

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 XVI

MARKING REQUIREMENTS

Article 66

Marking methods

1 For the purposes of Articles 33(1), 40(1), 59(5), and 65(4), paragraphs 2 and 3 of this Article shall apply.

2 Captive born and bred birds shall be marked in accordance with paragraph 8, or, where the ^{F1}... management authority is satisfied that this method is not appropriate because of the physical or behavioural properties of the animal, by means of a uniquely numbered, unalterable microchip transponder conforming to ISO Standards 11784: 1996 (E) and 11785: 1996 (E).

3 Live vertebrates other than captive born and bred birds shall be marked by means of a uniquely numbered unalterable microchip transponder conforming to ISO Standards 11784: 1996 (E) and 11785: 1996 (E), or, where the ^{F2}... management authority is satisfied that this method is not appropriate because of the physical or behavioural properties of the specimen/species, the specimens concerned shall be marked by means of uniquely numbered rings, bands, tags, tattoos or similar means, or be made identifiable by any other appropriate means.

4 Articles 33(1), 40(1), 48(2), 59(5) and 65(4) shall not apply where the ^{F3}... management authority is satisfied that, at the time of issue of the relevant certificate, the physical properties of the specimens involved do not allow the safe application of any marking method.

Where that is the case, the management authority concerned shall issue a transaction# specific certificate and shall record that fact in box 20 of the certificate, or, where a marking method can be safely applied at a later date, shall include the appropriate stipulations therein.

[^{F4}Specimen-specific certificates, travelling exhibition certificates and personal ownership certificates shall not be issued in respect of live specimens covered by this paragraph.]

5 Specimens marked by means of a microchip transponder other than one conforming to ISO Standards 11784: 1996 (E) and 11785: 1996 (E) before 1 January 2002, or by means of one of the methods referred to in paragraph 3 before 1 June 1997, or in compliance with paragraph 6 before their introduction into [^{F5}Great Britain], shall be deemed to have been marked in compliance with paragraphs 2 and 3.

[^{F6} The specimens referred to in Articles 64 and 65 shall be marked in accordance with the method approved or recommended by the Conference of the Parties to the Convention for the specimens concerned and, in particular, the containers of caviar referred to in Articles 57(5)(a), 64(1)(g), 64(2) and 65(3) shall be individually marked by means of non-reusable labels affixed to each primary container. Where the non-reusable label does not seal the primary container,

Changes to legislation: There are currently no known outstanding effects for the Commission regulation (EC) No 865/2006, Article 66. (See end of Document for details)

the caviar shall be packaged in such a manner as to permit visual evidence of any opening of the container.

[^{F7}Caviar from different Acipenseriformes species shall not be mixed into a primary container, except in the case of pressed caviar (i.e. caviar composed of unfertilized eggs (roe) of one or more sturgeon or paddlefish species, remaining after the processing and preparation of higher quality caviar).]

7 Only those processing plants and (re-)packaging plants that are licensed by the management authority ^{F8}... shall be entitled to process and package or re-package caviar for export [^{F9}or] re-export ^{F10}....

Licensed processing and (re-)packaging plants shall be required to maintain adequate records of the quantities of caviar imported, exported, re-exported, produced in situ or stored, as appropriate. These records must be available for inspection by the management authority in the relevant Member State.

A unique registration code shall be attributed to each such processing or (re-)packaging plant by that management authority.

The list of facilities licensed in accordance with this paragraph, as well as any changes thereto, shall be notified to the Secretariat of the Convention ^{F11}....

For the purpose of this paragraph processing plants shall include caviar producing aquaculture operations.]

8 Captive born and bred birds, as well as other birds born in a controlled environment shall be marked by means of a uniquely marked seamlessly closed leg-ring.

A seamlessly closed leg-ring refers to a ring or band in a continuous circle, without any break or join, which has not been tampered with in any way, of a size which cannot be removed from the bird when its leg is fully grown after having been applied in the first days of the bird's life and which has been commercially manufactured for that purpose.

Textual Amendments

- F1** Word in Art. 66(2) 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(64)(a)**
- F2** Word in Art. 66(3) 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(64)(a)**
- F3** Word in Art. 66(4) 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(64)(a)**
- F4** Substituted 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.
- F5** Words in Art. 66(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(64)(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 (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.

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- F8** Words in Art. 66(7) 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(64)(c)(i)(aa)**
- F9** Word in Art. 66(7) inserted (31.12.2020) by The Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1395), regs. 1(2), **8(64)(c)(i)(bb)**
- F10** Words in Art. 66(7) 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(64)(c)(i)(cc)**
- F11** Words in Art. 66(7) 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(64)(c)(ii)**

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