

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 [^{F1}Great Britain]

1 Import permits for the following items shall be issued only if the applicant has satisfied the ^{F2}... 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 [^{F3}Great Britain], and entire raw, tanned, or finished crocodylian skins and flanks that are re-exported to [^{F3}Great Britain];
- 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.

Textual Amendments

- F1** Words in Art. 64 heading substituted (31.12.2020) by The Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1395), regs. 1(2), **8(63)(a)**
- F2** Word in Art. 64(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(63)(b)(i)**
- F3** Words in Art. 64(1)(e) substituted (31.12.2020) by The Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1395), regs. 1(2), **8(63)(b)(ii)**

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

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. ^{F4}This does not apply to specimens of species listed in Annex X to this Regulation unless an annotation in Annex X prescribes marking.]

Textual Amendments

- 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.](#)

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 ^{F5}... 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 ^{F6}... 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 ^{F7}... 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.

[^{F8}Specimen-specific certificates, travelling exhibition certificates and personal ownership certificates shall not be issued in respect of live specimens covered by this paragraph.]

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 [^{F9}Great Britain], shall be deemed to have been marked in compliance with paragraphs 2 and 3.

[^{F10}6 The specimens referred to in Articles 64 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 Articles 57(5)(a), 64(1)(g), 64(2) and 65(3) shall be individually marked by means of non-reusable labels affixed to each primary container. Where the non-reusable label does not seal the primary container, the caviar shall be packaged in such a manner as to permit visual evidence of any opening of the container.

[^{F11}Caviar from different Acipenseriformes species shall not be mixed into a primary container, except in the case of pressed caviar (i.e. caviar composed of unfertilized eggs (roe) of one or more sturgeon or paddlefish species, remaining after the processing and preparation of higher quality caviar).]

7 Only those processing plants and (re-)packaging plants that are licensed by the management authority ^{F12}... shall be entitled to process and package or re-package caviar for export [^{F13}or] re-export ^{F14}....

Licensed processing and (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 processing or (re-)packaging plant by that management authority.

The list of facilities licensed in accordance with this paragraph, as well as any changes thereto, shall be notified to the Secretariat of the Convention ^{F15}....

For the purpose of this paragraph processing plants shall include caviar producing aquaculture operations.]

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.

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

Textual Amendments

- F5** Word in Art. 66(2) 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(64)(a)**
- F6** Word in Art. 66(3) 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(64)(a)**
- F7** Word in Art. 66(4) 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(64)(a)**
- F8** 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.
- F9** Words in Art. 66(5) substituted (31.12.2020) by The Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1395), regs. 1(2), **8(64)(b)**
- F10** 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.
- F11** 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.
- F12** Words in Art. 66(7) 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(64)(c)(i)(aa)**
- F13** Word in Art. 66(7) inserted (31.12.2020) by The Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1395), regs. 1(2), **8(64)(c)(i)(bb)**
- F14** Words in Art. 66(7) 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(64)(c)(i)(cc)**
- F15** Words in Art. 66(7) 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(64)(c)(ii)**

Article 67

Humane marking methods

Where, in [^{F16}Great Britain], 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.

Textual Amendments

- F16** Words in Art. 67 substituted (31.12.2020) by The Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1395), regs. 1(2), **8(65)**

Article 68

Mutual recognition of marking methods

1 The [^{F17}relevant competent authorities of the United Kingdom] shall recognise marking methods approved by the competent authorities of [^{F17}third countries] that comply with Article 66.

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

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.

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Textual Amendments

F17 Words in [Art. 68\(1\)](#) substituted (31.12.2020) by [The Environment and Wildlife \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1395\)](#), regs. 1(2), **8(66)**

Changes to legislation:

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