

Protection of wild fauna and flora: control of trade of species

1991/0370(SYN) - 04/05/2006 - Implementing legislative act

ACT : [Commission regulation 865/2006/EC laying down detailed rules concerning the implementation of Council Regulation 338/97/EC on the protection of species of wild fauna and flora by regulating trade therein.](#)

CONTENT : provisions are required to implement Regulation 338/97/EC and to ensure full compliance with the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). In order to ensure the uniform implementation of Regulation 338/97/EC, it is necessary to lay down detailed conditions and criteria for the consideration of permit and certificate applications and for the issue, validity and use of such documents. It is therefore appropriate to lay down models to which those documents must correspond.

It is further necessary to lay down detailed provisions relating to the conditions and criteria for the treatment of specimens of animal species that are born and bred in captivity and of specimens of plant species that are artificially propagated in order to ensure the common implementation of the derogations applicable to such specimens. The derogations for specimens that are personal and household effects provided for in Article 7(3) of Regulation 338/97/EC require that provisions be specified to ensure compliance with paragraph 3 of Article VII of the Convention. In order to ensure that general derogations from the internal trade prohibitions contained in Article 8(1) of Regulation 338/97/EC are uniformly applied, it is necessary to lay down conditions and criteria with regard to their definition.

In addition, it is necessary to establish procedures for the marking of certain specimens of species in order to facilitate their identification and ensure enforcement of the provisions of Regulation 338/97/EC.

Provisions should be laid down regarding the contents, form and submission of the periodic reports provided for in Regulation 338/97/EC. In order for future amendments to the Annexes to Regulation 338/97/EC to be considered all relevant information should be available, particularly on the biological and trade status of species, their use and methods of controlling trade.

In view of the administrative burden entailed by the regulation of the export and import of live captive born and bred and personally owned animals and of personally owned animals introduced into the Community before Regulation 338/97/EC, Council Regulation 3626/82/EEC of 3 December 1982 on the implementation in the Community of the Convention on international trade in endangered species of wild fauna and flora or national legislation implementing the Convention became applicable, and of the fact that such exports and imports do not pose an obstacle to the protection of species of fauna in the wild, a special certificate should be created for those purposes.

Commission Regulation 1808/2001/EC of 30 August 2001 laying down detailed rules concerning the implementation of Council Regulation 338/97/EC on the protection of species of wild fauna and flora by regulating trade therein therefore needs to be substantially amended. In view of the scope of those amendments and in the interests of clarity, that Regulation should be replaced in its entirety.

This is the aim of the present Regulation.

ENTRY INTO FORCE : 9 July 2006.