

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

^{F1}Article 2

Forms

.....

Textual Amendments

- F1** Deleted by [Commission Implementing Regulation \(EU\) No 792/2012 of 23 August 2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation \(EC\) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and amending Commission Regulation \(EC\) No 865/2006.](#)

^{F1}Article 3

Technical specifications with regard to forms]

.....

Textual Amendments

- F1** Deleted by [Commission Implementing Regulation \(EU\) No 792/2012 of 23 August 2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation \(EC\) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and amending Commission Regulation \(EC\) No 865/2006.](#)

^{F2}Article 4

Completion of forms

^{F31} Forms referred to in Article 2 of Commission Implementing Regulation (EU) No 792/2012⁽¹⁾ shall be completed in typescript.]

^{F4}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, for sample collection certificates, for musical instrument certificates and for travelling exhibition certificates as well as import notifications, continuation sheets and labels may be completed in manuscript, provided this is done legibly, in ink and in block capitals.]]

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

[^{F32} Forms 1 to 4 of Annex I provided for in Implementing Regulation (EU) No 792/2012, forms 1 and 2 of Annex II provided for in Implementing Regulation (EU) No 792/2012, forms 1 and 2 of Annex III provided for in Implementing Regulation (EU) No 792/2012, forms 1 and 2 of Annex V provided for in Implementing Regulation (EU) No 792/2012, the continuation sheets referred to in Article 2(4) of Implementing Regulation (EU) No 792/2012 and the labels referred to in Article 2(6) of Implementing Regulation (EU) No 792/2012 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) of Implementing Regulation (EU) No 792/2012 and the continuation sheets referred to in Article 2(4) of Implementing Regulation (EU) No 792/2012, erasures or alterations may also be authenticated by the stamp and signature of the customs office of introduction.]

Textual Amendments

- F2** 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.](#)
- F3** 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.](#)
- F4** 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.](#)

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.

[^{F5}Article 5a

Specific content of permits, certificates and applications for plant specimens

[^{F3}In case of plant specimens that cease to qualify for an exemption from the provisions of the Convention or Regulation (EC) No 338/97 in accordance with the ‘Notes on the interpretation of Annexes A, B, C and D’ in the Annex thereto, under which they were legally exported and imported, the country to be indicated in box 15 of the forms in Annexes I and III provided for in Implementing Regulation (EU) No 792/2012, box 4 of the forms in Annex II provided for in Implementing Regulation (EU) No 792/2012 and box 10 of the forms in Annex V provided for in Implementing Regulation (EU) No 792/2012 may be the country in which the specimens ceased to qualify for the exemption.]

In those cases the box reserved for the entry of ‘special conditions’ in the permit or certificate shall include the statement ‘Legally imported under exemption from the provisions of CITES’ and shall specify to which exemption this refers.]

Textual Amendments

- F3** 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** 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.](#)

[^{F6}Article 5b

Specific content of permits and certificates for live rhinoceros and live elephants

Permits and certificates issued under Article 4 or Article 5 of Regulation (EC) No 338/97 for import or re-export of live rhinoceroses or live elephants from populations included in Annex B to that Regulation shall contain a condition stating that horn or ivory from those animals or from their progeny may not enter commercial trade or commercial activities within [^{F7}Great Britain]. In addition, live rhinoceroses or live elephants from those populations shall not be subject to trophy hunting outside of their historic range.]

Textual Amendments

- F6** Inserted by [Commission Regulation \(EU\) 2019/220 of 6 February 2019 amending Regulation \(EC\) No 865/2006 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.](#)
- F7** Words in Art. 5b substituted (31.12.2020) by [The Environment and Wildlife \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1395\), regs. 1\(2\), 8\(4\)](#)

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

^{F3}Article 6

Annexes to forms

1 If an annex attached to any of the forms referred to in Article 2 of Implementing Regulation (EU) No 792/2012 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) of Implementing Regulation (EU) No 792/2012 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) of Implementing Regulation (EU) No 792/2012 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.

4 Where the forms referred to in Article 2(5) of Implementing Regulation (EU) No 792/2012 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.]

Textual Amendments

- F3** 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.](#)

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 [^{F8}Great Britain].

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.

[^{F54} Permits and certificates issued by third countries with source code ‘O’ shall be accepted only if they cover specimens that conform to the definition of pre-Convention specimen set out in Article 1(10) and include either the date of acquisition of the specimens or a statement that the specimens were acquired before a specific date.]

[^{F95} Export permits and re-export certificates shall be endorsed, with quantity, signature and stamp, by an official from the export or re-export country, in the export endorsement block of the document. If the export document has not been endorsed at the time of export, the management authority of the importing country should liaise with the exporting country's management authority, considering any extenuating circumstances or documents, to determine the acceptability of the document.]

[^{F106} Export permits and re-export certificates issued by third countries shall be accepted only if the competent authority from the third country concerned provides, where requested to do so, satisfactory information that the specimens were obtained in accordance with the legislation on the protection of the species concerned.]

Textual Amendments

- F5** 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.](#)
- F8** Words in Art. 7(1) substituted (31.12.2020) by [The Environment and Wildlife \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1395\), regs. 1\(2\), 8\(5\)](#)
- F9** 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.](#)
- F10** 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.](#)

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

(1) [^{F2}[^{F3}OJ L 242, 7.9.2012, p. 13.]]

.....

Textual Amendments

- F2** 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.
- F3** 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.

Changes to legislation:

There are currently no known outstanding effects for the Commission regulation (EC) No 865/2006, CHAPTER II.