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**COMMISSION REGULATION (EU) .../...**

**of **XXX****

**amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein**

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## amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein<sup>1</sup>, and in particular Article 19(5) thereof,

Whereas:

- (1) Regulation (EC) No 338/97 regulates trade in animal and plant species listed in the Annex to the Regulation. The species listed in the Annex include the species set out in the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) ("the Convention") as well as species whose conservation status requires that trade from, into and within the Union be regulated or monitored.
- (2) Trade levels of certain species require monitoring in order to collect data and consider whether stricter protection might be necessary in the future. The following species are therefore proposed for inclusion in Annex D: *Tracheloptychus petersi*, *Zonosaurus maximus*,
- (3) With regards to the recent taxonomic changes, the listing of *Homalopsis bucata* should be replaced by listing of the entire genus *Homalopsis* spp., *Prionailurus iriomotensis* should be changed to *Prionailurus bengalensis euptilurus*, listing of *Agalychnis* spp. should be changed into listing of *Agalychnis annae*, *A. callidryas*, *A. moreletii*, *A. saltator* and *A. spurrelli*, order \pristiformes should be added, the spelling of *Pelophylax shqipericus* needs to be corrected,
- (4) *Proteus anguinus* should be deleted from Annex D as the species is more strictly protected under the Habitats Directive. The current threat to the species posed by trade could be considered to be low, and specimens in trade are thought to most likely be for scientific purposes or obtained illegally;
- (5) The footnote in the EU Annexes related to *Ovis collium*, *O. darwini*, *O. jubata*, *O. karelini*, *O. polii*, and *O. severtzovi* which states "This taxon is referred to as *Ovis ammon* in Annex XIII to Commission Regulation (EC) No 865/2006" needs to be removed, to comply with the update to the Implementing Regulation, which already includes the new list of standard nomenclatural references as adopted at CoP18;
- (6) Given taxonomic situation, it is proposed to replace the current listing in Annex B of *Saiga borealis* and *S. tatarica* by listing at the genus level of *Saiga* spp.;

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<sup>1</sup> OJ L 61, 3.3.1997, p. 1.

- (7) The text of certain annotations needs to be amended to improve clarity (*Canis lupus*, *Caracara lutosa*, *Ceratophora aspera*, *C. stoddartii*, *Lyriocephalus scutatus*, *Crotalus durissus*, *Rheobatrachus* spp.);
- (8) *Goniurosaurus* spp. should be moved from the family Eublepharidae to the family Gekkonidae, as although the former family is scientifically correct, it is not in line with the current Standard nomenclature
- (9) Following a review by the Scientific Review Group, it was agreed that listing of the following species in Annex D is no longer necessary, and these species should be deleted from that annex: *Dendrolagus dorianus*, *Dendrolagus goodfellowi*, *Dendrolagus matschiei*, *Dendrolagus pulcherrimus*, *Dendrolagus stellarum*, *Columba oenops*, *Didunculus strigirostris*, *Ducula pickeringii*, *Gallicolumba crinigera*, *Ptilinopus marchei*, *Turacoena modesta*, *Crax alector*, *Pauxi unicornis*, *Penelope pileata*, *Eulipoa wallacei*, *Arborophila gingica*, *Lophura bulweri*, *Lophura diardi*, *Lophura inornata*, *Bombycilla japonica*, *Cyanocorax caeruleus*, *Cyanocorax dickeyi*, *Procnias nudicollis*, *Dacnis nigripes*, *Sporophila falcirostris*, *Sporophila frontalis*, *Sporophila hypochroma*, *Sporophila palustris*, *Amandava amandava*, *Cryptospiza reichenovii*, *Erythrura coloria*, *Erythrura viridifacies*, *Estrilda quartinia* (Frequently traded as *Estrilda melanotis*), *Hypargos niveoguttatus*, *Lonchura griseicapilla*, *Lonchura punctulata*, *Lonchura stygia*, *Carduelis ambigua*, *Carduelis atrata*, *Kozlowia roborowskii*, *Pyrrhula erythaca*, *Serinus canicollis*, *Serinus citrinelloides hypostictus* (Frequently traded as *Serinus citrinelloides*), *Sturnella militaris*, *Cochoa azurea*, *Cochoa purpurea*, *Garrulax formosus*, *Garrulax galbanus*, *Garrulax milnei*, *Niltava davidi*, *Stachyris whiteheadi*, *Swynnertonia swynnertoni* (Also referenced as *Pogonicichla swynnertoni*), *Turdus dissimilis*, *Pitta nipalensis*, *Pitta steerii*, *Sitta magna*, *Sitta yunnanensis*, *Lamprotornis regius*, *Mino dumontii*, *Sturnus erythropygius*, *Teratoscincus microlepis*, *Rhabdophis subminiatus*, *Calloselasma rhodostoma*, *Baronia brevicornis*, *Papilio grosesmithi*, *Papilio maraho*, *Calibanus hookeri*, *Biarum davisii* ssp. *Marmarisense*, *Biarum ditschianum*, *Othonna cacalioides*, *Othonna hallii*, *Othonna lepidocaulis*, *Ceraria carrissoana*, *Ceraria fruticulosa*,
- (10) On the basis of review by the Scientific Review Group, it was agreed to **add** the following species to Annex D: *Calotes nigriabris*, *C. pethiyagodai* and *C. liocephalus*, *Otocryptis wiegmanni*, *Platysaurus imperator*, *Tracheloptychus petersi*, *Zonosaurus maximus*, *Pseudocerastes* spp., except for the species, which is listed in Annex B, *Atelopus* spp., except for the species listed in Annex A, *Handroanthus* spp., *Tabebuia* spp., and *Roseodendron* spp., *Aucoumea klaineana*, *Boswellia* spp., *Millettia stuhlmannii*, *Pterocarpus macrocarpus*, *Entandrophragma cylindricum*, *Khaya ivorensis*, *Okoubaka aubrevillei* and *Baillonella toxisperma*.
- (11) On the basis of review by the Scientific Review Group, it was agreed to amend the annotation to the listing in Annex D of the following species: *Teratoscincus scincus*,
- (12) [Reservation by certain EU Member States on the listing of *Vulpes vulpes griffithi*, *Vulpes vulpes montana*, *Vulpes vulpes pusilla*, *Mustela altaica*, *Mustela erminea ferganae*, *Mustela kathiah* and *Mustela sibirica* has been removed, and these taxa should therefore be transferred from Annex D to Annex C]
- (13) Certain formatting errors have been corrected.
- (14) In view of the extent of these amendments it is appropriate, for reasons of clarity, to replace the Annex to Regulation (EC) No 338/97 in its entirety.

- (15) Regulation (EC) No 338/97 should therefore be amended accordingly. In view of the extent of the amendments it is appropriate, for clarity purposes, to replace the Annex to that Regulation in its entirety.
- (16) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Trade in Wild Fauna and Flora established pursuant to Article 18(1) of Regulation (EC) No 338/97,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 338/97 is replaced by the text set out in the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels,

*For the Commission*  
*The President*