

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 II

### FORMS AND TECHNICAL REQUIREMENTS

#### *Article 2*

##### **Forms**

1 The forms on which import permits, export permits, re-export certificates, personal ownership certificates and applications for such documents are drawn up shall conform, except as regards spaces reserved for national use, to the model set out in Annex I.

2 The forms on which import notifications are drawn up shall conform, except as regards spaces reserved for national use, to the model set out in Annex II. They may contain a serial number.

3 The forms on which travelling exhibition certificates and applications for such documents are drawn up shall conform, except as regards spaces reserved for national use, to the model set out in Annex III.

4 The forms on which continuation sheets for personal ownership certificates and for travelling exhibition certificates are drawn up shall conform to the model set out in Annex IV.

5 The forms on which the certificates provided for in Articles 5(2)(b), 5(3), 5(4), 8(3) and 9(2)(b) of Regulation (EC) No 338/97 and applications for such certificates are drawn up shall conform, except as regards spaces reserved for national use, to the model set out in Annex V to this Regulation.

Member States may, however, provide that, instead of the pre-printed text, boxes 18 and 19 are to contain only the relevant certification and/or authorisation.

6 The form of the labels referred to in Article 7(4) of Regulation (EC) No 338/97 shall conform to the model set out in Annex VI to this Regulation.

#### *Article 3*

##### **Technical specifications with regard to forms**

1 The paper used for the forms referred to in Article 2 shall be free of mechanical pulp and dressed for writing purposes, and shall weigh at least 55 g/m<sup>2</sup>.

2 The size of the forms referred to in Article 2(1) to (5) shall be 210 x 297 mm (A4) with a maximum tolerance as to length of 18 mm less and 8 mm more.

3 The colour of the paper used for the forms referred to in Article 2(1) shall be as follows:

- a white for form 1, the original, with a guilloche pattern background, printed in grey on the front, so as to reveal any falsification by mechanical or chemical means;
- b yellow for form 2, the copy for the holder;

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- c pale green for form 3, the copy for the exporting or re-exporting country in the case of an import permit, or the copy for return by customs to the issuing management authority in the case of an export permit or re-export certificate;
  - d pink for form 4, the copy for the issuing management authority;
  - e white for form 5, the application.
- 4 The colour of the paper used for the forms referred to in Article 2(2) shall be as follows:
- a white for form 1, the original;
  - b yellow for form 2, the copy for the importer.
- 5 The colour of the paper used for the forms referred to in Article 2(3) and 2(5) shall be as follows:
- a yellow for form 1, the original, with a guilloche pattern background, printed in grey on the front, so as to reveal any falsification by mechanical or chemical means;
  - b pink for form 2, the copy for the issuing management authority;
  - c white for form 3, the application.
- 6 The colour of the paper used for the continuation sheets and labels referred to in Article 2(4) and 2(6) respectively shall be white.
- 7 The forms referred to in Article 2 shall be printed and completed in one of the official Community languages as specified by the management authorities of each Member State. They shall, where necessary, contain a translation of their contents in one of the official working languages of the Convention.
- 8 Member States shall be responsible for the printing of the forms referred to in Article 2, which, in the case of the forms referred to in Article 2(1) to (5) may be part of a computerised permit/certificate issuing process.

#### *Article 4*

### **Completion of forms**

- 1 Forms shall be completed in typescript.

However, applications for import and export permits, for re-export certificates, for the certificates provided for in Articles 5(2)(b), 5(3), 5(4), 8(3) and 9(2)(b) of Regulation (EC) No 338/97, for personal ownership certificates and for travelling exhibition certificates, as well as import notifications, continuation sheets and labels, may be completed in manuscript, provided that this is done legibly, in ink and in block capitals.

- 2 Forms 1 to 4 of Annex I, forms 1 and 2 of Annex II, forms 1 and 2 of Annex III, forms 1 and 2 of Annex V, the continuation sheets referred to in Article 2(4) and the labels referred to in Article 2(6) may not contain any erasures or alterations, unless those erasures or alterations have been authenticated by the stamp and signature of the issuing management authority. In the case of the import notifications as referred to in Article 2(2) and the continuation sheets referred to in Article 2(4), erasures or alterations may also be authenticated by the stamp and signature of the customs office of introduction.

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## Article 5

### Contents of permits, certificates and applications for the issue of such documents

Information and references in permits and certificates, as well as in applications for the issue of such documents, shall comply with the following requirements:

- (1) the description of specimens must, where it is provided for, include one of the codes contained in Annex VII;
- (2) for the indication of units of quantity and net mass, those contained in Annex VII must be used;
- (3) the taxa to which the specimens belong must be indicated to species level except where the species is differentiated to subspecies level in accordance with the Annexes to Regulation (EC) No 338/97 or where the Conference of the Parties to the Convention has decided that differentiation to a higher taxonomic level is sufficient;
- (4) the standard references for nomenclature contained in Annex VIII to this Regulation must be used to indicate the scientific names of taxa;
- (5) where required, the purpose of a transaction must be indicated using one of the codes contained in point 1 of Annex IX to this Regulation;
- (6) the source of specimens must be indicated using one of the codes contained in point 2 of Annex IX to this Regulation.

Where the use of the codes referred to in point (6) is subject to compliance with the criteria laid down in Regulation (EC) No 338/97 or in this Regulation, they must comply with those criteria.

## Article 6

### Annexes to forms

1 If an annex attached to any of the forms referred to in Article 2 is an integral part of that form, that fact and the number of pages shall be clearly indicated on the permit or certificate concerned and each page of the annex shall include the following:

- a the number of the permit or certificate and its date of issue;
- b the signature and the stamp or seal of the management authority which issued the permit or certificate.

2 Where the forms referred to in Article 2(1) are used for more than one species in a shipment, an annex shall be attached which, in addition to the information required under paragraph 1 of this Article, shall, for each species in the shipment, reproduce boxes 8 to 22 of the form concerned as well as the spaces contained in box 27 thereof for 'quantity/net mass actually imported or (re-)exported' and, where appropriate, 'number of animals dead on arrival'.

3 Where the forms referred to in Article 2(3) are used for more than one species, an annex shall be attached which, in addition to the information required under paragraph 1 of this Article, shall, for each species, reproduce boxes 8 to 18 of the form concerned.

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4 Where the forms referred to in Article 2(5) are used for more than one species, an annex shall be attached which, in addition to the information required under paragraph 1 of this Article, shall, for each species, reproduce boxes 4 to 18 of the form concerned.

#### *Article 7*

##### **Permits and certificates issued by third countries**

1 Article 4(1) and (2), Article 5(3), (4) and (5) and Article 6 shall apply in the case of decisions on the acceptability of permits and certificates issued by third countries for specimens to be introduced into the Community.

2 Where the permits and certificates referred to in paragraph 1 concern specimens of species that are subject to voluntarily fixed export quotas or export quotas allocated by the Conference of the Parties to the Convention, they shall be accepted only if they specify the total number of specimens already exported in the current year, including those covered by the permit in question, and the quota for the species concerned.

3 Re-export certificates issued by third countries shall be accepted only if they specify the country of origin and the number and date of issue of the relevant export permit and, where applicable, the country of last re-export and the number and date of issue of the relevant re-export certificate, or if they contain a satisfactory justification for the omission of such information.

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