certificate in \textbf{box 23};
  \item[b)] immediately \textbf{send a copy} of the permit or certificate to the \textbf{issuing Management Authority}, and
  \item[c)] \textbf{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.
\end{itemize}

\subsection*{3.6.9 Are there streamlined procedures for travelling exhibitions?}

\textbf{Travelling exhibition certificates}\textsuperscript{256} are used for specimens of species listed in the Annexes that are \textbf{frequently transported across borders} in order to be \textbf{displayed to the public} in travelling exhibitions.

A travelling exhibition is a \textbf{sample collection, circus, menagerie, plant exhibition, orchestra or museums exhibition} that is used for \textbf{commercial display for the public}\textsuperscript{257}.

A travelling exhibition certificate makes travelling with specimens of species listed in the Annexes of the EU Wildlife Trade Regulations much easier, because it \textbf{may be used more than once} providing that all the required conditions are met. Therefore, it \textbf{precludes} the need for application for \textbf{CITES permits} each time an international border is crossed, since it is accompanied by a \textbf{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 \textbf{Table 13}.

\begin{footnotesize}
\textsuperscript{253} Article 19(2) Regulation (EC) No 865/2006
\textsuperscript{254} Article 19(1)(a) Regulation (EC) No 865/2006
\textsuperscript{255} Article 19(1)(b) Regulation (EC) No 865/2006
\textsuperscript{256} Articles 30 to 36 Regulation (EC) No 865/2006
\textsuperscript{257} Article 1(6) Regulation (EC) No 865/2006
\end{footnotesize}
Table 13: Documents required as part of a travelling exhibition certificate

<table>
<thead>
<tr>
<th>Type of document</th>
<th>Form Number</th>
<th>Colour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original</td>
<td>Form number 1</td>
<td>Yellow with grey guilloche</td>
</tr>
<tr>
<td>Issuing Management Authority</td>
<td>Form number 2</td>
<td>Pink</td>
</tr>
<tr>
<td>Application form</td>
<td>Form number 3</td>
<td>White</td>
</tr>
<tr>
<td>Continuation sheets &amp; labels</td>
<td></td>
<td>White</td>
</tr>
</tbody>
</table>

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 specimens”).

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

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 9.

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.

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258 Articles 2 and 3 Regulation (EU) No 792/2012  
259 Article 30(1) Regulation (EC) No 865/2006  
260 Article 30(2) Regulation (EC) No 865/2006  
261 Article 31 Regulation (EC) No 865/2006  
263 Article 32(2) Regulation (EC) No 865/2006
Figure 10 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 exhibition264.

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 EU265.

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 country266.

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 10 and 11 of this Guide.

**Travelling exhibition certificates** issued by an EU Management Authority are valid for three years267 (see Section 8.2)

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266 Article 33(2) Regulation (EC) No 865/2006
267 Article 10(3) Regulation (EC) No 865/2006
Figure 9: Steps involved in the application and issuance of a travelling exhibition certificate

<table>
<thead>
<tr>
<th>APPLICANT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The applicant completes box 3 and boxes 9 to 18 of the Application Form.</td>
</tr>
<tr>
<td>2. The applicant also completes box 3 and boxes 9 to 18 of the original and all copies of the certificate, if required by the Management Authority.</td>
</tr>
<tr>
<td>3. The applicant then submits documents to the Management Authority.</td>
</tr>
<tr>
<td>4. If the exhibition originates from a third country, the forms are submitted to the Management Authority in the first country of destination in the EU, together with equivalent documentation from the country of export.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MANAGEMENT AUTHORITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Issues travelling exhibition certificate when all conditions have been met and all documents verified.</td>
</tr>
<tr>
<td>2. Returns completed documents to the applicant (now the certificate holder).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CERTIFICATE HOLDER (FORMER APPLICANT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>When crossing international border into or out of the EU, the holder shall present to Customs for verification:</td>
</tr>
<tr>
<td>1. the original certificate (Form 1);</td>
</tr>
<tr>
<td>2. the original and a copy (photocopy) of the continuation sheet; and</td>
</tr>
<tr>
<td>3. equivalent documentation (if the exhibition originated from a third country) as well as the above documents.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CUSTOMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upon verification of the documents, Customs forwards the endorsed original and endorsed copies to the Management Authority and to the holder, as set out below.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CITES MANAGEMENT AUTHORITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receives from Customs an endorsed copy of the continuation sheet after every border crossing.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HOLDER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receives endorsed original certificate and endorsed original continuation sheet.</td>
</tr>
</tbody>
</table>
Figure 10: Travelling exhibition certificate

<table>
<thead>
<tr>
<th>EUROPEAN UNION</th>
<th>TRAVELLING-EXHIBITION CERTIFICATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Certificate No</td>
</tr>
<tr>
<td>3. Owner of specimen(s) (name, permanent address and country of registration)</td>
<td>4. Issuing management authority</td>
</tr>
<tr>
<td>Signature of owner</td>
<td></td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Various</td>
<td>Q</td>
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</table>

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

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<table>
<thead>
<tr>
<th>15. Country of origin</th>
<th>16. Permit No and date</th>
<th>17. Exhibition registration number</th>
<th>18. Date of acquisition (if specimen originated in a Member State of the Union)</th>
</tr>
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</table>

19. This certificate is issued by:

Place: __________________________  Date: __________________________  Signature and official seal: __________________________

20. Additional conditions

21. Customs endorsement (see Continuation sheet)
Figure 11: Continuation sheet for travelling exhibition, musical instrument and personal ownership certificates

<table>
<thead>
<tr>
<th>EUROPEAN UNION CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA</th>
<th>TRAVELLING-EXHIBITION CERTIFICATE PERSONAL OWNERSHIP CERTIFICATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONTINUATION SHEET</td>
<td>Page _____ of _____</td>
</tr>
</tbody>
</table>

1. Original certificate No

4. Issuing Management Authority

2. Security stamp No

3. Owner of specimen(s) (name, permanent address and country of registration)

<table>
<thead>
<tr>
<th>Customs office of Import</th>
<th>Date</th>
<th>Signature</th>
<th>Official stamp</th>
<th>Customs office of Import</th>
<th>Date</th>
<th>Signature</th>
<th>Official stamp</th>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

268 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\(^\text{269}\) 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\(^\text{270}\)

<table>
<thead>
<tr>
<th>Type of document</th>
<th>Form Number</th>
<th>Colour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original</td>
<td>Form number 1</td>
<td>White with grey guilloche</td>
</tr>
<tr>
<td>Copy for the holder</td>
<td>Form number 2</td>
<td>Yellow</td>
</tr>
<tr>
<td>Copy for return by Customs to the issuing authority</td>
<td>Form number 3</td>
<td>Pale green</td>
</tr>
<tr>
<td>Copy for issuing authority</td>
<td>Form number 4</td>
<td>Pink</td>
</tr>
<tr>
<td>Application form</td>
<td>Form number 5</td>
<td>White</td>
</tr>
<tr>
<td>Continuation sheets</td>
<td></td>
<td>White</td>
</tr>
</tbody>
</table>

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)\(^\text{271}\).

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.\(^\text{272}\) Musical instruments derived from an Annex A-listed species for which pre-Convention acquisition cannot be

\(^{269}\) Articles 44h to 44p Regulation (EC) No 865/2006
\(^{270}\) Articles 2 and 3 Regulation (EU) No 792/2012
\(^{271}\) Article 44h(1) Regulation (EC) No 865/2006
\(^{272}\) 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.  

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. Detailed steps regarding application and issuance of a musical instrument certificate are provided in Figure 12.

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.

The form is accompanied by a continuation sheet similar to that used with a travelling exhibition certificate (see Figure 11), that is endorsed by Customs whenever a border is crossed. Musical instrument certificates issued by an EU Management Authority are valid for three years (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:

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.

273 Article 44i Regulation (EC) No 865/2006
274 Article 44j(1) Regulation (EC) No 865/2006
275 Paragraph 8 of the Instructions and explanations to Annex I Regulation (EU) No 792/2012
277 Article 10(3) Regulation (EC) No 865/2006
278 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:

- **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. 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 (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 11**).

### 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).

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279 Article 44k Regulation (EC) No 865/2006  
280 Article 44k(c) Regulation (EC) No 865/2006  
281 Article 44n Regulation (EC) No 865/2006
Figure 12: Steps involved in the application and issuance of a musical instrument certificate

<table>
<thead>
<tr>
<th>APPLICANT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The applicant completes <strong>box 1, 4 and boxes 7 to 23</strong> of the <strong>Application Form</strong> (Form 5).</td>
</tr>
<tr>
<td>2. The applicant also completes <strong>box 1, 4 and boxes 7 to 22</strong> of the <strong>original and all copies</strong> of the certificate, if required by the Management Authority.</td>
</tr>
<tr>
<td>3. The applicant then submits the documents to the Management Authority of usual residence of the applicant, together with necessary information and documentary evidence that the authority deems necessary for it to determine whether a certificate should be issued. If the applicant is different from the legal owner, the full name and address of both the owner and the applicant should be included in the form and a copy of a loan agreement between owner and applicant should be provided to the issuing authority.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MANAGEMENT AUTHORITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Issues musical instrument certificate when all conditions have been met and all documents verified.</td>
</tr>
<tr>
<td>2. Returns completed documents to the holder (former applicant).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CERTIFICATE HOLDER (FORMER APPLICANT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>When crossing international border into or out of the EU, the holder shall present to Customs for verification:</td>
</tr>
<tr>
<td>1. the original certificate (Form 1);</td>
</tr>
<tr>
<td>2. the original and a copy (photocopy) of the continuation sheet.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CUSTOMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upon verification of the documents, Customs forwards the original and copies to the Management Authority and to the holder, as set out below.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CITES MANAGEMENT AUTHORITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receives from Customs an endorsed copy of the continuation sheet at each border crossing.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HOLDER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receives original certificate and endorsed original continuation sheet.</td>
</tr>
</tbody>
</table>
3.6.11 Are there simpler procedures for personally owned live animals (e.g. pets, etc.)?

Personal ownership certificates\(^{282}\) 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\(^{283}\).

A personal ownership certificate can only cover one specimen\(^{284}\).

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\(^{285}\).

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 13. The form is accompanied by a continuation sheet similar to that used with a travelling exhibition certificate\(^{286}\) (see Figure 11), that is endorsed by Customs whenever a border is crossed. Personal ownership certificates issued by an EU Management Authority are valid for three years\(^{287}\) (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\(^{288}\).

\(^{282}\) Articles 37 to 44 Regulation (EC) No 865/2006.
\(^{283}\) Article 37(1) Regulation (EC) No 865/2006
\(^{284}\) Article 37(2) Regulation (EC) No 865/2006
\(^{285}\) Article 38 Regulation (EC) No 865/2006
\(^{286}\) Annex IV Regulation (EU) No 792/2012
\(^{287}\) Article 10(3) Regulation (EC) No 865/2006
\(^{288}\) 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.\textsuperscript{289}

In box 23 of the personal ownership certificate, or in an appropriate annex to the certificate, the following text must be inserted\textsuperscript{290}:

\begin{quote}
Valid for multiple cross-border movements where the specimen is accompanied by its owner. Legal owner to retain original form.
\end{quote}

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\textsuperscript{291}.

\textbf{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\textsuperscript{292}.

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

\textsuperscript{289} Article 39(2) Regulation (EC) No 865/2006
\textsuperscript{290} Article 39(3) Regulation (EC) No 865/2006
\textsuperscript{291} Article 39(4) Regulation (EC) No 865/2006
\textsuperscript{292} 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. 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:

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

Specimens covered by a personal ownership certificate may not be used for commercial purposes. If the owner wishes to sell the specimen, 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 (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. 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 11).
Figure 13: Steps involved in the application and issuance of a personal ownership certificate

**APPLICANT**
1. The applicant completes **box 1, 4 and boxes 6 to 23** of the Application Form (Form 5).
2. The applicant also completes **box 1, 4 and boxes 6 to 22** of the original and all copies of the certificate, if required by the Management Authority.
3. The applicant then submits the documents to the Management Authority in which the specimen is located.
4. If the specimen originates from a **third country**, the forms are submitted to the Management Authority in the **first country of destination in the EU**, together with **equivalent documentation** issued by that third country.

**MANAGEMENT AUTHORITY**
1. Issues personal ownership certificate when all conditions have been met and all documents verified.
2. Returns completed documents to the holder (former applicant).

**CERTIFICATE HOLDER (FORMER APPLICANT)**
When crossing international border into or out of the EU, the holder shall present to Customs for verification:
1. the original certificate (Form 1);
2. the original and a copy (photocopy) of the continuation sheet, and
3. equivalent documentation (if the specimen originated from a third country).

**CUSTOMS**
Upon verification of the documents, Customs forwards the original and copies to the Management Authority and to the holder, as set out below.

**CITES MANAGEMENT AUTHORITY**
Receives from Customs an endorsed copy of the continuation sheet at each border crossing.

**HOLDER**
Receives endorsed original certificate and endorsed original continuation sheet.
3.6.12 Can travelling sample collections make use of simpler procedures?

Sample collection certificates\(^{298}\) may be issued in respect of sample collections, provided those collections are accompanied by a valid ATA carnet\(^{299}\).

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\(^{300}\). 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\(^{301}\):

- 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\(^{302}\) (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\(^{303}\). The following text should also be included in box 23 or in an appropriate annex to the certificate:

\[\text{For sample collection accompanied by ATA carnet No. xxx.}\]

\[\text{This certificate covers a sample collection and is not valid unless accompanied by a valid ATA carnet. This certificate is non-transferable. The}\]

\(\text{References}\)

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\(^{298}\) Articles 44a to 44g Regulation (EC) No 865/2006

\(^{299}\) 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).

\(^{300}\) Article 44a Regulation (EC) No 865/2006

\(^{301}\) Article 44b Regulation (EC) No 865/2006

\(^{302}\) Annex I Regulation (EU) No 792/2012

\(^{303}\) 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 14.

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.\textsuperscript{304}

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.\textsuperscript{305} 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):\textsuperscript{306}

\textit{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.\textsuperscript{307}

Sample collection certificates issued by an EU Management Authority are valid for six months.\textsuperscript{308}

\textsuperscript{304} Article 44c(1) Regulation (EC) No 865/2006
\textsuperscript{305} Article 44c(2) Regulation (EC) No 865/2006
\textsuperscript{306} Article 44d(5) Regulation (EC) No 865/2006
\textsuperscript{307} Article 44d Regulation (EC) No 865/2006
\textsuperscript{308} Article 10(3a) Regulation (EC) No 865/2006
Figure 14: Steps involved in the application and issuance of a sample collection certificate

<table>
<thead>
<tr>
<th>APPLICANT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The applicant completes <strong>boxes 1, 3, 4 and boxes 7 to 23</strong> of the Application Form (Form 5).</td>
</tr>
<tr>
<td>2. The applicant also completes <strong>boxes 1, 3, 4 and boxes 7 to 22</strong> of the original and all copies of the certificate, if required by the Management Authority. The entries in boxes 1 and 3 must be identical. The list of countries to be visited must be included in box 23.</td>
</tr>
</tbody>
</table>

*The applicant then submits documents to the Management Authority.*

<table>
<thead>
<tr>
<th>MANAGEMENT AUTHORITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Issues sample collection certificate when all conditions have been met and all documents verified.</td>
</tr>
<tr>
<td>2. Returns completed documents to the holder (former applicant).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CERTIFICATE HOLDER (FORMER APPLICANT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>When crossing international border into or out of the Union, the holder shall present to Customs for verification:</td>
</tr>
<tr>
<td>1. the <strong>original</strong> certificate (Form 1) and a copy thereof;</td>
</tr>
<tr>
<td>2. the <strong>original</strong> valid ATA carnet;</td>
</tr>
<tr>
<td>3. the <strong>copy for the holder</strong> (Form 2) and the <strong>copy for return to the issuing management authority</strong> (Form 3), and</td>
</tr>
<tr>
<td>4. equivalent documentation (if the collection originated from a third country).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CUSTOMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upon verification of documents and processing of the ATA carnet, Customs forwards the endorsed original and endorsed copies to the Management Authority and to the holder, as set out below.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CITES MANAGEMENT AUTHORITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receives from Customs the endorsed <strong>copy of the sample collection certificate</strong> at each border crossing. At the time of <strong>first export</strong> from the EU, receives from Customs the copy for return to the issuing Management Authority.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HOLDER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receives the endorsed <strong>original certificate</strong> and endorsed <strong>copy for the holder</strong>.</td>
</tr>
</tbody>
</table>
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 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.

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309 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. 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. 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.

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). 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).

310 Article 8(1) Regulation (EC) No 338/97
311 Article 8(1) Regulation (EC) No 338/97
312 Article 8(5) Regulation (EC) No 338/97
313 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. 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. 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

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314 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.

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\textsuperscript{316}. 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)\textsuperscript{317}

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\textsuperscript{318}

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 15) and on a case-by-case basis\textsuperscript{319}. 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\textsuperscript{320}.

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

\textsuperscript{316} Article 62(3) Regulation (EC) No 865/2006.
\textsuperscript{317} Article 62(4) Regulation (EC) No 865/2006
\textsuperscript{318} Article 62(5) Regulation (EC) No 865/2006
\textsuperscript{319} 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.
\textsuperscript{320} Article 59(1a) Regulation (EC) No 865/2006
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);

(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)\textsuperscript{321}; 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\textsuperscript{322};

[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\textsuperscript{323} 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\textsuperscript{324}.

(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)\textsuperscript{325};

(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)\textsuperscript{326}. 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\textsuperscript{327};

(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\textsuperscript{328}. 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)\textsuperscript{329};

(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

\textsuperscript{321} Article 8(3)(b) Regulation (EC) No 338/97
\textsuperscript{322} Article 62(3) Regulation (EC) No 338/97
\textsuperscript{323} Or ranched or captive-born, but not captive-bred.
\textsuperscript{324} Article 62(3) Regulation (EC) No 865/2006
\textsuperscript{325} Article 8(3)(c) Regulation (EC) No 338/97
\textsuperscript{326} Article 8(3)(d) Regulation (EC) No 338/97
\textsuperscript{327} Article 59(2) Regulation (EC) No 865/2006
\textsuperscript{328} Article 8(3)(e) Regulation (EC) No 338/97
\textsuperscript{329} Article 59(3) Regulation (EC) No 338/97
Scientific Authority, that the conditions are met (source is not restricted but the purpose is)\(^{330}\). 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\(^{331}\). 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\(^{332}\); 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\(^{333}\).

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.

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\(^{334}\). 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\(^{335}\).

\(^{330}\) 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.

\(^{331}\) Article 8(3)(g) Regulation (EC) No 338/97

\(^{332}\) Article 59(3) Regulation (EC) No 865/2006


\(^{334}\) Article 11(3) Regulation (EC) No 865/2006

\(^{335}\) 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. 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 15**) has **not changed**. 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**).  

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336 As above.
337 Article 11(2) Regulation (EC) No 865/2006
338 Article 48(2) Regulation (EC) No 865/2006
## Reference Guide to the European Union Wildlife Trade Regulations

### Figure 15: Annotated internal trade certificate form (Annex V Regulation (EU) No 792/2012)

<table>
<thead>
<tr>
<th>EUROPEAN UNION</th>
<th>CERTIFICATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Holder No.</td>
<td></td>
</tr>
<tr>
<td>2. Authorized location for live specimens of Annex A species</td>
<td>3. Issuing Management Authority</td>
</tr>
<tr>
<td>4. Description of specimens (incl. marks, sex/date of birth for live animals)</td>
<td>5. Net mass (kg)</td>
</tr>
<tr>
<td>6. Quantity</td>
<td></td>
</tr>
<tr>
<td>7. CITES Appendix</td>
<td>8. EU Annex</td>
</tr>
<tr>
<td>11. Permit No</td>
<td>12. Date of issue</td>
</tr>
<tr>
<td>13. Member State of import</td>
<td></td>
</tr>
<tr>
<td>14. Document No</td>
<td>15. Date of issue</td>
</tr>
<tr>
<td>16. Scientific name of species</td>
<td>17. Common name of species (if available)</td>
</tr>
<tr>
<td>18. It is hereby certified that the specimens described above:</td>
<td></td>
</tr>
<tr>
<td>a) were taken from the wild in accordance with the legislation in force in the issuing Member State</td>
<td></td>
</tr>
<tr>
<td>b) are abandoned or escaped specimens that were recovered in accordance with the legislation in force in the issuing Member State</td>
<td></td>
</tr>
<tr>
<td>c) are captive born-and-bred or artificially propagated specimens</td>
<td></td>
</tr>
<tr>
<td>d) were acquired in or introduced into the Union in compliance with the provisions of Council Regulation (EC) No 338/97</td>
<td></td>
</tr>
<tr>
<td>e) were acquired in or introduced into the Union before 1 June 1997 in accordance with Council Regulation (EEC) No 3626/82</td>
<td></td>
</tr>
<tr>
<td>f) were acquired in or introduced into the Union before 1 January 1984 in compliance with the provisions of CITES</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
<tr>
<td>19. This document is issued for the purpose of:</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
<tr>
<td>d) using the specimens for the advancement of science/breeding or propagation/research or education or other non-detrimental purposes</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
<tr>
<td>Certificate valid only for holder named in box 1 Yes ☐ No ☐</td>
<td></td>
</tr>
<tr>
<td>20. Special conditions</td>
<td></td>
</tr>
</tbody>
</table>

*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 |

Reference Guide to the European Union Wildlife Trade Regulations 107
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 15.)

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.


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

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


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) No 338/97 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_ zoos, botanical gardens, museums or similar establishments, which are considered to be “scientific institutions” 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. 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). 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. Pre-

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339 Meaning “authentic” or “true”.
340 The term “scientific institutions” is used more loosely here than for the circumstances where institutions can exchange labelled specimens (see Section 3.6.6).
341 Article 60 Regulation (EC) No 865/2006
342 Article 9(1) Regulation (EC) No 338/97
343 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.  

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. 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.

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 15) 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

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344 Article 63(3) Regulation (EC) No 865/2006
345 Article 63(1) Regulation (EC) No 865/2006
346 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)\(^{347}\).

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)\(^{348}\).

Certificates issued for that purpose shall state that specimens\(^{349}\):

(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\(^{350}\):

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

\(^{347}\) Articles 5(2)(b), 5(4) and 8(3)(h) Regulation (EC) No 338/97

\(^{348}\) Articles 5(3) and 5(4) Regulation (EC) No 338/97

\(^{349}\) Article 47 Regulation (EC) No 865/2006

\(^{350}\) 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)\(^\text{351}\).

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 15) 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\(^\text{352}\). 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>
<thead>
<tr>
<th>Type of document</th>
<th>Form Number</th>
<th>Colour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original</td>
<td>Form number 1</td>
<td>Yellow with grey guilloche</td>
</tr>
<tr>
<td>Copy for the issuing authority</td>
<td>Form number 2</td>
<td>Pink</td>
</tr>
<tr>
<td>Application</td>
<td>Form number 3</td>
<td>White</td>
</tr>
</tbody>
</table>

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351 Article 49 Regulation (EC) No 865/2006
352 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). Erasures and alterations should be avoided.

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

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

Instructions for completing the forms are 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.

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 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.

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353 Articles 50(1) and 4(1) Regulation (EC) No 865/2006
355 Article 50(1) Regulation (EC) No 865/2006
357 Article 4(2) Regulation (EC) No 865/2006
358 Article 6(1) Regulation (EC) No 865/2006
359 Article 50(2) Regulation (EC) No 865/2006
360 Or ranched, or captive born, but not meeting the full definition of captive-bred.
361 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. 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. The use of the document issued is without prejudice to other necessary formalities or provisions of related documents.

362 As above.
363 Article 8(1) Regulation (EC) No 865/2006
364 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 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.

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\textsuperscript{366}. For specimens of species listed in Annex A, other than those that fully meet the definitions of captive-bred or artificially propagated\textsuperscript{367}, 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\textsuperscript{368}. 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)\textsuperscript{369}. However, no such restrictions are in place at present: (http://www.unep-wcmc-apps.org/eu/Taxonomy/tradeRestSearch.cfm)\textsuperscript{370}.

\textsuperscript{366} Article 4(1)(c) and 4(2)(b) Regulation (EC) No 338/97
\textsuperscript{367} Article 7(1) Regulation (EC) No 338/97
\textsuperscript{368} Articles 9(1) and 9(2)(a) Regulation (EC) No 338/97
\textsuperscript{369} Article 4(6)(c) Regulation (EC) No 338/97
\textsuperscript{370} Commission Implementing Regulation (EU) No 2015/736 of 7 May 2015 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 (not required in the case of captive-bred or artificially propagated specimens). This authorisation is confirmed by the Management Authority by means of a certificate (Figure 15 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.

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.

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.

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.

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 (see Section 3.3.9). However, it has not exercised this power to date.

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371 Article 9(1) Regulation (EC) No 338/97
372 Article 7(1)(a) Regulation (EC) No 338/97
373 Article 9(2) Regulation (EC) No 338/97
374 Article 9(2)(a) Regulation (EC) No 338/97
375 Article 9(3) Regulation (EC) No 338/97
376 Article 9(4) Regulation (EC) No 338/97
377 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) or for the purposes of controlling trade to and from the EU (e.g. crocodilian skins and caviar). Specimens of species covered by certain certificates, such as specimen-specific certificates, travelling exhibition certificates and personal ownership certificates 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, 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. The full details of the mark have to be provided on the permit or certificate of the specimen.

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:

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379 Article 64(1)(e) and (g) Regulation (EC) No 865/2006
380 Article 111(3) Regulation (EC) No 865/2006
381 Article 33(1)(c) Regulation (EC) No 865/2006
383 Article 8(3) Regulation (EC) No 388/97
384 Articles 65(4), 33(1)(c) and 40(1)(d) Regulation (EC) No 865/2006
385 Article 68(2) Regulation (EC) No 865/2006
a) those derived from a captive-breeding operation\(^{386}\) that was approved by the Conference of the Parties to the Convention;
b) those derived from a ranching operation\(^{387}\) that was approved by the Conference of the Parties to the Convention;
c) specimens from a population of a species listed in Appendix I to the Convention for which an export quota has been approved\(^{388}\);
d) raw tusks of African elephant and cut pieces thereof that are both over 20 cm in length and 1 kg in weight\(^{389}\);
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\(^{390}\);
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\(^{391}\) that is imported into the EU.

For all commercial activities involving caviar, caviar containers shall be marked\(^{392}\) in accordance with the method approved or recommended by the Conference of the Parties to the Convention\(^{393}\). 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\(^{384}\). 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

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\(^{386}\) 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.

\(^{387}\) Marking requirements currently contained in Resolution Conf. 11.16 (Rev. CoP15).

\(^{388}\) 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 method for cheetah Acinonyx jubatus hunting trophies.

\(^{389}\) In Resolution Conf. 10.10 (Rev. CoP17).

\(^{390}\) In Resolution Conf. 11.12 (Rev. CoP15).

\(^{391}\) Article 66(6) Regulation (EC) No 865/2006

\(^{392}\) 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.

\(^{393}\) In Resolution Conf. 12.7 (Rev. CoP16).

\(^{394}\) 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\(^{395}\) (see Section 4.2 above).

- **For animal welfare reasons**\(^{396}\): 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\(^{397}\). 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**\(^{398}\).

### 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\(^{399}\).

- **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\(^{400}\).

The marking must be undertaken with **due regard** to the humane care, well-being and natural behaviour of the specimens concerned\(^{401}\). 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.

\(^{395}\) Article 62(1) Regulation (EC) No 865/2006  
\(^{396}\) See also Article 67 Regulation (EC) No 865/2006  
\(^{397}\) 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.  
\(^{398}\) Article 66(4) Regulation (EC) No 865/2006  
\(^{399}\) Article 66(2) Regulation (EC) No 865/2006  
\(^{400}\) Article 66(3) Regulation (EC) No 865/2006  
\(^{401}\) 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\textsuperscript{402}.

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.

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\textsuperscript{402} 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).

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.

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.

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.

403 Article 15(1) Regulation (EC) No 865/2006
404 Article 15(2) Regulation (EC) No 865/2006
405 Article 13(1) Regulation (EC) No 865/2006
406 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)\(^\text{407}\).

Retrospectively issued permits and re-export certificates must clearly indicate that they have been issued retrospectively and why\(^\text{408}\).

\(^{407}\) Article 15(3a) Regulation (EC) No 865/2006  
\(^{408}\) 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\(^\text{409}\). 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\(^\text{410}\).
- **Export permits/re-export certificates** (and the copy for the holder) issued by an EU Management Authority are valid for six months\(^\text{411}\).
- **Travelling exhibition certificates, personal ownership certificates** and musical instrument certificates issued by an EU Management Authority are valid for three years\(^\text{412}\).
- **Sample collection certificates** issued by an EU Management Authority are valid for six months\(^\text{413}\).

After their expiration, these documents shall be considered as void and are of no legal value whatsoever\(^\text{414}\).

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

\(^{409}\) Article 11(1) Regulation (EC) No 338/97
\(^{410}\) Article 10(1) Regulation (EC) No 865/2006
\(^{411}\) Article 10(2) Regulation (EC) No 865/2006
\(^{412}\) Article 10(3) Regulation (EC) No 865/2006
\(^{413}\) Article 10(3a) Regulation (EC) No 865/2006
\(^{414}\) 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\(^{415}\). 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\(^{416}\).

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\(^{417}\):
   - 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\(^{418}\).

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\(^{419}\), including for
   - specimens required under exceptional circumstances for the advancement of science or for
     essential biomedical purposes\(^{420}\),
   - specimens required for research, education, breeding or propogation purposes of benefit to
     the conservation of the species\(^{421}\), or
   - the exchange of specimens between designated scientific institutions under certificates
     issued in accordance with Article 60 of Regulation (EC) No 865/2006.

\(^{415}\) Article 10(1) and (2) Regulation (EC) No 865/2006
\(^{416}\) As above.
\(^{417}\) Article 11(1) and (2) Regulation (EC) No 865/2006
\(^{418}\) Article 10(5) Regulation (EC) No 865/2006
\(^{419}\) Article 11(4) Regulation (EC) No 865/2006
\(^{420}\) Article 48(1)(d) Regulation (EC) No 865/2006
\(^{421}\) 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. The issuing Management Authority may then, if appropriate, issue a new certificate reflecting any changes that may be required.

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. 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).

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. 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. 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.

Internal trade certificates can also be replaced if they have been cancelled, lost, stolen, destroyed.

A permit, notification or certificate that has been lost, stolen or destroyed can only be replaced by the authority that issued it. 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.
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:

- 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. Alternatively, in such cases, the Management Authority may decide to issue one or more corresponding internal trade certificates, 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.

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. For example, imports of specimens of Annex A-listed species can only be authorised for a specified purpose, and for live specimens there may be a prescribed housing location. Such permits must therefore contain conditions and stipulations to ensure that the destination of specimens is not changed after import without prior authorisation of the relevant Management Authority. Any changes that may be necessary must be made in accordance with the provisions described in this Section (see Section 8.3).

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431 Article 51(1) Regulation (EC) No 865/2006
433 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.
434 Article 51(4) Regulation (EC) No 865/2006
436 Articles 4(1)(a)(ii) and 4(1)(d) Regulation (EC) No 338/97
437 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\(^{438}\). 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](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\(^{439}\).

*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\(^{440}\). 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\(^{441}\). 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\(^{442}\). 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\(^{443}\).

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438 Article 12(1) *Regulation (EC) No 338/97*
439 Article 12(2) *Regulation (EC) No 338/97*
440 Article 12(4) *Regulation (EC) No 338/97*
441 Article 4(1) *Regulation (EC) No 338/97*
443 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.\footnote{Article 16(3) Regulation (EC) No 338/97}

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 \textbf{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. 17.8. This also contains CITES Guidelines for the disposal of confiscated live specimens (see \url{https://cites.org/sites/default/files/document/E-Res-17-08.pdf}).
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. 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 16). 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. Representatives of additional authorities may attend Committee meetings.


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445 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.

446 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. At least one representative of the Scientific Authority also represents his or her Member State in the Scientific Review Group (Figure 16), depending on the agenda and the expertise required to ensure a proper scientific input (see Section 11.2.2). 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.

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 Group are final and binding for EU Member States.“

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447 Article 13(2) Regulation (EC) No 338/97
448 Article 17 Regulation (EC) No 338/97
449 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 16: 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 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.

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450 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 cooperation 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 wildlife trade issues [http://ec.europa.eu/environment/cites/home_en.htm](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](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](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,
  
- The Annual Report shall also include information on seized and confiscated shipments.

The information shall be presented in two separate parts:

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

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.

12.2.2 Biennial or Implementation 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.

It should be noted that the CITES Parties agreed in 2016 that these reports should only be issued every three years and renamed "implementation reports".

The Implementation Reports must reach the Commission before 15 June every three years. The Commission establishes the format for the Biennial Reports, based on the standard format laid down in CITES Notification to the Parties No. 2016/006 of 05 February 2016, and subsequent additional guidelines for information to be submitted under the EU Wildlife Trade Regulations.

452 Article 69(2) Regulation (EC) No 865/2006
453 Article 69(3) Regulation (EC) No 338/97
454 Article 69(4) Regulation (EC) No 338/97
455 Article 15(4)(c) Regulation (EC) No 338/97
The Commission publishes these Reports on its website at http://ec.europa.eu/environment/cites/reports_en.htm#biennial_compilation.
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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, there are 181 Parties to the Convention, including the EU and 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 2015/870 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.
The EU in CITES

The initial text of the CITES Convention only foresaw membership by States, which meant that the EU, as a regional organisation, could not become a Party to the Convention and was only an Observer. This has changed with the entry into force in November 2013 of an amendment to the Convention allowing Regional Economic Integration Organizations (REIO), such as the European Union, to become Contracting Parties to the Convention (“the Gaborone amendment”).\(^457\)

On that basis, the EU became a Party to CITES on 8 July 2015 and is the first REIO to accede to CITES since the coming into effect of the Gaborone amendment. The basis for EU accession to CITES is Council Decision (EU) No 2015/451\(^458\). As a Party to CITES, the EU plays a full role in the work of the Convention. In cases of votes at CITES Conferences of Parties on issues of EU relevance, the EU votes instead of the individual EU Member States (its vote counting for 28 votes, in line with Article XXI(5) of the CITES Convention) on the basis of positions agreed in advance with the Member States (as was previously the case).

How did CITES become part of EU law?

The EU has been implementing the Convention through common regulations since 1984 (Council Regulation (EEC) No 3626/82\(^459\) and Commission Regulation (EEC) No 3418/83\(^460\)). 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\(^461\) on the

\(^{457}\) [http://cites.org/eng/eu_181st_party](http://cites.org/eng/eu_181st_party)


\(^{461}\) OJ No. L 61 of 3.3.97, p. 1.

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 2015/870. 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.

Regulation (EC) No 338/97 is directly applicable 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.

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463 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. See also the guidance document on ‘worked specimens’

(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.


(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

http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XC0517(02)&from=EN
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

<table>
<thead>
<tr>
<th>Party to CITES</th>
<th>EU territory (EU Treaty applies)</th>
<th>EU CITES legislation applies</th>
<th>Import and (re-) export documents required for trade with EU Member States</th>
<th>EU customs territory</th>
<th>Customs checks required for intra-EU trade</th>
</tr>
</thead>
<tbody>
<tr>
<td>French Overseas Departments (La Réunion, Martinique, Guadeloupe, Guyane, Mayotte) (FR)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Saint Martin (FR)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Canary Islands (ES)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Madeira (PT)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Açores (PT)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Island of Heligoland (DE)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Territory of Büsingen (DE)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Ceuta and Melilla (ES)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Aland Islands (FI)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Livigno (IT)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Campione d’Italia (IT)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Gibraltar (UK)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Jersey (UK)</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Guernsey (UK)</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Isle of Man (UK)</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Monaco*</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>San Marino*</td>
<td>X</td>
<td>(see note 3)</td>
<td>X</td>
<td></td>
<td>(see note 3)</td>
</tr>
</tbody>
</table>

* 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:**

<table>
<thead>
<tr>
<th>Anguilla (UK)</th>
<th>Curaçao (NL)</th>
<th>Saba (NL)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aruba (NL)</td>
<td>Falkland Islands (UK)</td>
<td>Saint Barthélemy (FR)</td>
</tr>
<tr>
<td>Bermuda (UK)</td>
<td>French Polynesia (FR)</td>
<td>Saint Helena, Ascension Island, Tristan da Cunha (UK)</td>
</tr>
<tr>
<td>Bonaire (NL)</td>
<td>French Southern and Antarctic Territories (FR)</td>
<td>Sint Eustatius (NL)</td>
</tr>
<tr>
<td>British Antarctic Territory (UK)</td>
<td>Greenland (DK)</td>
<td>Sint Maarten (NL)</td>
</tr>
<tr>
<td>British Indian Ocean Territory (UK)</td>
<td>Montserrat (UK)</td>
<td>South Georgia and South Sandwich Islands (UK)</td>
</tr>
<tr>
<td>British Virgin Islands (UK)</td>
<td>New Caledonia and Dependencies (FR)</td>
<td>Saint Pierre and Miquelon (FR)</td>
</tr>
<tr>
<td>Cayman Islands (UK)</td>
<td>Pitcairn (UK)</td>
<td>Turks and Caicos Islands (UK)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wallis and Futuna Islands (FR)</td>
</tr>
</tbody>
</table>
## 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**

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Preferred units</th>
<th>Alternative units</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bark</td>
<td>BAR</td>
<td>Kg</td>
<td></td>
<td>Tree bark (raw, dried or powdered; unprocessed)</td>
</tr>
<tr>
<td>Body</td>
<td>BOD</td>
<td>Number</td>
<td>kg</td>
<td>Substantially whole dead animals, including fresh or processed fish, stuffed turtles, preserved butterflies, reptiles in alcohol, whole stuffed hunting trophies, etc.</td>
</tr>
<tr>
<td>Bone</td>
<td>BON</td>
<td>kg</td>
<td>no.</td>
<td>Bones, including jaws</td>
</tr>
<tr>
<td>Calipee</td>
<td>CAL</td>
<td>kg</td>
<td></td>
<td>Calipee or calipash (turtle cartilage for soup)</td>
</tr>
<tr>
<td>Carapace</td>
<td>CAP</td>
<td>no.</td>
<td>kg</td>
<td>Raw or unworked whole shells of Testudinata species</td>
</tr>
<tr>
<td>Carving</td>
<td>CAR</td>
<td>kg</td>
<td>M³</td>
<td>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)</td>
</tr>
<tr>
<td>Caviar</td>
<td>CAV</td>
<td>Kg</td>
<td></td>
<td>Unfertilized dead processed eggs from all species of Acipenseriformes; also known as roe</td>
</tr>
<tr>
<td>Chips</td>
<td>CHP</td>
<td>Kg</td>
<td></td>
<td>Chips of timber, especially Aquilaria malaccensis and Pterocarpus santalinus</td>
</tr>
<tr>
<td>Claw</td>
<td>CLA</td>
<td>no.</td>
<td>kg</td>
<td>Claws - e.g. of Felidae, Ursidae or Crocodylia (NB: 'turtle claws' are usually scales and not real claws)</td>
</tr>
<tr>
<td>Cloth</td>
<td>CLO</td>
<td>m²</td>
<td>kg</td>
<td>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'</td>
</tr>
<tr>
<td>Coral (raw)</td>
<td>COR</td>
<td>Kg</td>
<td>no.</td>
<td>Dead coral and coral rock, NB: the trade should be recorded by number of pieces only if the coral specimens are transported in water.</td>
</tr>
<tr>
<td>Culture</td>
<td>CUL</td>
<td>no. of flasks, etc.</td>
<td></td>
<td>Cultures of artificially propagated plants</td>
</tr>
<tr>
<td>Derivatives</td>
<td>DER</td>
<td>kg/l</td>
<td></td>
<td>Derivatives (other than those included elsewhere in this table)</td>
</tr>
<tr>
<td>Dried plant</td>
<td>DPL</td>
<td>no.</td>
<td></td>
<td>Dried plants - e.g. herbarium specimens</td>
</tr>
<tr>
<td>Ear</td>
<td>EAR</td>
<td>no.</td>
<td></td>
<td>Ears - Usually elephant</td>
</tr>
<tr>
<td>Egg</td>
<td>EGG</td>
<td>no.</td>
<td>kg</td>
<td>Whole dead or blown eggs. (see also 'caviar')</td>
</tr>
<tr>
<td>Egg (live)</td>
<td>EGL</td>
<td>no.</td>
<td>kg</td>
<td>Live eggs - usually birds and reptiles but includes fish and invertebrates</td>
</tr>
<tr>
<td>Eggshell</td>
<td>SHE</td>
<td>g/kg</td>
<td></td>
<td>raw or unworked eggshell except whole eggs</td>
</tr>
<tr>
<td>Extract</td>
<td>EXT</td>
<td>Kg</td>
<td>L</td>
<td>Extract - usually plant extracts</td>
</tr>
<tr>
<td>Feather</td>
<td>FEA</td>
<td>kg/no. of wings</td>
<td>no.</td>
<td>Feathers - in the case of objects (e.g. pictures) made of feathers, record the number of objects</td>
</tr>
<tr>
<td>Fibre</td>
<td>FIB</td>
<td>Kg</td>
<td>M</td>
<td>Fibres - e.g. plant fibre but includes strings of tennis rackets</td>
</tr>
<tr>
<td>Fin</td>
<td>FIN</td>
<td>Kg</td>
<td></td>
<td>Fresh, frozen or dried fins and parts of fins</td>
</tr>
<tr>
<td>Fingerlings</td>
<td>FIG</td>
<td>Kg</td>
<td>No.</td>
<td>Juvenile fish of one or two years of age for the</td>
</tr>
<tr>
<td>Reference</td>
<td>Code</td>
<td>Unit</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>------</td>
<td>------</td>
<td>-------------</td>
<td></td>
</tr>
<tr>
<td>Flower</td>
<td>FLO</td>
<td>kg</td>
<td>Flowers</td>
<td></td>
</tr>
<tr>
<td>Flower pot</td>
<td>FPT</td>
<td>no.</td>
<td>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)</td>
<td></td>
</tr>
<tr>
<td>Frogs' legs</td>
<td>LEG</td>
<td>kg</td>
<td>Frog legs</td>
<td></td>
</tr>
<tr>
<td>Fruit</td>
<td>FRU</td>
<td>kg</td>
<td>Fruit</td>
<td></td>
</tr>
<tr>
<td>Foot</td>
<td>FOO</td>
<td>No.</td>
<td>Feet - e.g. elephant, rhinoceros, hippopotamus, lion, crocodile, etc.</td>
<td></td>
</tr>
<tr>
<td>Gall</td>
<td>GAL</td>
<td>kg</td>
<td>Gall</td>
<td></td>
</tr>
<tr>
<td>Gall bladder</td>
<td>GAB</td>
<td>no.</td>
<td>Gall bladder</td>
<td></td>
</tr>
<tr>
<td>Garment</td>
<td>GAR</td>
<td>no.</td>
<td>Garments - including gloves and hats but not shoes. Includes trimming or decoration on garments</td>
<td></td>
</tr>
<tr>
<td>Genitalia</td>
<td>GEN</td>
<td>kg</td>
<td>Castrates and dried penes</td>
<td></td>
</tr>
<tr>
<td>Graft rootstock</td>
<td>GRS</td>
<td>no.</td>
<td>Graft rootstocks (without the grafts)</td>
<td></td>
</tr>
<tr>
<td>Hair</td>
<td>HAI</td>
<td>kg</td>
<td>Hair – includes all animal hair, e.g. of elephant, yak, vicuña, guanaco</td>
<td></td>
</tr>
<tr>
<td>Horn</td>
<td>HOR</td>
<td>no.</td>
<td>Horns – includes antlers</td>
<td></td>
</tr>
<tr>
<td>Leather product (small)</td>
<td>LPS</td>
<td>no.</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>Leather product (large)</td>
<td>LPL</td>
<td>no.</td>
<td>Large manufactured products of leather - e.g. briefcases, furniture, suitcases, travel trunks</td>
<td></td>
</tr>
<tr>
<td>Live</td>
<td>LIV</td>
<td>no.</td>
<td>Live animals and plants. Specimens of live coral transported in water should be recorded by number of pieces only.</td>
<td></td>
</tr>
<tr>
<td>Leaf</td>
<td>LVS</td>
<td>no.</td>
<td>Leaves</td>
<td></td>
</tr>
<tr>
<td>Logs</td>
<td>LOG</td>
<td>m³</td>
<td>All wood in the rough, whether or not stripped of bark or sapwood, or roughly squared, for processing notably into sawn wood, pulpwod 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.</td>
<td></td>
</tr>
<tr>
<td>Meat</td>
<td>MEA</td>
<td>kg</td>
<td>Meat, includes flesh of fish if not whole, (see 'body')</td>
<td></td>
</tr>
<tr>
<td>Medicine</td>
<td>MED</td>
<td>kg/l</td>
<td>Medicine</td>
<td></td>
</tr>
<tr>
<td>Musk</td>
<td>MUS</td>
<td>g</td>
<td>Musk</td>
<td></td>
</tr>
<tr>
<td>Oil</td>
<td>OIL</td>
<td>kg</td>
<td>Oil - e.g. from turtles, seals, whales, fish, various plants</td>
<td></td>
</tr>
<tr>
<td>Piece - bone</td>
<td>BOP</td>
<td>kg</td>
<td>Pieces of bone, not manufactured</td>
<td></td>
</tr>
<tr>
<td>Piece - horn</td>
<td>HOP</td>
<td>kg</td>
<td>Pieces of horn, not manufactured - includes scrap</td>
<td></td>
</tr>
<tr>
<td>Piece - ivory</td>
<td>IVP</td>
<td>kg</td>
<td>Ivory pieces, not manufactured - includes scrap</td>
<td></td>
</tr>
<tr>
<td>Plate</td>
<td>PLA</td>
<td>m²</td>
<td>Plates of fur-skins – includes rugs if made of several skins</td>
<td></td>
</tr>
<tr>
<td>Powder</td>
<td>POW</td>
<td>kg</td>
<td>Powder</td>
<td></td>
</tr>
<tr>
<td>Root</td>
<td>ROO</td>
<td>no.</td>
<td>Roots, bulbs, corms or tubers</td>
<td></td>
</tr>
<tr>
<td>Sawn wood</td>
<td>SAW</td>
<td>m³</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Scale</td>
<td>SCA</td>
<td>kg</td>
<td>Scale – e.g. of turtle, other reptiles, fish, pangolins</td>
<td></td>
</tr>
<tr>
<td>Seed</td>
<td>SEE</td>
<td>kg</td>
<td>Seeds</td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td>-----</td>
<td>----</td>
<td>--------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Shell</td>
<td>SHE</td>
<td>no.</td>
<td>kg</td>
<td></td>
</tr>
<tr>
<td>Side</td>
<td>SID</td>
<td>no.</td>
<td>kg</td>
<td></td>
</tr>
<tr>
<td>Skeleton</td>
<td>SKE</td>
<td>no.</td>
<td>kg</td>
<td></td>
</tr>
<tr>
<td>Skin</td>
<td>SKI</td>
<td>no.</td>
<td>kg</td>
<td></td>
</tr>
<tr>
<td>Skin piece</td>
<td>SKP</td>
<td>no.</td>
<td>kg</td>
<td></td>
</tr>
<tr>
<td>Skull</td>
<td>SKU</td>
<td>no.</td>
<td>kg</td>
<td></td>
</tr>
<tr>
<td>Soup</td>
<td>SOU</td>
<td>kg</td>
<td>Soup - e.g. of turtle</td>
<td></td>
</tr>
<tr>
<td>Specimen (scientific)</td>
<td>SPE</td>
<td>kg/l/ml</td>
<td>Scientific specimens - includes blood, tissue, (e.g. kidney, spleen, etc.) histological preparations, etc.</td>
<td></td>
</tr>
<tr>
<td>Stem</td>
<td>STE</td>
<td>no.</td>
<td>kg</td>
<td></td>
</tr>
<tr>
<td>Swim bladder</td>
<td>SWI</td>
<td>kg</td>
<td>Hydrostatic organ, including isinglass/ sturgeon glue</td>
<td></td>
</tr>
<tr>
<td>Tail</td>
<td>TAI</td>
<td>no.</td>
<td>kg</td>
<td></td>
</tr>
<tr>
<td>Tooth</td>
<td>TEE</td>
<td>no.</td>
<td>kg</td>
<td></td>
</tr>
<tr>
<td>Timber</td>
<td>TIM</td>
<td>m³</td>
<td>kg</td>
<td></td>
</tr>
<tr>
<td>Trophy</td>
<td>TRO</td>
<td>no.</td>
<td>kg</td>
<td></td>
</tr>
<tr>
<td>Tusk</td>
<td>TUS</td>
<td>no.</td>
<td>kg</td>
<td></td>
</tr>
<tr>
<td>Veneer sheets - rotary veneer - slices veneer</td>
<td>VEN</td>
<td>m³, m²</td>
<td>kg</td>
<td></td>
</tr>
<tr>
<td>Wax</td>
<td>WAX</td>
<td>kg</td>
<td>Wax, includes ambergris</td>
<td></td>
</tr>
<tr>
<td>Whole</td>
<td>WHO</td>
<td>kg</td>
<td>No.</td>
<td></td>
</tr>
</tbody>
</table>

Key to units (equivalent non-metric measurements may be used)
- g = grams
- kg = kilograms
- l = litres
- cm³ = cubic centimetres
- ml = millilitres
- m = metres
- m² = square metres
- m³ = 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 2015/870)

FAUNA

(a) MAMMALIA


Colobinae), from Northern Kachin State, northeastern Myanmar. – Amer. J. Primatology ,73: 96-107. [for Rhinopithecus strykeri]


(b) AVES


(c) REPTILIA

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


FRITZ, U. & HAVAŠ, P. (2007): Checklist of Chelonians of the World. – Vertebrate Zoology, 57(2): 149-368. Dresden. ISSN 1864-5755 [without its appendix; for Testudines for species and family names – with the exception of the retention of the following names Mauremys iversoni, Mauremys pritchardi, Ocadia glyphistoma, Ocadia philippeni, Sacalia pseudocellata]


PRASCHAG, P., SOMMER, R. S., MCCARTHY, C., GEMEL, R. & FRITZ, U. (2008): Naming one of the world’s rarest chelonians, the southern Batagur. – Zootaxa, 1758: 61-68. [for Batagur affinis]


SCHLEIP, W. D. (2008): Revision of the genus Leiopython Hubrecht 1879 (Serpentes: Pythonidae) with the redescriptions of taxa recently described by Hoser (2000) and the description of new species. – Journal of


(d) AMPHIBIA


Taxonomic Checklist of Amphibian Species listed unilaterally in the Annexes of Regulation (EC) No 338/97, not included in the CITES Appendices, species information extracted from FROST, D. R. (2013), Amphibian Species of the World, an online Reference V. 5.6 (9 January 2013)

(e) ELASMOBRANCHII, ACTINOPTERYGII AND SARCOPTERYGII

Taxonomic Checklist of all CITES listed Shark and Fish species (Elasmobranchii and Actinopterygii, except the genus Hippocampus), information extracted from ESCHMEYER, W.N. & FRICKE, R. (eds.): Catalog of Fishes, an online reference (http://research.calacademy.org/redirect?url=http://researcharchive.calacademy.org/research/Ichthyology/catalog/fishcatmain.asp), version downloaded 30 November 2011. [for all shark and fish species, except the genus Hippocampus]


(f) ARACHNIDA


Taxonomic Checklist of CITES listed Spider Species, information extracted from PLATNICK, N. (2006), The World Spider Catalog, an online reference, Version 6.5 as of 7 April 2006 [for Theraphosidae]

(g) INSECTA


(h) HIRUDINOIDEA


(i) ANTHOZOA AND HYDROZOA

Taxonomic Checklist of all CITES listed Coral Species, based on information compiled by UNEPWCMC 2012.

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


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


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, Asco centrum, Bletilla, Brassavola, Calanthe, Catasetum, Miltonia, Miltonioides and Miltoniopsis, Renanthera, Renantherella, Rhynchostylis, Rossio glossum, Vanda and Vandopsis (Volume 3, 2001); and Aerides, Coelogyne, Comparettia and Masdevallia (Volume 4, 2006).


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 2015/870

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 2015/870**

<table>
<thead>
<tr>
<th>Code</th>
<th>Source Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>W</td>
<td>Specimens taken from the wild</td>
</tr>
<tr>
<td>R</td>
<td>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</td>
</tr>
<tr>
<td>D</td>
<td>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</td>
</tr>
<tr>
<td>A</td>
<td>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</td>
</tr>
<tr>
<td>C</td>
<td>Animals bred in captivity in accordance with Chapter XIII of Regulation (EC) No 865/2006, as well as parts and derivatives thereof</td>
</tr>
<tr>
<td>F</td>
<td>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</td>
</tr>
<tr>
<td>I</td>
<td>Confiscated or seized specimens[^465]</td>
</tr>
<tr>
<td>O</td>
<td>Pre-Convention[^466]</td>
</tr>
<tr>
<td>U</td>
<td>Source unknown (must be justified)</td>
</tr>
<tr>
<td>X</td>
<td>Specimens taken in the marine environment not under the jurisdiction of any State</td>
</tr>
</tbody>
</table>

[^465]: To be used only in conjunction with another source code.
[^466]: 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 2015/870

*Ceratotherium simum simum*

*Hippopotamus amphibius*

*Loxodonta africana*

*Ovis ammon*

*Panthera leo*

*Ursus maritimus*
## Annex XII


<table>
<thead>
<tr>
<th>REGULATION (EC) No 338/97</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ESTABLISHMENT</strong></td>
</tr>
<tr>
<td>Article 13.2</td>
</tr>
<tr>
<td>Article 17.1</td>
</tr>
<tr>
<td>Article 17.2(a)</td>
</tr>
<tr>
<td>Article 17.2(b)</td>
</tr>
</tbody>
</table>

### IMPORT/EXPORT PERMITS

<table>
<thead>
<tr>
<th>Article</th>
<th>Duty</th>
<th>Relevant considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ANNEX A-IMPORTS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Article 4.1(a)(i)</td>
<td>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.</td>
<td>Attachment A</td>
</tr>
<tr>
<td>Article 4.1(a)(ii)</td>
<td>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.</td>
<td>Attachment B</td>
</tr>
<tr>
<td>Article 4.1(c)</td>
<td>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.</td>
<td>Attachment C</td>
</tr>
<tr>
<td>Article 4.1(e)</td>
<td>Be satisfied that there are no other factors relating to the conservation of the species which militate against issuance of the import permit.</td>
<td>Attachment D</td>
</tr>
<tr>
<td>Article 6</td>
<td>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.</td>
<td>Attachment A</td>
</tr>
</tbody>
</table>

| **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 |

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467 Agreed on 3 September 2014.
| 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 |

**CONFISSATIONS**

<table>
<thead>
<tr>
<th>Article</th>
<th>Duty</th>
<th>Relevant considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 16.3 (a)</td>
<td>Advise the competent authority about the placement or disposal of confiscated specimens.</td>
<td>Attachment J</td>
</tr>
</tbody>
</table>

**SRG VIEW ON PROPOSED COMMISSION IMPORT RESTRICTIONS**

<table>
<thead>
<tr>
<th>Article</th>
<th>Duty</th>
<th>Relevant considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANNEX A-IMPORTS</td>
<td>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.</td>
<td>Attachment A</td>
</tr>
<tr>
<td>Article 4.6 (a)</td>
<td>Restrictions because there are other factors relating to the conservation of the species which militate against issuance of the import permit.</td>
<td>Attachment D</td>
</tr>
<tr>
<td>ANNEX B-IMPORTS</td>
<td>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.</td>
<td>Attachment A</td>
</tr>
<tr>
<td>Article 4.6 (b)</td>
<td>Restrictions because there are other factors relating to the conservation of the species which militate against issuance of the import permit.</td>
<td>Attachment D</td>
</tr>
<tr>
<td>Article 4.6 (c)</td>
<td>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.</td>
<td>Attachment E</td>
</tr>
<tr>
<td>ANY SPECIES-IMPORTS</td>
<td>Restrictions on live specimens because it has been established that their</td>
<td>Attachment F</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>REGULATION (EC) No 865/2006</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Article</strong></td>
</tr>
<tr>
<td>Article 11.3</td>
</tr>
<tr>
<td>Article 54</td>
</tr>
<tr>
<td>Article 56</td>
</tr>
<tr>
<td>Article 59.2</td>
</tr>
<tr>
<td>Article 59.3</td>
</tr>
<tr>
<td>Article 60</td>
</tr>
<tr>
<td>Article 70</td>
</tr>
</tbody>
</table>
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 (Rev. CoP17), 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
- Resolution Conf 16.7 (Rev. CoP17) 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 to 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. 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/468. 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.

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468 The full version is accessible to all SRG members; please contact species@unep-wcmc.org to obtain a username and password.
*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.

469 Other requirements must also be met, such as prior sight of export permit etc.
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 coordinator, 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.

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>B: breeding in captivity or artificial propagation</td>
<td>Yes, under 1st indent – 8.3.f (conservation benefit required)</td>
</tr>
<tr>
<td>E: Educational</td>
<td>Yes, under 1st indent – 8.3.g (conservation benefit required) OR under 2nd indent in exceptional circumstances where wider benefit to society</td>
</tr>
<tr>
<td>G: Botanical gardens</td>
<td>Yes, under 1st indent – 8.3.f or 8.3.g (conservation benefit required)</td>
</tr>
<tr>
<td>H: Hunting trophies</td>
<td>Yes, under 2nd indent - if conservation benefit</td>
</tr>
<tr>
<td>L: Law enforcement/judicial/forensic</td>
<td>Yes, under 2nd indent - if conservation benefit OR in exceptional circumstances where wider benefit to society</td>
</tr>
<tr>
<td>M: Medical (including bio-medical research)</td>
<td>Yes, under 1st indent – 8.3.e (exceptional circumstances etc)</td>
</tr>
<tr>
<td>N: Reintroduction or introduction into the wild</td>
<td>Yes, under 2nd indent - if conservation benefit</td>
</tr>
<tr>
<td>P: Personal</td>
<td>No, unless under 2nd indent – if conservation benefit OR in exceptional circumstances where household effects imported under change of residence</td>
</tr>
<tr>
<td>Q: Circuses and travelling exhibitions</td>
<td>No (Art. 4.1.(d))</td>
</tr>
<tr>
<td>S: Scientific</td>
<td>Yes, under 1st indent – 8.3.e (exceptional circumstances etc), or 8.3.g (conservation benefit required)</td>
</tr>
<tr>
<td>T: Commercial</td>
<td>No (Art. 4.1.(d))</td>
</tr>
<tr>
<td>Z: Zoos</td>
<td>Yes, under 1st indent – 8.3.f or 8.3.g (conservation benefit required)</td>
</tr>
</tbody>
</table>
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
## CONTEXT
Be satisfied that there are no other factors relating to the conservation of the species which militate against issuance of the import permit.

| Article 4.1(e) | -Annex A imports |
| Article 4.2 (c) | -Annex B imports |
| Article 5.2 (d) | -Annex A exports |
| Article 5.4 | -Annexes B and C exports |
| Article 5.3 | -Annex A re-exports |
| Article 5.4 | -Annexes B and C re-exports |
| Article 4.6 (a) | -proposed Commission restrictions on Annex A imports |
| Article 4.6 (b) | -proposed Commission restrictions on Annex B imports |

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

- recommendations from the 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
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 (Rev, CoP16):

- 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
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 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 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 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 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 that has been demonstrated to be capable of reliably producing second generation offspring in a controlled environment.

470 These criteria also apply to specimens of Annex B species.

471 “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.

472 “breeding stock” means all the animals in a breeding operation that are used for reproduction.

473 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.

474 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

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.
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.
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. 17.8):

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

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>• educational value</td>
<td>• Potential to encourage undesired trade</td>
</tr>
<tr>
<td>• potential for captive breeding for eventual reintroduction</td>
<td>• Cost of placement</td>
</tr>
<tr>
<td>• possibility for the confiscating authority to recover, from sale, the costs of confiscation</td>
<td>• Disease</td>
</tr>
<tr>
<td></td>
<td>• Captive animals can escape from captivity and become pests</td>
</tr>
</tbody>
</table>

### 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.

<table>
<thead>
<tr>
<th>Returning the individuals in question to some form of life in the wild</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td>• existing population is severely threatened</td>
</tr>
<tr>
<td>• strong political/educational statement - promote local conservation values</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

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/](http://www.iucn-tftsg.org/contact/) and [http://www.turtlesurvival.org/contact](http://www.turtlesurvival.org/contact) (Marine Turtles)
- World Association of Zoos and Aquariums: [www.waza.org](http://www.waza.org)
- Species Survival Network (SSN): [http://www.ssn.org/cites_rescue_intro_EN.htm](http://www.ssn.org/cites_rescue_intro_EN.htm) (Facilities and organizations that could offer assistance)
## Annex XIII

Types of biological samples referred to in Article 18 of Regulation (EC) No 865/2006 and their use

<table>
<thead>
<tr>
<th>Type of sample</th>
<th>Typical size of sample</th>
<th>Use of sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blood, liquid</td>
<td>drops or 5 ml of whole blood in a tube with anticoagulant; may deteriorate in 36 hours</td>
<td>haematology and standard biochemical tests to diagnose disease; taxonomic research; biomedical research</td>
</tr>
<tr>
<td>Blood, dry (smear)</td>
<td>a drop of blood spread on a microscope slide, usually fixed with chemical fixative</td>
<td>blood counts and screening for disease parasites</td>
</tr>
<tr>
<td>Blood, clotted (serum)</td>
<td>5 ml of blood in tube with or without a blood clot</td>
<td>serology and detection of antibodies for evidence of disease; biomedical research</td>
</tr>
<tr>
<td>Tissues, fixed</td>
<td>5 mm³ pieces of tissues in a fixative</td>
<td>Histology and electron microscopy to detect signs of disease; taxonomic research; biomedical research</td>
</tr>
<tr>
<td>Tissues, fresh (excluding ova, sperm and embryos)</td>
<td>5 mm³ pieces of tissues, sometimes frozen</td>
<td>Microbiology and toxicology to detect organisms and poisons; taxonomic research; biomedical research</td>
</tr>
<tr>
<td>Swabs</td>
<td>tiny pieces of tissue in a tube on a swab</td>
<td>growing bacteria, fungi, etc. to diagnose disease</td>
</tr>
<tr>
<td>Hair, skin, feathers, scales</td>
<td>small, sometimes tiny pieces of skin surface in a tube (up to 10 ml in volume) with or without fixative</td>
<td>genetic and forensic tests and detection of parasites and pathogens and other tests</td>
</tr>
<tr>
<td>Cell lines and tissue cultures</td>
<td>no limitation of sample size</td>
<td>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)</td>
</tr>
<tr>
<td>DNA</td>
<td>small amounts of blood (up to 5 ml), hair, feather follicle, muscle and organ tissue (e.g. liver, heart, etc.), purified DNA, etc.</td>
<td>sex determination; identification; forensic investigations; taxonomic research; biomedical research</td>
</tr>
<tr>
<td>Secretions, (saliva, venom, milk)</td>
<td>1-5 ml in vials</td>
<td>phylogenetic research, production of anti-venom, biomedical research</td>
</tr>
</tbody>
</table>
Annex XIV


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 from 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. CoP17) – Conservation of and trade in sturgeons and paddlefish, which may be viewed at
https://cites.org/sites/default/files/document/E-Res-12-07-R17.pdf). 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)\(^\text{475}\).

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\(^\text{476}\). 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. CoP17) (see https://cites.org/sites/default/files/document/E-Res-12-07-R17.pdf). 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\(^\text{477}\).

\(^\text{475}\) Article 66(6) Regulation (EC) No 865/2006
\(^\text{476}\) Article 66(7) Regulation (EC) No 865/2006
\(^\text{477}\) 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: 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 re-packed 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. CoP17) (see https://cites.org/sites/default/files/document/E-Res-12-07-R17.pdf).

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

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-www: 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**

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<td>1993*</td>
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* Year of succession. Previously Party to CITES as part of the former Czechoslovakia since 28/05/1992.
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<td>Article 5a</td>
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<td>(inserted by paragraph 4 of Regulation (EC) No 100/2008 and amended by paragraph 4 of Regulation (EU) No 791/2012)</td>
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<td>Article 6</td>
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<td>(amended by paragraph 5 of Regulation (EU) No 791/2012)</td>
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<td>Article 7</td>
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<td>CHAPTER III</td>
<td>Issue, use and validity of documents</td>
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<tr>
<td>Article 8 (amended by paragraph 7 of Regulation (EU) No 791/2012)</td>
<td>Issue and use of documents</td>
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<tr>
<td>Article 9 (replaced by paragraph 6 of Regulation (EC) No 100/2008 and amended by paragraph 4 of Regulation (EU) No 2015/870)</td>
<td>Shipments of specimens</td>
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<tr>
<td>Article 10 (amended by paragraph 7 of Regulation (EC) No 100/2008 and paragraph 5 of Regulation (EU) No 2015/870)</td>
<td>Validity of import and export permits, re-export certificates, travelling exhibition certificates, and personal ownership certificates</td>
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<td>Article 11 (amended by paragraph 8 of Regulation (EC) No 100/2008, paragraph 8 of Regulation (EU) No 791/2012 and Regulation (EU) No 2015/870)</td>
<td>Validity of used import permits and of the certificates referred to in Articles 47, 48, 49, 60 and 63</td>
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<td>Article 12</td>
<td>Replacement of documents</td>
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<td>Article 13</td>
<td>Time of application for import and export permits and re-export certificates</td>
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<td>Article 14 (amended by paragraph 7 of Regulation (EU) No 2015/870)</td>
<td>Validity of documents from third countries</td>
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<td>Article 15 (amended by paragraph 9 of Regulation (EC) No 100/2008 and paragraph 9 of Regulation (EU) No 791/2012)</td>
<td>Retrospective issuance of certain documents</td>
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<td>Article 16</td>
<td>Specimens in transit through the EU</td>
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<td>Article 17</td>
<td>Issuance of phytosanitary certificates</td>
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<td>Article 18</td>
<td>Pre-issued permits and certificates with regard to certain trade in biological samples</td>
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<td>Article 19</td>
<td>Pre-issued permits and certificates with regard to export or re-export of dead specimens</td>
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<td>Documents to be surrendered by the importer to the Customs office</td>
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