

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

Article 71

Rejection of applications for import permits

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.

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 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.

3 Member States may continue to issue import and export permits, re-export certificates, travelling exhibition and personal ownership certificates in the form laid out in Annex I to Regulation (EC) No 1808/2001 for one year after the entry into force of this Regulation.

*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*.

(1) [OJ L 344, 7.12.1983, p. 1.](#)