



Council of the
European Union

037624/EU XXVI. GP
Eingelangt am 09/10/18

Brussels, 9 October 2018
(OR. en)

12887/18

ENV 646
WTO 257

COVER NOTE

From:	European Commission
date of receipt:	5 October 2018
To:	General Secretariat of the Council
No. Cion doc.:	D058029/02
Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) 338/97 on the protection of species of wild fauna and flora by regulating trade therein

Delegations will find attached document D058029/02.

Encl.: D058029/02



EUROPEAN
COMMISSION

Brussels, **XXX**
D058029/02
[...](2018) **XXX** draft

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

of **XXX**

**amending Commission Regulation (EC) No 865/2006 laying down detailed rules
concerning the implementation of Council Regulation (EC) 338/97 on the protection of
species of wild fauna and flora by regulating trade therein**

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

of **XXX**

amending Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) 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 therein¹, and in particular Article 19(4) thereof,

Whereas:

- (1) The purpose of Commission Regulation (EC) No 865/2006² is to implement Regulation (EC) No 338/97 and to ensure full compliance with the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) ('the Convention').
- (2) At the seventeenth meeting of the Conference of the Parties to the Convention, certain changes to CITES Resolution Conf. 11.20 (Rev. CoP17) relating to the trade in live elephants and rhinoceroses were agreed. At the same meeting, the list of standard references for nomenclature annexed to CITES Resolution Conf. 12.11 (Rev. CoP17), which is to be used to indicate scientific names of species in permits and certificates, was restructured and updated.
- (3) At its 67th meeting, the Standing Committee of the Convention adopted revised guidelines for the submission of annual reports. The guidelines comprise revised codes that are to be included in the description of specimens and units of measure that are to be used in permits and certificates.
- (4) The changes to CITES Resolutions Conf. 11.20 and Conf. 12.11 and the revised codes and units of measure need to be reflected in Regulation (EC) No 865/2006.
- (5) Therefore, Regulation (EC) No 865/2006 should be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Trade in Wild Fauna and Flora,

¹ OJ L 61, 3.3.1997, p. 1.

² 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 (OJ L 166, 19.6.2006, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 865/2006 is amended as follows:

- (1) The following Article 5b is inserted:

"Article 5b

Specific content of permits and certificates for live rhinoceros and live elephants

Permits and certificates issued under Article 4 or Article 5 of Regulation (EC) No 338/97 for import or re-export of live rhinoceroses or live elephants from populations included in Annex B to that Regulation shall contain a condition stating that horn or ivory from those animals or from their progeny may not enter commercial trade or commercial activities within the Union. In addition, live rhinoceroses or live elephants from those populations shall not be subject to trophy hunting outside of their historic range";

- (2) Annexes VII and VIII are replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth 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*