

Commission regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein

## CHAPTER I

### DEFINITIONS

#### *Article 1*

#### **Definitions**

For the purposes of this Regulation, in addition to the definitions laid down in Article 2 of Regulation (EC) No 338/97, the following definitions shall apply:

- (1) [<sup>F1</sup>‘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;]
- (2) ‘second-generation offspring (F2)’ and ‘subsequent generation offspring (F3, F4, and so on)’ means specimens produced in a controlled environment from parents that were also produced in a controlled environment, as distinct from specimens produced in a controlled environment from parents at least one of which was conceived in or taken from the wild (first-generation offspring (F1));
- (3) ‘breeding stock’ means all the animals in a breeding operation that are used for reproduction;
- (4) ‘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, 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;
- (4a) [<sup>F2</sup>‘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 <sup>F3</sup>... management authority, in consultation with [<sup>F4</sup>the competent scientific authority of the United Kingdom]:
  - (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;
- (4b) ‘hunting trophy’ means a whole animal, or a readily recognisable part or derivative of an animal, specified on any accompanying CITES permit or certificate that fulfils the following conditions:
  - (i) is raw, processed or manufactured;

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*Changes to legislation:* This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on [legislation.gov.uk](http://legislation.gov.uk). (See end of Document for details)

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- (ii) was legally obtained by the hunter through hunting for the hunter's personal use;
  - (iii) 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;]
- (5) ‘a person normally residing in [<sup>F5</sup>Great Britain]’ means a person who lives in [<sup>F5</sup>Great Britain] 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 is living;
- (6) [<sup>F1</sup>‘travelling exhibition’ means a sample collection, circus, menagerie, plant exhibition, orchestra or museums exhibition that is used for commercial display for the public;]
- (7) [<sup>F6</sup>‘transaction-specific certificates’ means certificates issued in accordance with Article 48 that are valid only for one or more specified transactions;]
- (8) ‘specimen-specific certificates’ means certificates issued in accordance with Article 48, other than transaction-specific certificates[<sup>F6</sup>;]
- (9) [<sup>F7</sup>‘sample collection’ means a collection of legally acquired dead specimens, parts and derivatives thereof, that are transported across borders for presentation purposes;
- (10) ‘pre-Convention specimen’ means a specimen acquired before the species concerned was first included in the Appendices to the Convention.]

#### Textual Amendments

- F1** Substituted by Commission Regulation (EU) 2015/870 of 5 June 2015 amending, as regards the trade in species of wild fauna and flora, Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97.
- F2** Inserted by Commission Regulation (EU) No 791/2012 of 23 August 2012 amending, as regards certain provisions relating to the trade in species of wild fauna and flora, Regulation (EC) No 865/2006 laying down detailed rules for the implementation of Council Regulation (EC) No 338/97.
- F3** Word in Art. 1(4a) omitted (31.12.2020) by virtue of The Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1395), regs. 1(2), **8(2)(a)(i)**
- F4** Words in Art. 1(4a) substituted (31.12.2020) by The Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1395), regs. 1(2), **8(2)(a)(ii)**
- F5** Words in Art. 1(5) substituted (31.12.2020) by The Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1395), regs. 1(2), **8(2)(b)**
- F6** Substituted by Commission Regulation (EC) No 100/2008 of 4 February 2008 amending, as regards sample collections and certain formalities relating to the trade in species of wild fauna and flora, Regulation (EC) No 865/2006 laying down detailed rules for the implementation of Council Regulation (EC) No 338/97.
- F7** Inserted by Commission Regulation (EC) No 100/2008 of 4 February 2008 amending, as regards sample collections and certain formalities relating to the trade in species of wild fauna and flora, Regulation (EC) No 865/2006 laying down detailed rules for the implementation of Council Regulation (EC) No 338/97.

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*[<sup>F8</sup>Article 1a*

**References to importation etc.**

In this Regulation—

- (a) references to the importation or introduction of anything into Great Britain includes the importation or introduction of anything into Northern Ireland before IP completion day;
- (b) references to the export, or re-export of anything from Great Britain includes the export, or re-export of anything from Northern Ireland before IP completion day;
- (c) references to anything acquired in Great Britain includes anything acquired in Northern Ireland before IP completion day;
- (d) references to the transit of specimens through Great Britain includes the transit of specimens through Northern Ireland before IP completion day.]

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**Textual Amendments**

- F8** [Art. 1a](#) inserted (31.12.2020) by [The Environment and Wildlife \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1395\)](#), regs. 1(2), **8(3)**

**Changes to legislation:**

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