

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 XVI

MARKING REQUIREMENTS

Article 64

Marking of specimens for the purpose of imports and commercial activities within the Community

1 Import permits for the following items shall be issued only if the applicant has satisfied the competent management authority that the specimens have been individually marked in accordance with Article 66(6):

- a specimens that derive from a captive breeding operation that was approved by the Conference of the Parties to the Convention;
- b specimens that derive from a ranching operation that was approved by the Conference of the Parties to the Convention;
- c specimens from a population of a species listed in Appendix I to the Convention for which an export quota has been approved by the Conference of the Parties to the Convention;
- d raw tusks of African elephant and cut pieces thereof that are both 20 cm or more in length and 1 kg or more in weight;
- e raw, tanned and/or finished crocodylian skins, flanks, tails, throats, feet, backstrips and other parts thereof that are exported to the Community, and entire raw, tanned, or finished crocodylian skins and flanks that are re-exported to the Community;
- f live vertebrates of species listed in Annex A to Regulation (EC) No 338/97 that belong to a travelling exhibition;
- g any container of caviar of *Acipenseriformes* spp., including tins, jars or boxes into which such caviar is directly packed.

2 For the purposes of Article 8(5) of Regulation (EC) No 338/97, all containers of caviar as specified in point (g) of paragraph 1 of this Article shall be marked in accordance with Article 66(6) of this Regulation, subject to the additional requirements set out in Article 66(7) thereof.

Article 65

Marking of specimens for the purpose of export and re-export

1 Re-export certificates for specimens referred to in Article 64(1)(a) to (d) and (f) that were not substantially modified shall be issued only if the applicant has satisfied the management authority that the original marks are intact.

2 Re-export certificates for entire raw, tanned, and/or finished crocodylian skins and flanks shall be issued only if the applicant has satisfied the management authority that the

original tags are intact or, where the original tags have been lost or removed, the specimens have been marked with a re-export tag.

3 Export permits and re-export certificates for any container of caviar as specified in point (g) of Article 64(1) shall be issued only if the container is marked in accordance with Article 66(6).

4 Export permits shall be issued with regard to live vertebrates of species listed in Annex A to Regulation (EC) No 338/97 only if the applicant has satisfied the competent management authority that the relevant requirements laid down in Article 66 of this Regulation have been met.

Article 66

Marking methods

1 For the purposes of Articles 33(1), 40(1), 59(5), and 65(4), paragraphs 2 and 3 of this Article shall apply.

2 Captive born and bred birds shall be marked in accordance with paragraph 8, or, where the competent management authority is satisfied that this method is not appropriate because of the physical or behavioural properties of the animal, by means of a uniquely numbered, unalterable microchip transponder conforming to ISO Standards 11784: 1996 (E) and 11785: 1996 (E).

3 Live vertebrates other than captive born and bred birds shall be marked by means of a uniquely numbered unalterable microchip transponder conforming to ISO Standards 11784: 1996 (E) and 11785: 1996 (E), or, where the competent management authority is satisfied that this method is not appropriate because of the physical or behavioural properties of the specimen/species, the specimens concerned shall be marked by means of uniquely numbered rings, bands, tags, tattoos or similar means, or be made identifiable by any other appropriate means.

4 Articles 33(1), 40(1), 48(2), 59(5) and 65(4) shall not apply where the competent management authority is satisfied that, at the time of issue of the relevant certificate, the physical properties of the specimens involved do not allow the safe application of any marking method.

Where that is the case, the management authority concerned shall issue a transaction-specific certificate and shall record that fact in box 20 of the certificate, or, where a marking method can be safely applied at a later date, shall include the appropriate stipulations therein.

Specimen-specific certificates, travelling exhibition certificates and personal ownership certificates shall not be issued in respect of such specimens.

5 Specimens marked by means of a microchip transponder other than one conforming to ISO Standards 11784: 1996 (E) and 11785: 1996 (E) before 1 January 2002, or by means of one of the methods referred to in paragraph 3 before 1 June 1997, or in compliance with paragraph 6 before their introduction into the Community, shall be deemed to have been marked in compliance with paragraphs 2 and 3.

6 The specimens referred to in Articles 64(1) and 65 shall be marked in accordance with the method approved or recommended by the Conference of the Parties to the Convention for the specimens concerned and, in particular, the containers of caviar referred to in Article 64(1) (g), 64(2) and 65(3) shall be individually marked by means of non-reusable labels affixed to each primary container.

7 Only those (re-)packaging plants that are licensed by the management authority of a Member State shall be entitled to process and package or re-package caviar for export, re-export or intra-Community trade.

Licensed (re-)packaging plants shall be required to maintain adequate records of the quantities of caviar imported, exported, re-exported, produced in situ or stored, as appropriate. These records must be available for inspection by the management authority in the relevant Member State.

A unique registration code shall be attributed to each such (re-)packaging plant by that management authority.

8 Captive born and bred birds, as well as other birds born in a controlled environment shall be marked by means of a uniquely marked seamlessly closed leg-ring.

A seamlessly closed leg-ring refers to a ring or band in a continuous circle, without any break or join, which has not been tampered with in any way, of a size which cannot be removed from the bird when its leg is fully grown after having been applied in the first days of the bird's life and which has been commercially manufactured for that purpose.

Article 67

Humane marking methods

Where, in the territory of the Community, the marking of live animals requires the attachment of a tag, band, ring or other device, or the marking of a part of the animal's anatomy, or the implantation of microchip transponders, this shall be undertaken with due regard to humane care, well-being and natural behaviour of the specimen concerned.

Article 68

Mutual recognition of marking methods

1 The competent authorities of the Member States shall recognise marking methods approved by the competent authorities of other Member States that comply with Article 66.

2 Where a permit or certificate is required pursuant to this Regulation, full details of the marking of the specimen shall be provided on such a document.