



Council of the  
European Union

Brussels, 16 September 2016  
(OR. en)

12268/16

ENV 589  
WTO 258

**COVER NOTE**

---

From:	European Commission
date of receipt:	13 September 2016
To:	General Secretariat of the Council
No. Cion doc.:	D046735/01
Subject:	Commission Regulation (EU) .../... of XXX amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein

---

Delegations will find attached document D046735/01.

---

Encl.: D046735/01



Brussels, **XXX**  
D046735/01  
[...] (2016) **XXX** draft

**COMMISSION REGULATION (EU) .../...**

**of **XXX****

**amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna  
and flora by regulating trade therein**

# COMMISSION REGULATION (EU) .../...

of **XXX**

## amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein<sup>1</sup>, and in particular Article 19(5) thereof,

Whereas:

- (1) Regulation (EC) No 338/97 lists animal and plant species in respect of which trade is restricted or controlled. Those lists incorporate the lists set out in the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("the Convention"). They also incorporate other species the conservation status of which requires that trade from, into and within the Union is regulated or monitored.
- (2) The following species have been included recently in Appendix III to the Convention: *Dalbergia calycina*, *Dalbergia cubilquitzensis*, *Dalbergia glomerata* and *Dalbergia tucurensis* (all with annotation) at the request of Guatemala; *Cedrela fissilis* and *Cedrela lilloi* (both with annotation) at the request of Brazil; *Pterocarpus erinaceus* (with annotation) at the request of Senegal. The species *Cairina moschata* has been deleted from Appendix III to the Convention at the request of Honduras.
- (3) The amendments made to Appendix III to the Convention therefore necessitate amendments to be made to Annex C to Regulation (EC) No 338/97.
- (4) With the entry into force of Commission Implementing Regulation (EU) 2016/1141 of 13 July 2016 adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No 1143/2014 of the European Parliament and of the Council<sup>2</sup>, the following species will be subject to its stricter legal regime: *Callosciurus erythraeus*, *Sciurus carolinensis*, *Sciurus niger*, *Oxyura jamaicensis*, *Trachemys scripta elegans*, *Lithobates catesbeianus*. In order to avoid the possibility of these species being subject to two concurrent importation regimes they should be deleted from Annex B to Regulation (EC) No 338/97.
- (5) A nomenclature error regarding *Lamprotornis regius* listed in Annex D to Regulation (EC) No 338/97 should be corrected.

---

<sup>1</sup> OJ L 61, 3.3.1997, p. 1.

<sup>2</sup> OJ L 189, 14.7.2016, p. 4.

- (6) In view of the extent of the amendments it is appropriate, for reasons of clarity, to replace the Annex to Regulation (EC) No 338/97 in its entirety.
- (7) Regulation (EC) No 338/97 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Trade in Wild Fauna and Flora established pursuant to Article 18(1) of Regulation (EC) No 338/97,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 338/97 is replaced by the text set out in the Annex to this Regulation.

*Article 2*

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission  
The President*