

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

## [<sup>F1</sup>CHAPTER VIIIa

### **SAMPLE COLLECTION CERTIFICATES**

#### *Article 44a*

##### **Issue**

Member States may issue sample collection certificates in respect of sample collections, provided the collection is covered by a valid ATA carnet and includes specimens, parts or derivatives of species listed in Annexes A, B or C of Regulation (EC) No 338/97.

For the purposes of the first paragraph, specimens, parts or derivatives of species listed in Annex A must comply with Chapter XIII of this Regulation.

#### *Article 44b*

##### **Use**

Provided that a sample collection covered by a sample collection certificate is accompanied by a valid ATA carnet, a certificate, issued in accordance with Article 44a, 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, where the country of destination recognises and allows the use of ATA carnets;
- (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 for commercial purposes.

#### *Article 44c*

##### **Issuing authority**

1 Where the sample collection originates within the Community the issuing authority for a sample collection certificate shall be the management authority of the Member State in which the sample collection originates.

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

---

*Status: Point in time view as at 05/02/2015.*

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

---

### *Article 44d*

#### **Requirements**

1 A sample collection covered by a sample collection certificate must be re-imported into the Community before the date of expiry of the certificate.

2 The specimens covered by a sample collection certificate may not be sold or otherwise transferred whilst outside the territory of the State that issued the certificate.

3 A sample collection certificate shall not be transferable. If the specimens covered by a sample collection certificate are stolen, destroyed, or lost, the issuing management authority and the management authority of the country in which this occurred shall be immediately informed.

4 A sample collection certificate shall indicate that the document is for 'other: Sample Collection' and shall include the number of the accompanying ATA carnet in box 23.

The following text shall be included in box 23 or in an appropriate annex to the certificate:

For sample collection accompanied by ATA carnet No: xxx

This certificate covers a sample collection and is not valid unless accompanied by a valid ATA carnet. This certificate is not transferable. The specimens covered by this certificate may not be sold or otherwise transferred whilst outside the territory of the State that issued this document. This certificate may be used for (re-)export from [indicate the country of (re-)export] via [indicate the countries to be visited] for presentation purposes and import back to [indicate the country of (re-)export].

5 In the case of sample collection certificates issued in accordance with Article 44c(2), paragraphs 1 and 4 of this Article shall not apply. In such cases, the certificate shall include the following text in box 23:

This certificate is not valid unless accompanied by an original CITES document issued by a third country in accordance with the provisions established by the Conference of the Parties to the Convention.

### *Article 44e*

#### **Applications**

1 The applicant for a sample collection certificate shall, where appropriate, complete boxes 1, 3, 4 and 7 to 23 of the application form and boxes 1, 3, 4 and 7 to 22 of the original and all copies. The entries in box 1 and 3 must be identical. The list of countries to be visited must be indicated in box 23.

Member States may, however, provide that only an application form is to be completed.

2 The duly completed form shall be submitted to a management authority of the Member State in which the specimens are located, or in the case referred to in Article 44c(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 allow 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 44f*

### **Documents to be surrendered by the holder to the customs office**

1 In the case of a sample collection certificate issued in accordance with Article 44c(1), the holder or his authorised representative shall, for verification purposes, surrender the original (form 1) and a copy of that certificate, and where appropriate the copy for the holder (form 2) and the copy for return to the issuing management authority (form 3), as well as the original of the valid ATA carnet to a customs office designated in accordance with Article 12(1) of Regulation (EC) No 338/97.

The customs office shall, after processing the ATA carnet in accordance with the customs rules contained in Regulation (EC) No 2454/93, and, if necessary, entering the number of the accompanying ATA carnet into the original and copy of the sample collection certificate, return the original documents to the holder or his authorised representative, endorse the copy of the sample collection certificate and forward that endorsed copy to the relevant management authority in accordance with Article 45.

However, at the time of the first export from the Community, the customs office shall, after completing box 27, return the original sample collection certificate (form 1) and the copy for the holder (form 2) to the holder or his authorised representative, and forward the copy for return to the issuing management authority (form 3) in accordance with Article 45.

2 In the case of a sample collection certificate issued in accordance with Article 44c(2), paragraph (1) of this Article shall apply, except that the holder or his authorised representative shall also submit, for verification purposes, the original certificate issued by the third country.

#### *Article 44g*

### **Replacement**

A sample collection 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 23, one of the following statements:

This certificate is a true copy of the original‘This certificate cancels and replaces the original bearing the number xxxx issued on xx/xx/xxxx’, or ]

#### **Textual Amendments**

- F1** 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.](#)

**Status:**

Point in time view as at 05/02/2015.

**Changes to legislation:**

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