

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 XIV

### PERSONAL AND HOUSEHOLD EFFECTS

#### *Article 57*

#### **Introduction and reintroduction into the Community of personal and household effects**

1 The derogation from Article 4 of Regulation (EC) No 338/97 for personal or household effects, provided for in Article 7(3) of that Regulation, shall not apply to specimens used for commercial gain, sold, displayed for commercial purposes, kept for sale, offered for sale or transported for sale.

That derogation shall only apply to specimens, including hunting trophies, if they meet one of the following conditions:

- a they are contained in the personal luggage of travellers coming from a third country;
- b they are contained in the personal property of a natural person transferring his normal place of residence from a third country to the Community;
- c they are hunting trophies taken by a traveller and imported at a later date.

2 The derogation from Article 4 of Regulation (EC) No 338/97 for personal or household effects, provided for in Article 7(3) of that Regulation, shall not apply to specimens of species listed in Annex A thereto where they are introduced into the Community for the first time by a person normally residing in, or taking up residence in, the Community.

3 The first introduction into the Community of personal or household effects, including hunting trophies, by a person normally residing in the Community and involving specimens of species listed in Annex B to Regulation (EC) No 338/97 shall not require the presentation to customs of an import permit, provided that the original of a (re-)export document and a copy thereof are presented.

Customs shall forward the original in accordance with Article 45 of this Regulation and return the stamped copy to the holder.

[<sup>F13a</sup> By way of derogation from paragraph 3, the first introduction into the Union of hunting trophies of specimens of species or populations listed in Annex B to Regulation (EC) No 338/97 and in Annex XIII to this Regulation shall be subject to Article 4 of Regulation (EC) No 338/97.]

4 The reintroduction into the Community, by a person normally residing in the Community, of personal or household effects, including hunting trophies, that are specimens of species listed in Annex A or B to Regulation (EC) No 338/97 shall not require the presentation to customs of an import permit, provided that one of the following is presented:

- a the customs-endorsed 'copy for the holder' (form 2) of a previously used Community import or export permit;
- b the copy of the (re-)export document referred to in paragraph 3;
- c proof that the specimens were acquired within the Community.

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<sup>F25</sup> By way of derogation from paragraphs 3 and 4, the introduction or re-introduction into the Community of the following items listed in Annex B to Regulation (EC) No 338/97 shall not require the presentation of a (re-)export document or an import permit:

- a caviar of sturgeon species (*Acipenseriformes* spp.), up to a maximum of 125 grams per person, in containers that are individually marked in accordance with Article 66(6);
- b rainsticks of *Cactaceae* spp., up to three per person;
- c dead worked specimens of *Crocodylia* spp., excluding meat and hunting trophies, up to four per person;
- d shells of *Strombus gigas*, up to three per person;
- e *Hippocampus* spp. up to four dead specimens per person;
- f shells of *Tridacnidae* spp. up to three specimens per person not exceeding three kg in total, where a specimen may be one intact shell or two matching halves<sup>F3</sup>;
- <sup>F1</sup>g specimens of agarwood (*Aquilaria* spp. and *Gyrinops* spp.) — up to 1 kg woodchips, 24 ml oil, and two sets of beads or prayer beads (or two necklaces or bracelets) per person.]]

#### Textual Amendments

- F1** 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.
- 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) 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 58

#### Export and re-export from the Community of personal and household effects

1 The derogation from Article 5 of Regulation (EC) No 338/97 for personal or household effects, provided for in Article 7(3) of that Regulation, shall not apply to specimens used for commercial gain, sold, displayed for commercial purposes, kept for sale, offered for sale or transported for sale.

That derogation shall apply to specimens only if they meet one of the following conditions:

- a they are contained in the personal luggage of travellers going to a third country;
- b they are contained in the personal property of a natural person transferring his normal place of residence from the Community to a third country.

2 In the case of export, the derogation from Article 5 of Regulation (EC) No 338/97 for personal or household effects, provided for in Article 7(3) of that Regulation, shall not apply to specimens of species listed in Annexes A or B to that Regulation.

3 The re-export, by a person normally residing in the Community, of personal or household effects, including personal hunting trophies, that are specimens of species listed in Annexes A or B to Regulation (EC) No 338/97 shall not require the presentation to customs of a re-export certificate, provided that one of the following is presented:

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- a the customs-endorsed ‘copy for the holder’ (form 2) of a previously used Community import or export permit;
- b the copy of the (re-)export document referred to in Article 57(3) of this Regulation;
- c proof that the specimens were acquired within the Community.

[<sup>F1</sup>The provisions in the previous subparagraph do not apply to re-export of rhino horn or elephant ivory contained in personal or household effects; for these specimens the presentation to customs of a re-export certificate shall be required.]

[<sup>F3a</sup> The re-export by a person not normally residing in the Union of personal or household effects acquired outside his/her State of usual residence, including personal hunting trophies, that are specimens of species listed in Annex A to Regulation (EC) No 338/97, shall be subject to the presentation to customs of a re-export certificate. The same requirement applies to the re-export as personal or household effects of rhino horn or elephant ivory from specimens from populations listed in Annex B to Regulation (EC) No 338/97.

4 By way of derogation from paragraphs 2 and 3, the export or re-export of the items listed in points (a) to (g) of Article 57(5) shall not require the presentation of a (re-)export document.]

#### Textual Amendments

- F1** 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.](#)
- F3** 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.](#)

### <sup>F4</sup>Article 58a

#### Commercial use of personal and household effects within the Union

[<sup>F31</sup> Commercial activities for specimens of species listed in Annex B to Regulation (EC) No 338/97 which are introduced into the Union in accordance with Article 7(3) of Regulation (EC) No 338/97 may be authorised by a management authority of a Member State only under the following conditions:]

- a the applicant needs to demonstrate that the specimen has been introduced into the Union at least two years before it can be used for commercial purpose; and
- b the management authority of the Member State concerned has verified that the specimen in question could have been imported for commercial purposes in accordance with Article 4(2) of Regulation (EC) No 338/97 at the time when it was introduced into the Union.

Once those conditions are fulfilled, the management authority shall deliver a written statement attesting that the specimen can be used for commercial purposes.

[<sup>F32</sup> Commercial activities shall be prohibited for specimens of species listed in Annex A to Regulation (EC) No 338/97 which were introduced into the Union in accordance with Article 7(3) of Regulation (EC) No 338/97, or for specimens of species listed in Appendix I to the Convention or in Annex C1 to Regulation (EEC) No 3626/82 and introduced into the Union as personal and household effects.]]

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#### Textual Amendments

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

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