

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 XIII

SPECIMENS BORN AND BRED IN CAPTIVITY AND ARTIFICIALLY PROPAGATED SPECIMENS

Article 54

Specimens born and bred in captivity of animal species

Without prejudice to Article 55, a specimen of an animal species shall be considered to be born and bred in captivity only if [^{F1}the] management authority, in consultation with [^{F2}the competent scientific authority of the United Kingdom], is satisfied that the following criteria are met:

- (1) the specimen is, or is derived from, the offspring born or otherwise produced in a controlled environment of either of the following:
 - (a) parents that mated or had gametes otherwise transferred in a controlled environment, if reproduction is sexual;
 - (b) parents that were in a controlled environment when development of the offspring began, if reproduction is asexual;
- (2) the breeding stock was established in accordance with the legal provisions applicable to it at the time of acquisition and in a manner not detrimental to the survival of the species concerned in the wild;
- (3) the breeding stock is maintained without the introduction of specimens from the wild, except for the occasional addition, in accordance with the legal provisions applicable and in a manner not detrimental to the survival of the species concerned in the wild, of animals, eggs or gametes exclusively for one or more of the following purposes:
 - (a) to prevent or alleviate deleterious inbreeding, the magnitude of such addition being determined by the need for new genetic material;
 - (b) to dispose of confiscated animals in accordance with Article 16(3) of Regulation (EC) No 338/97;
 - (c) exceptionally, for use as breeding stock;
- (4) the breeding stock has itself produced second or subsequent generation offspring (F2, F3 and so on) in a controlled environment, or is managed in a manner that has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment.

Textual Amendments

- F1** Word in [Art. 54](#) substituted (31.12.2020) by [The Environment and Wildlife \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1395\)](#), regs. 1(2), **8(55)(a)**

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

F2 Words in Art. 54 substituted (31.12.2020) by The Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1395), regs. 1(2), **8(55)(b)**

Article 55

Establishment of ancestry

Where, for the purposes of Articles 54, 62(1) or 63(1), a competent authority considers it necessary to establish the ancestry of an animal through the analysis of blood or other tissue, such analysis or the necessary samples shall be made available in a manner established by that authority.

Article 56

Artificially propagated specimens of plant species

1 A specimen of a plant species shall be considered to be artificially propagated only if [^{F3}the management authority], in consultation with [^{F4}the competent scientific authority]^{F5} ..., is satisfied that the following criteria are met:

- a the specimen is, or is derived from, plants grown from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules under controlled conditions;
- [^{F6}b the cultivated parental stock is established and maintained in accordance with the definition set out in Article 1(4a);]
- [^{F7}(c)] ^{F7}.....
- [^{F6}d in the case of grafted plants, both the root stock and the graft have been artificially propagated in accordance with points (a) and (b).]

[^{F8}For the purposes of point (a), controlled conditions refers to a non-natural environment that is intensively manipulated by human intervention, which may include but is not limited to tillage, fertilisation, weed control, irrigation, or nursery operations such as potting, bedding and protecting from weather. For agarwood producing taxa, which are grown from seeds, cuttings, grafting, marcoting-air-layering, divisions, callus tissues or other plant tissues, spores or other propagules 'under controlled conditions' refers to a tree plantation, including other non-natural environment that is manipulated by human intervention for the purpose of producing plants or plant's parts and derivatives.]

[^{F62} Timber and other parts or derivatives of trees taken from trees grown in monospecific plantations shall be considered to be artificially propagated in accordance with paragraph 1.]

[^{F93} Trees of agarwood producing taxa grown in cultivation such as:

- a) gardens (home and/or community garden);
- b) state, private or community production plantation, either monospecific or mixed species,

shall be considered to be artificially propagated in accordance with paragraph 1.]

Textual Amendments

F3 Words in Art. 56(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(56)(a)**

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

- F4** Words in Art. 56(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(56)(b)**
- F5** Words in Art. 56(1) 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(56)(c)**
- F6** 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.
- F7** Deleted 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.
- F8** 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.
- F9** 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 XIII.