

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 VII

TRAVELLING EXHIBITION CERTIFICATES

Article 30

Issue

1 Member States may issue travelling exhibition certificates in respect of legally acquired specimens which form part of a travelling exhibition and which meet either of the following criteria:

- a they were born and bred in captivity in accordance with Articles 54 and 55, or artificially propagated in accordance with Article 56;
- b they were acquired in, or introduced into, the Community before the provisions relating to species listed in Appendices I, II or III to the Convention, or in Annex C to Regulation (EEC) No 3626/82, or in Annexes A, B and C to Regulation (EC) No 338/97 became applicable to them.

2 In the case of live animals, a travelling exhibition certificate shall cover only one specimen.

3 A continuation sheet shall be attached to the travelling exhibition certificate, for use in accordance with Article 35.

4 In the case of specimens other than live animals, the management authority shall attach to the travelling exhibition certificate an inventory sheet displaying, in respect of each specimen, all the information required by boxes 8 to 18 of the model form set out in Annex III.

Article 31

Use

A travelling exhibition certificate may be used as follows:

- (1) as an import permit, in accordance with Article 4 of Regulation (EC) No 338/97;
- (2) as an export permit or re-export certificate, in accordance with Article 5 of Regulation (EC) No 338/97;
- (3) as a certificate, in accordance with Article 8(3) of Regulation (EC) No 338/97, for the sole purpose of allowing the specimens to be displayed to the public.

Article 32

Issuing authority

1 Where the travelling exhibition originates in the Community, the issuing authority for a travelling exhibition certificate shall be the management authority of the Member State in which the travelling exhibition originates.

2 Where the travelling exhibition originates in a third country, the issuing authority for a travelling exhibition certificate shall be the management authority of the Member State of first destination and the issue of that certificate shall be based on the provision of an equivalent certificate, issued by that third country.

3 Where, during a stay in a Member State, an animal covered by a travelling exhibition certificate gives birth, the management authority of that Member State shall be notified and shall issue a permit or certificate as appropriate.

Article 33

Requirement for specimens

1 Where a specimen is covered by a travelling exhibition certificate, all the following requirements shall be met:

- a the specimen must be registered by the issuing management authority;
- b the specimen must be returned to the Member State in which it is registered before the date of expiry of the certificate;
- c the specimen must be uniquely and permanently marked, in accordance with Article 66 in the case of live animals, or otherwise identified in such a way that the authorities of each Member State into which the specimen enters can verify that the certificate corresponds to the specimen being imported or exported.

2 In the case of travelling exhibition certificates issued in accordance with Article 32(2), points (a) and (b) of paragraph 1 of this Article shall not apply. In such cases, the certificate shall include the following text in box 20:

‘This certificate is not valid unless accompanied by an original travelling exhibition certificate issued by a third country.’

Article 34

Applications

1 The applicant for a travelling exhibition certificate shall, where appropriate, complete boxes 3 and 9 to 18 of the application form (form 3) and boxes 3 and 9 to 18 of the original and all copies.

Member States may, however, provide that only an application form is to be completed, in which case such an application may be for more than one certificate.

2 The duly completed form shall be submitted to the management authority of the Member State in which the specimens are located, or in the case referred to in Article 32(2), to the management authority of the Member State of first destination, together with the necessary

information and the documentary evidence that that authority deems necessary so as to enable it to determine whether a certificate should be issued.

The omission of information from the application must be justified.

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

Article 35

Documents to be surrendered to the customs office by the holder

1 In the case of a travelling exhibition certificate issued in accordance with Article 32(1), the holder or his authorised representative shall, for verification purposes, surrender the original of that certificate (form 1), and the original and a copy of the continuation sheet, to a customs office designated in accordance with Article 12(1) of Regulation (EC) No 338/97.

The customs office shall, after completing the continuation sheet, return the original documents to the holder or his authorised representative, endorse the copy of the continuation sheet and forward that endorsed copy to the relevant management authority in accordance with Article 45.

2 In the case of a travelling exhibition certificate issued in accordance with Article 32(2), paragraph 1 of this Article shall apply, except that the holder or his authorised representative shall also submit the original certificate and the continuation sheet issued by the third country for verification purposes.

The customs office shall, after completing both continuation sheets, return the original travelling exhibition certificates and continuation sheets to the importer or his authorised representative and forward an endorsed copy of the continuation sheet of the certificate issued by the Member State's management authority to that authority in accordance with Article 45.

Article 36

Replacement

A travelling exhibition certificate that has been lost, stolen or destroyed may be replaced only by the authority which issued it.

The replacement shall bear the same number, if possible, and the same date of validity as the original document, and shall include, in box 20, the following statement:

‘This certificate is a true copy of the original.’