

Basic information	
1991/0370(SYN) SYN - Cooperation procedure (historic) Protection of wild fauna and flora: control of trade of species Amended by 2008/0042(COD) Amended by 2018/0205(COD) Subject 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity	Procedure completed

Key players			
European Parliament	Committee responsible		Rapporteur
	ENVI Environment, Public Health and Consumer Protection		VAN PUTTEN Maartje J.A. (PSE)
	Former committee responsible		Former rapporteur
	ENVI Environment, Public Health and Consumer Protection		VAN PUTTEN Maartje J.A. (PSE)
	Former committee for opinion		Former rapporteur for opinion
	JURI Legal Affairs, Citizens' Rights		PELTTARI Seppo Viljo (ELDR)
Council of the European Union	Council configuration	Meetings	Date
	Agriculture and Fisheries	1904	1996-02-26
	Environment	1861	1995-06-22
	Environment	1765	1994-06-08
	Environment	1978	1996-12-09

Key events			
Date	Event	Reference	Summary
06/12/1991	Legislative proposal published	COM(1991)0448 	Summary

10/02/1992	Committee referral announced in Parliament		
10/06/1993	Vote in committee		Summary
21/06/1993	Debate in Parliament		Summary
24/11/1993	Vote in committee		
21/01/1994	Modified legislative proposal published	COM(1993)0599 	Summary
08/06/1994	Debate in Council		Summary
05/08/1995	Amended legislative proposal for reconsultation published	09457/1995	Summary
11/08/1995	Formal reconsultation of Parliament		
21/11/1995	Vote in committee		Summary
21/11/1995	Committee report tabled for plenary, reconsultation	A4-0299/1995	
26/02/1996	Council position published	04367/1/1996	Summary
23/05/1996	Committee referral announced in Parliament, 2nd reading		
03/09/1996	Vote in committee, 2nd reading		Summary
03/09/1996	Committee recommendation tabled for plenary, 2nd reading	A4-0262/1996	
17/09/1996	Debate in Parliament		Summary
30/10/1996	Modified legislative proposal published	COM(1996)0517 	
09/12/1996	Act adopted by Council after consultation of Parliament		
09/12/1996	End of procedure in Parliament		
03/03/1997	Final act published in Official Journal		

Technical information	
Procedure reference	1991/0370(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
Amendments and repeals	Amended by 2008/0042(COD) Amended by 2018/0205(COD)
Legal basis	EC Treaty (before Amsterdam) E 130S-p1
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/4/07641

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A3-0193/1993 OJ C 194 19.07.1993, p. 0005	10/06/1993	

Text adopted by Parliament, 1st reading/single reading		T3-0389/1993 OJ C 194 19.07.1993, p. 0201-0289	24/06/1993	Summary
Committee final report tabled for plenary, 1st reading /single reading		A3-0365/1993 OJ C 342 20.12.1993, p. 0003	24/11/1993	
Text adopted by Parliament confirming position adopted at 1st reading		T3-0683/1993 OJ C 342 20.12.1993, p. 0015-0033	02/12/1993	Summary
Committee final report tabled for plenary, reconsultation		A4-0299/1995 OJ C 339 18.12.1995, p. 0004	21/11/1995	
Text adopted by Parliament after reconsultation		T4-0650/1995 OJ C 017 22.01.1996, p. 0419-0430	15/12/1995	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0262/1996 OJ C 320 28.10.1996, p. 0003	03/09/1996	
Text adopted by Parliament, 2nd reading		T4-0459/1996 OJ C 320 28.10.1996, p. 0065-0077	18/09/1996	Summary

Council of the EU

Document type	Reference	Date	Summary
Amended legislative proposal for reconsultation	09457/1995	05/08/1995	Summary
Council position	04367/1/1996 OJ C 196 06.07.1996, p. 0058	26/02/1996	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1991)0448  OJ C 026 03.02.1992, p. 0001	06/12/1991	Summary
Reconsultation	COM(1993)0570 	10/11/1993	
Modified legislative proposal	COM(1993)0599  OJ C 131 12.05.1994, p. 0001	21/01/1994	Summary
Commission communication on Council's position	SEC(1996)0500 	22/03/1996	Summary
Modified legislative proposal	COM(1996)0517 	30/10/1996	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0632/1992 OJ C 223 31.08.1992, p. 0019	26/05/1992	Summary
EU	Implementing legislative act	32003R0349 OJ L 051 26.02.2003, p. 0003-0018	25/02/2003	Summary

EU	Implementing legislative act	32006R0865 OJ L 166 19.06.2006, p. 0001-0069	04/05/2006	Summary
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Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act
Regulation 1997/0338 OJ L 061 03.03.1997, p. 0001 Summary

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

1991/0370(SYN) - 24/06/1993 - Text adopted by Parliament, 1st reading/single reading

Parliament adopted the report by Mr Hemmo Muntingh, tabling no fewer than 102 amendments to the report adopted by the Committee on the Environment, Public Health and Consumer Protection. The main thrust of the amendments was to strengthen the measures designed to protect wild flora and fauna, specifically by making it easier to implement the proposed regulation.

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

1991/0370(SYN) - 06/12/1991 - Legislative proposal

This proposal is intended to replace Regulation 3626/82/EEC on the implementation in the EC of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) because the existing Regulation is perceived as having a number of limitations. A major disadvantage of the existing Regulation is that it is limited to species listed in the CITES Appendices. This has meant that there has been a serious impact on the EC's ability to take measures with regard to the numerous animal and plant species which - although not covered by CITES - require that threats posed to their conservation status by trade are prevented or brought under effective control. The proposal, therefore, provides for the possibility to list any species of wild fauna and flora in its Annexes in accordance with its conservation status and a matching level of protection. The proposal also allows for amendments to the Annexes to be made through a Commission Regulation in accordance with a committee procedure and thereby guarantees that appropriate conservation action can be taken quickly. It also contains provisions with regard to restrictions and the control of the possession of and trade in specimens of species of wild fauna and flora within the EC. This is considered necessary to safeguard an adequate protection of the species concerned as well as a proper functioning of the internal market. Furthermore, it contains provisions for prohibiting, restricting or monitoring the impact from and the export and re-export to third countries. The measures concerned provide the uniform principles for the common commercial policy in the domain covered by the Regulation.

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

1991/0370(SYN) - 02/12/1993

In its first reading under the codecision procedure, the European Parliament confirmed its vote of 24 June 1993.

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

1991/0370(SYN) - 25/02/2003 - Implementing legislative act

ACT : Commission Regulation 349/2003/EC suspending the introduction into the Community of specimens of certain species of wild fauna and flora.

CONTENT : the introduction of certain species into the Community may be restricted by the Commission in accordance with the conditions laid down in 338/97/EC.

A list of species, for which the introduction into the Community is suspended, was last established in Commission Regulation 2087/2001/EC. The present Regulation amends the list in light of the most recent available information. For reasons of clarity Regulation 2087/2001/EC should be repealed accordingly and replaced by this Regulation.

ENTRY INTO FORCE : 01/03/2003.

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.

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

1991/0370(SYN) - 05/08/1995 - Amended legislative proposal for reconsideration

The Council noted that the proposed measures were primarily designed to protect and improve the environment rather than to guarantee the operation of the internal market. It therefore considered that Article 130s of the Treaty (and not Articles 100a and 113) was the appropriate legal basis. The Council was therefore seeking Parliament's opinion on this change in the legal basis.

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

1991/0370(SYN) - 08/06/1994

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

1991/0370(SYN) - 21/01/1994 - Modified legislative proposal

The Commission modified its proposal to take account of a number of amendments by Parliament: - it re-examined the criteria for the inclusion of species covered by existing Community law on the conservation of wild flora and fauna, hence the sizeable reduction in the number of species listed in Annexes A and B; - similarly, to avoid duplication and ensure transparency in Community law, it proposed withdrawing a number of rules setting

common standards for imports of whales and cetacean products and amending the previously amended wild birds and habitats directives; - it deleted the provisions which required Member States to list indigenous species under threat in an Annex E and, in addition, introduced an article allowing Member States to adopt stricter national rules in regard to the ban on possession of specimens of these species; - it simplified the provisions on the various methods of introducing such species into the Community, exports and re-exports from the Community, possession and trading within the Community, and derogations. Parliament's other amendments were not upheld, notably those on penalties, Parliament's participation in the committee procedure, or tropical essences.

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

1991/0370(SYN) - 26/02/1996 - Council position

The common position adopted unanimously by the Council takes over - verbatim, in substance or in part - most of the EP amendments which the Commission incorporated into its amended proposal. It differs in a number of important ways from the Commission's amended proposal. This is due mainly to the fact that the emphasis has been shifted from the trade aspects of the Regulation to the conservation aspects, requiring inter alia, the alteration of the Regulation's legal basis (Art. 130s(1) of the EC Treaty). The common position also reflects the wish of the Member States to concentrate efforts and resources on the protection of the most vulnerable species and to get rid of less relevant aspects regarding implementation and enforcement which represent an unnecessary administrative burden. As set out in the common position the Regulation comprises a system of four annexes, each affording a given degree of protection, in ascending order from Annex D (simple statistical monitoring) to Annex A (total ban on trade). The species covered are those appearing in the annexes to the CITES Convention, plus a number of priority species. Both the degree and scope of the protection afforded within the Community will therefore exceed those provided under the Convention. The various species will be entered into the appropriate annex on the basis of 'objective' criteria. The restrictions placed on imports into the Community of the various species will depend on the degree to which they are threatened by extinction. Such imports shall be subject to completion of the necessary checks and presentation of an import permit issued by the accredited management authority of the Member State of designation. Special attention is paid to the re-export of specimens of the species listed and to controls on the trade in such specimens. The common position also deals with infringements of the regulation in respect of which Member States shall be required to provide for sanctions, and the obligation on the part of Member States to provide the information necessary for implementing the Regulation.

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

1991/0370(SYN) - 09/12/1996 - Final act

OBJECTIVE: to protect species of wild fauna and flora by regulating trade therein. COMMUNITY MEASURE: Council Regulation No (EC) 338/97 on the protection of species of wild fauna and flora by regulating trade therein. CONTENT: the regulation has a system of four annexes which correspond to an increasing level of protection from Annex D (simple statistical monitoring) to Annex A (total ban on trade). The species referred to are those which are listed in the annexes to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), supplemented by a number of priority species. The level and scope of the protection in the Community which will result will thus exceed that of the Convention. These species are entered in the appropriate annex on the basis of "objective" criteria. Depending on the extent to which they are endangered, the regulation establishes more or less restrictive conditions for the introduction into the Community of the species in question. In practical terms, the necessary checks must be carried out and an import permit must be presented to the relevant management authority of the Member State of destination. Provisions also allow checks to be carried out on the conditions of housing of the specimens. Furthermore, specific provisions are provided for specimens born in captivity or artificially propagated. Special attention is paid to checks on re-exports of specimens of the species referred to and also checks on commercial activities involving such specimens. The regulation also deals with infringements to the regulation for which the Member States must impose sanctions and the obligations to provide information on the part of the Member States in order to allow the implementation of the regulation. ENTRY INTO FORCE: 3 March 1997. The regulation is applicable with effect from 1 January 1997.

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

1991/0370(SYN) - 22/03/1996 - Commission communication on Council's position

The Commission was highly satisfied with the common position which, it considered, represented a significant improvement on Regulation (EEC) No 82 /3626, especially as far as implementation and application were concerned. It also considered that an urgent decision was needed on the regulation. It was crucial to implement and apply this instrument by 1 January 1997 in order to preserve species. As far as comitology was concerned, the Commission regretted that the Council had opted for a type IIb regulatory committee for certain measures to be adopted during the implementation of the regulation as this type of committee would not ensure, in its opinion, that the necessary decisions were adopted in all cases.

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

1991/0370(SYN) - 15/12/1995 - Text adopted by Parliament after reconsultation

In adopting the report by Mr Van PUTTEN (PSE, NL), the European Parliament approved the new legal basis for this regulation (Article 130s(1) of the TEU).

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

1991/0370(SYN) - 26/02/1996

The Council adopted its common position on the proposal for a Regulation on the protection of species of wild fauna and flora by regulating trade therein. The text will be forwarded to the European Parliament under the cooperation procedure (Article 189c of the Treaty). It should be noted that the Environment Council meeting on 22 and 23 June 1995 already reached agreement in principle on this common position. Under that agreement, however, the Council preferred Article 130s(1) of the Treaty (which is part of Title XVI: Environment) as the legal basis, rather than Articles 100a and 113 (concerning the functioning of the internal market and common commercial policy respectively) as proposed by the Commission. After being consulted on this point, the European Parliament agreed to the change of legal basis on 15 December 1995. By means of this Regulation the Community will be able to ensure better application - often by means of stricter provisions - of the Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Community had given an undertaking to that effect at the 9th Conference of the Parties to that Convention (Fort Lauderdale, 7 to 18 November 1994).

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

1991/0370(SYN) - 22/06/1995

The Council adopted a position - subject to consultation of the European Parliament on the legal basis (Article 130s rather than Articles 100a and 113 proposed by the Commission) - on the proposal for a regulation on the rules applicable to the possession and trade of species of wild fauna and flora. By means of this Regulation the Community will be able to ensure better application - often by means of stricter provisions - of the Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Community had given an undertaking to that effect at the 9th Conference of the Parties to that Convention (Fort Lauderdale, 7 to 18 November 1994). The Regulation comprises four Annexes reflecting a level of protection increasing from Annex D (statistical monitoring only) to Annex A (total trading ban). The species covered are those listed in the Annexes to the Convention with the addition of a series of 'priority' species. The ensuing level and extent of protection in the Community will, therefore, exceed those provided for under the Convention. Objective criteria will serve as a basis for including those species in the appropriate Annex. The greater the threat of extinction facing the species in question, the more restrictive will need to be the conditions for introducing them into the Community. Concrete measures laid down include the completion of the requisite checks and the presentation of import permits issued by the approved management authority of the Member State of destination. Special attention is given to the re-export of specimens of the species covered and also to the control of commercial activities involving such specimens. The position also covers the infringements of the Regulation that Member States will be required to penalise, and the information obligation upon Member States designed to enable the Regulation to be implemented.

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

1991/0370(SYN) - 26/05/1992 - Economic and Social Committee: opinion, report

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

1991/0370(SYN) - 18/09/1996 - Text adopted by Parliament, 2nd reading

In adopting the report by Mrs Maartje van PUTTEN (PSE, NL), Parliament amended the common position relating to the protection of species of wild fauna and flora by regulating trade therein. In its amendments Parliament called for: - better protection of bird species in relation to which it has been established that live specimens placed on the market have little chance of survival in transit or face a considerable shortening of their potential life span in captivity; - the competent scientific authority to ensure that the accommodation is suited to the natural behavioural patterns of the species, that the animal does not face a shorter life span in captivity, and that it can reproduce. Parliament also called for the Commission to be required to ensure free access to the information it receives pursuant to the Regulation. Finally, it proposed the setting up of a Subgroup within the committee under the title 'Working Party on Implementation', composed of representatives of Member States' competent authorities charged with enforcing the provisions of the Regulation, and chaired by a Commission representative.