

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 VI

EXPORT PERMITS AND RE-EXPORT CERTIFICATES

Article 26

Applications

1 The applicant for an export permit or re-export certificate shall, where appropriate, complete boxes 1, 3, 4, 5 and 8 to 23 of the application form and boxes 1, 3, 4 and 5 and 8 to 22 of the original and all copies. [^{F1}The management authority] may, however, provide that only an application form is to be completed, in which case such an application may relate to more than one shipment.

2 The duly completed form shall be submitted to the management authority of the [^{F2}United Kingdom] and shall contain the information and be accompanied by the documentary evidence that the authority deems necessary to enable it to determine whether, on the basis of Article 5 of Regulation (EC) No 338/97, a permit/certificate should be issued.

The omission of information from the application must be justified.

3 When an application is made for an export permit or a re-export certificate relating to specimens for which such an application has previously been rejected, the applicant shall inform the management authority of that fact.

4 For export permits and re-export certificates concerning specimens referred to in Article 65, the applicant shall satisfy the management authority that the marking requirements laid down in Article 66 have been fulfilled.

5 Where in support of an application for a re-export certificate, a 'copy for the holder' of an import permit, or a 'copy for the importer' of an import notification, or a certificate issued on the basis thereof is presented, such documents shall be returned to the applicant only after amendment of the number of specimens for which the document remains valid.

Such a document shall not be returned to the applicant if the re-export certificate is granted for the total number of specimens for which the document is valid, or where the document is replaced in accordance with Article 51.

6 The management authority shall establish the validity of any supporting documents, where necessary in consultation with a management authority of [^{F3}a third country].

7 Paragraphs 5 and 6 shall apply where a certificate is presented in support of an application for an export permit.

8 Where, under the supervision of [^{F4}the management authority], specimens have been individually marked so as to allow an easy reference to the documents referred to in paragraphs 5 and 7, those documents shall not be required to be physically presented together with the application, provided that their number is included in the application.

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

9 In the absence of the supporting evidence referred to in paragraphs 5 to 8, the management authority shall establish the legal introduction into or acquisition in [^{F5}Great Britain] of the specimens to be (re-)exported, where necessary in consultation with a management authority of [^{F6}a third country].

^{F7}10

Textual Amendments

- F1** Words in Art. 26(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(21)(a)**
- F2** Words in Art. 26(2) substituted (31.12.2020) by The Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1395), regs. 1(2), **8(21)(b)**
- F3** Words in Art. 26(6) substituted (31.12.2020) by The Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1395), regs. 1(2), **8(21)(c)**
- F4** Words in Art. 26(8) substituted (31.12.2020) by The Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1395), regs. 1(2), **8(21)(d)**
- F5** Words in Art. 26(9) substituted (31.12.2020) by The Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1395), regs. 1(2), **8(21)(e)(i)**
- F6** Words in Art. 26(9) substituted (31.12.2020) by The Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1395), regs. 1(2), **8(21)(e)(ii)**
- F7** Art. 26(10) 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(21)(f)**

^{F8}Article 26a

Rejection of applications for export permits

[^{F9}The management authority] shall reject applications for export permits for caviar and meat of sturgeon species (*Acipenseriformes* spp.) from shared stocks unless export quotas have been set for the species in accordance with the procedure approved by the Conference of the Parties to the Convention.]

Textual Amendments

- F8** 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.
- F9** Words in Art. 26a substituted (31.12.2020) by The Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1395), regs. 1(2), **8(22)**

Article 27

Documents to be surrendered by the (re-)exporter to the customs office

The (re-)exporter or his authorised representative shall surrender the original export permit or re-export certificate (form 1), the copy for the holder (form 2) and the copy for return to the issuing management authority (form 3) to a customs office designated in accordance with Article 12(1) of Regulation (EC) No 338/97.

Where appropriate, the (re-)exporter or his authorised representative shall indicate in box 26 the number of the bill of lading or air waybill.

Article 28

Handling by the customs office

The customs office referred to in Article 27 shall, after completing box 27, return the original export permit or re-export certificate (form 1) and the copy for the holder (form 2) to the (re#)exporter or to his authorised representative.

F10

Textual Amendments

F10 Words in [Art. 28](#) 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(23)**

Article 29

Pre-issued permits for nurseries

Where, in compliance with the guidelines adopted by the Conference of the Parties to the Convention, [^{F11}the management authority] registers nurseries which export artificially propagated specimens of species included in Annex A to Regulation (EC) No 338/97, it may make pre#issued export permits for species listed in Annexes A or B to that Regulation available to the nurseries concerned.

In box 23 of those pre-issued export permits, the registration number of the nursery shall be indicated, as well as the following statement:

‘Permit valid only for artificially propagated plants as defined by CITES Resolution Conf. 11.11 (Rev. CoP13). Valid only for the following taxa: ...’.

Textual Amendments

F11 Words in [Art. 29](#) substituted (31.12.2020) by [The Environment and Wildlife \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1395\)](#), regs. 1(2), **8(24)**

Changes to legislation:

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