

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 XVIII

FINAL PROVISIONS

[^{F1}Article 71]

Rejection of applications for import permits following the establishment of restrictions

1 Immediately on the establishment of a restriction in accordance with Article 4(6) of Regulation (EC) No 338/97 and until such time as it is lifted, Member States shall reject applications for import permits concerning specimens exported from the affected country or countries of origin.

2 By way of derogation from paragraph 1, an import permit may be issued where an application for an import permit was submitted prior to the establishment of the restriction, and the competent management authority of the Member State is satisfied that a contract or order exists for which payment has been made or as a result of which the specimens have already been shipped.

3 The period of validity of an import permit issued under paragraph 2 shall not exceed one month.

4 Save where otherwise provided, the restrictions referred to in paragraph 1 shall not apply to the following specimens:

- a specimens born and bred in captivity in accordance with Articles 54 and 55, or artificially propagated in accordance with Article 56;
- b specimens being imported for the purposes specified in Article 8(3)(e), (f) or (g) of Regulation (EC) No 338/97;
- c specimens, alive or dead, that are part of the household possessions of persons moving into the Community to take up residence there.

Textual Amendments

- F1** 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.](#)

Article 72

Transitional measures

1 Certificates issued in accordance with Article 11 of Regulation (EEC) No 3626/82 and Article 22 of Commission Regulation (EEC) No 3418/83⁽¹⁾ may continue to be used for the

Status: Point in time view as at 05/02/2015.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 XVIII. (See end of Document for details)

purposes of Articles 5(2)(b), 5(3)(b), (c) and (d), Article 5(4), and Article 8(3)(a) and (d) to (h) of Regulation (EC) No 338/97.

2 Exemptions granted from the prohibitions laid down in Article 6(1) of Regulation (EEC) No 3626/82 shall remain valid until their last day of validity, where specified.

[^{F23} Member States may continue to issue import and export permits, re-export certificates, travelling exhibition and personal ownership certificates in the forms laid out in Annexes I, III and IV, import notifications in the form laid out in Annex II and EU certificates in the form laid out in Annex V to Implementing Regulation (EU) No 792/2012 for one year after the entry into force of Commission Implementing Regulation (EU) 2015/57⁽²⁾.]

Textual Amendments

- F2** 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 73

Notification of implementing provisions

Each Member State shall notify to the Commission and the Secretariat to the Convention the provisions which it adopts specifically for the application of this Regulation and all legal instruments used and measures taken for the application and enforcement thereof. The Commission shall communicate this information to the other Member States.

Article 74

Repeal

Regulation (EC) No 1808/2001 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex XII.

Article 75

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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 XVIII. (See end of Document for details)

- (1) [OJ L 344, 7.12.1983, p. 1.](#)
- (2) [^{F2}Commission Implementing Regulation (EU) 2015/57 of 15 January 2015 amending Implementing Regulation (EU) No 792/2012 as regards the rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and in Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 ([OJ L 10, 16.1.2015, p. 19.](#))]

Textual Amendments

- F2** 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.](#)

Status:

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

Changes to legislation:

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