

Community legislation on Wildlife Trade (CITES)



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CITES Team – DG ENV

This session covers:

1. Introduction and overview
2. Principal Requirements / Obligations
3. General provisions - Implementation

1. Introduction and overview

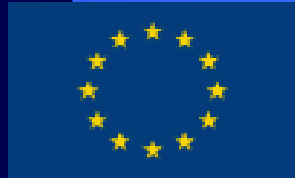
Community legislation on Wildlife Trade is composed of:

- Council Regulations (EC) No 338/97 (Basic Regulation)
- Commission Regulation (EC) No 1808/2001 (Implementing Regulation)
- Commission Regulation (EC) No 252/2005 (Suspensions Regulation)



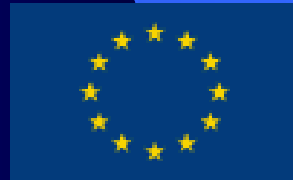
1. Introduction and overview

- What do the Regulations do?
- - They regulate trade with the Community of species threatened with extinction or at risk (listed in Annexes)
- - They establish a permitting system to ensure trade only takes place if sustainable
- - They establish a system to control intra-Community trade and movement



1. Introduction and overview

- Regulations broadly implement the CITES* Convention and Resolutions but are stricter
- Regulating wildlife trade at Community level necessary due to single market and competence
- EU one of the largest and most diverse markets for CITES species
- *CITES=Convention on International Trade in Endangered Species of wild fauna and flora

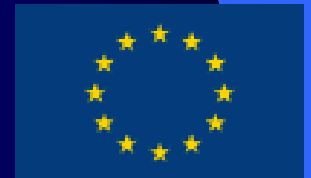


1. Introduction and overview

More than CITES...

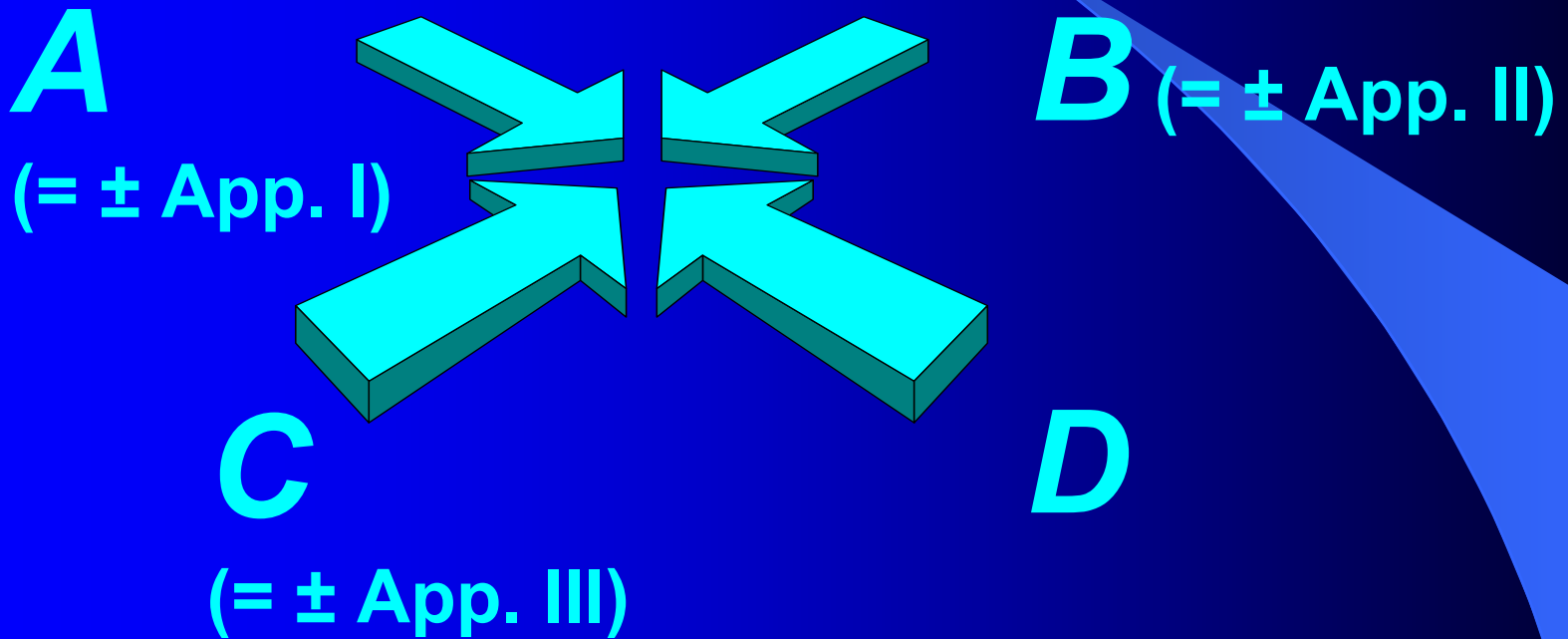


- Annexes include some non-CITES listed species
- Stricter import conditions for CITES Annex A and B
- Additional: Annex D for species to simply monitor trade
- Imports can be suspended for species from particular countries
- Housing conditions are specified for live Annex A and B specimens (animals)



1. Introduction and overview

The Annexes to the Basic Regulation



- Annexes to Regulations can be quickly adapted to reflect CITES decisions

2. Principal Requirements / Obligations for Member States

- a) Designating authorities (Arts. 12 & 13)
- b) Implementing permitting system for imports and exports (Arts. 4 & 5 + Sections 2-5 of Implementing Reg.)
- c) Implementing certification system for intra-Community trade and movement (Arts. 8 & 9 + Section 6 of Implementing Reg.)
- d) Enforcement: Monitoring compliance (Art. 14)
- e) Enforcement: Imposing appropriate sanctions (Art. 16)
- f) Submitting annual and biennial reports and notifying measures (Art. 15 & 20)

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Management Authority (Article 13(1))

- Designate Management Authority (-ies)
- For implementation of Regulation and communication with Commission

Scientific Authority (Article 13(2))

- Scientific Authority to be appropriately qualified and separate from the Management Authority
- Clearly described tasks and responsibilities for Scientific Authorities
- Scientific Review Group (with SA's of all Member States; chair EC; 4 times/yr)

Customs Offices (Article 12)

- Carrying out the checks and formalities for imports and exports to and from Community
- Sufficiently and adequately staffed
- Requirement to inform public at border crossings

**Management
Authority of MS**

**Scientific
Authority
of MS**

Committee

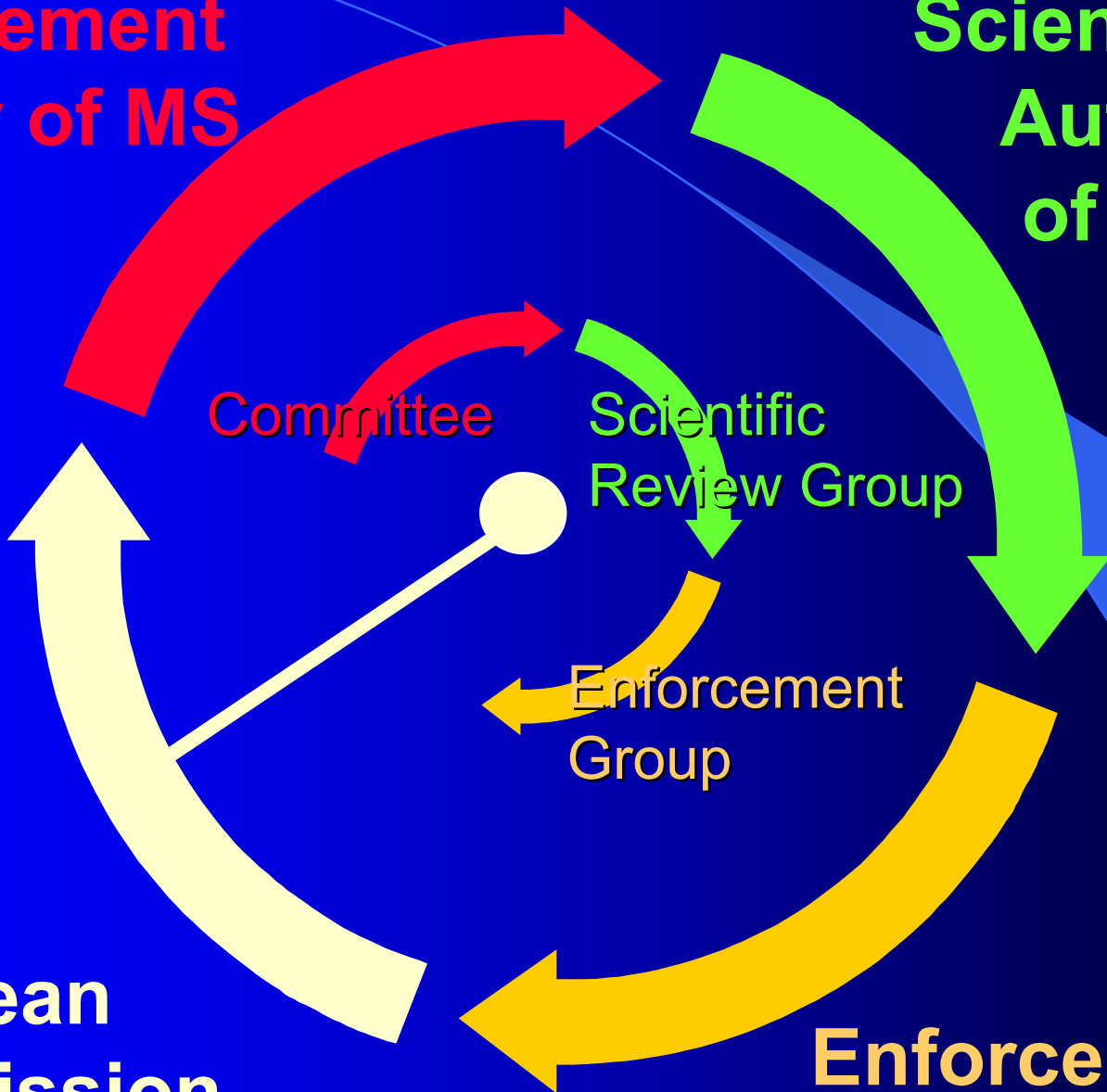
**Scientific
Review Group**

**Enforcement
Group**



**European
Commission**

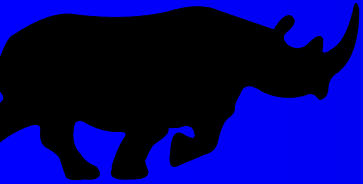
**Enforcement
Agencies of MS**



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Annex A Import conditions



Import permit

- Not for primarily commercial purposes
- Valid (re-)export document
- No negative opinion Scientific Review Group/
No article 4.6 restriction
- No harmful effect on conservation status of
the species or extent of territory occupied
- Non-detrimental purpose
- Live specimens to be properly housed
- No other conservation factors

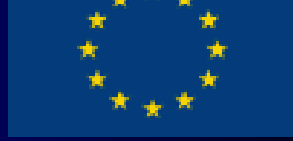
Annex B Import conditions

Import permit

- Valid (re-)export document
- No negative opinion Scientific Review Group / no article 4.6 restriction
- No harmful effect on conservation status of the species or extent of territory occupied
- Live specimens to be properly housed

Difference with Annex A is that import purposes are not restricted



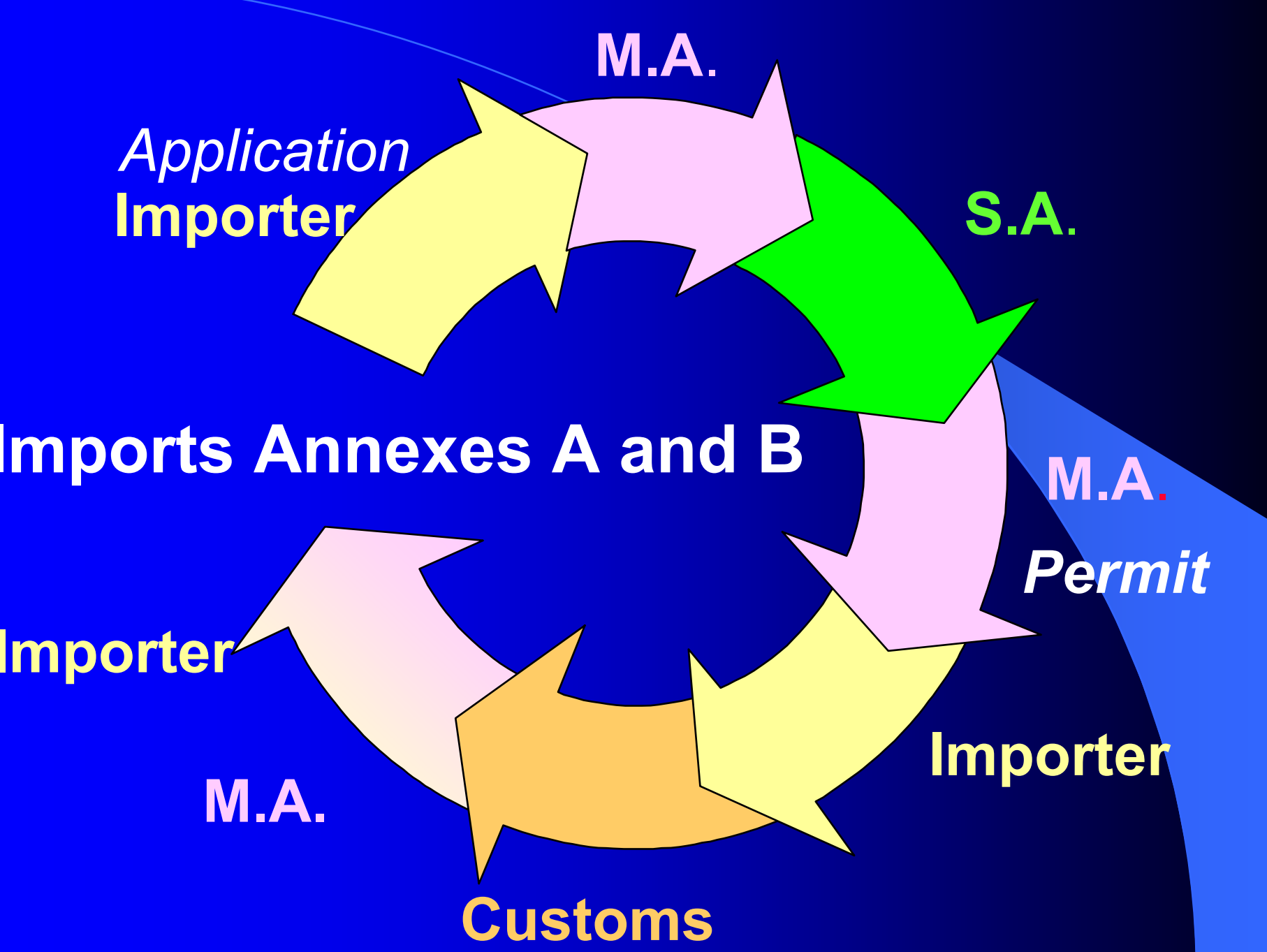


No negative opinion Scientific Review Group / no article 4.6 restriction

- Scientific Authority of an importing Member State decides that conditions are not met
- Other Members States' Scientific Authorities must agree to form a common Scientific Review Group opinion
- European Commission consults exporting country for comment in case of negative opinion
- Opinion re-considered: confirmed or revoked
- Art. 4.6: Suspension regulation 252/2005 with about 440 taxa from 1000 countries (species/country)

Derogations for imports/exports (Article 7)

- Captive bred/artificially propagated Annex A specimens are treated as Annex B
- Concerning transit: import permit not required but there must be valid CITES (re-)export documentation
- Non-commercial exchange between registered scientific institutions allowed with label
- Personal effects exemptions



M.A.

Application
Importer

S.A.

Imports Annexes A and B

M.A.

Permit

Importer

Importer

M.A.

Customs

Imports Annex C

*Document 3rd country +
Import notification*

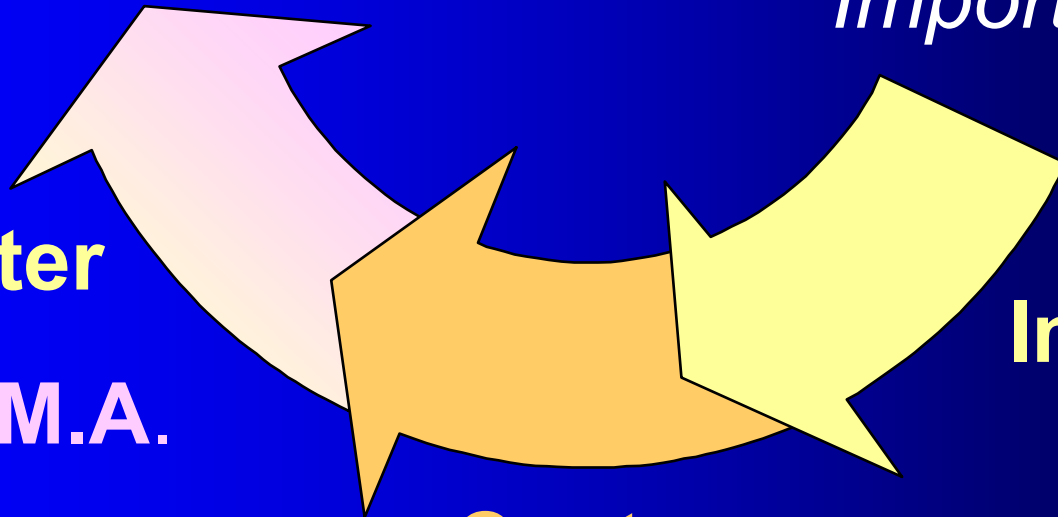
Importer

M.A.

+ doc. 3rd country

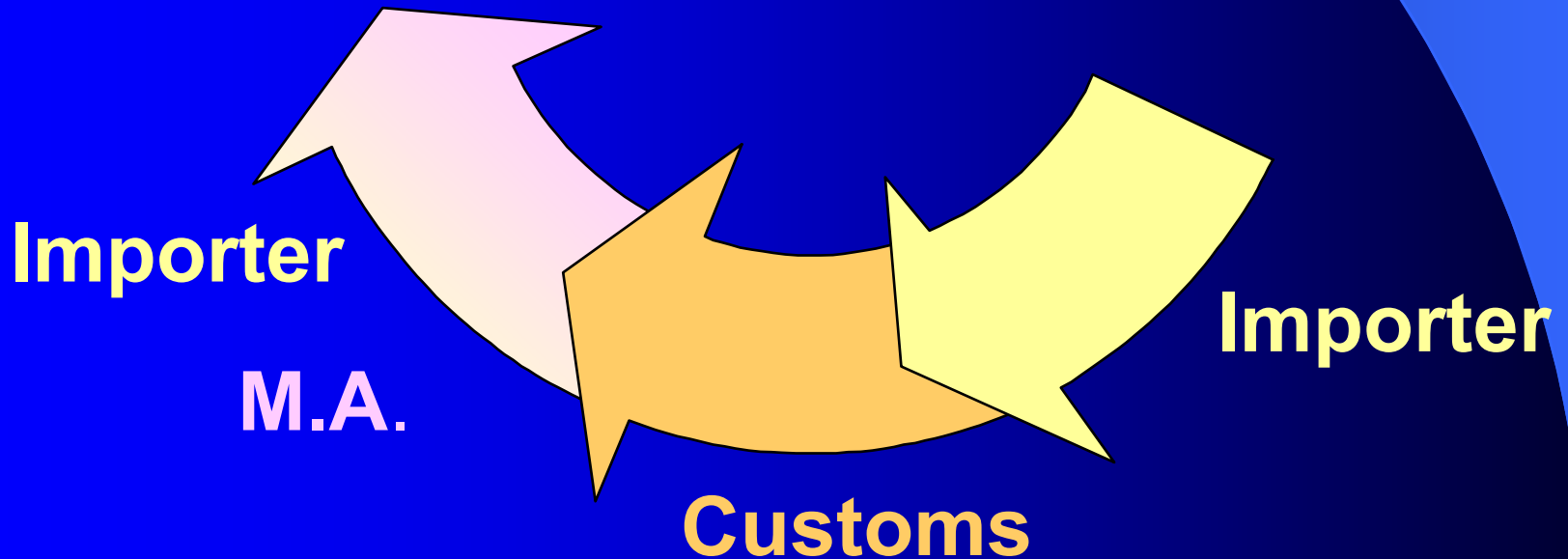
Customs

Importer



Annex D import conditions

Import notification



2. Principal Requirements / Obligations for Member States

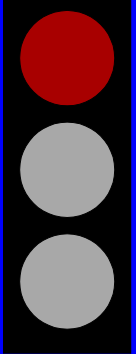
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Commercial Activity Prohibitions for Annex A specimens (art. 8(1))

- Sale, incl. keeping, offering and transport for sale
- Use for commercial gain
- Display to the public for commercial purposes
- Purchase
- Offer to purchase
- Acquisition for commercial purposes

Prohibitions apply to Annex B unless proof of legal origin/acquisition



Exemptions from prohibitions for Annex A specimens (Article 8(3))

- Specific exemptions granted by Member States by means of a certificate e.g. for:
 - Pre-Regulation specimens
 - Captive born and bred
 - Intended for breeding/research with conservation benefits
- General derogations for certain captive born and bred specimens and artificially propagated plants
- Specimens must be marked

Intra-Community movement of live specimens (Art. 9)

- Annex A: Authorization for movement of live wild specimens (adequate accommodation) or proof of legal origin
- Annex B: Holder to inform recipient of requirements for proper care
- All specimens: Transport in conformity with Community legislation on protection of animals

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Enforcement: Monitoring compliance (Article 14)

- Member States must:
 - Monitor compliance with the provisions of the Regulation
 - Take appropriate steps to ensure compliance / instigate legal action
 - Inform Commission / CITES Secretariat of significant infringements

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Enforcement: Imposing sanctions (Article 16)

- Member States must take measures to ensure imposition of sanctions for infringements
- Sanctions must be appropriate to the nature and gravity of the infringement

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Reporting (Article 15)

- Member States must submit:
 - Annually by 15th June: report on trade
 - Biennially by 15th June: report on legislative, regulatory and administrative measures

3. General provisions – Implementation

Mutual recognition

- Permits and certificates delivered by Member States are valid throughout Community (Art. 11)
- Member States must recognize marking methods of other Member States (Art. 38 Implementing Regulation)

3. General provisions – Implementation

Implementing provisions

- Regulatory role of Commission (Art. 19)
- Committee on Trade in Wild Fauna and Flora (Article 18)
- Scientific Review Group (Article 17)
- Enforcement Group (Article 14(3))

To summarize:

Principal Requirements / Obligations

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More information?

http://www.europa.eu.int/comm/environment/cites/home_en.htm

<http://www.unep-wcmc.org/species/trade/eu>