

The Council Regulation (EC) No 338/97 for the implementation of CITES with respect to the import of hunting trophies of protected species into the European Union

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Convention on International Trade in Endangered Species of Wild Fauna and Flora = CITES



CITES:

- Enters into force at 1. July 1975
- Species listed in Appendix I – III
- 175 Countries joined the Convention (01/2009)
- Acting Institutions
 - Conference of the Parties
 - Standing Committee
 - Animals Committee
 - Plants Committee
 - CITES Secretariat



Each Party of CITES shall designate

- one or more **MANAGEMENT AUTHORITIES**
 - issuing of permits
 - punishment of infractions against CITES
 - international cooperation for further development of CITES etc.
- one or more **SCIENTIFIC AUTHORITIES**
 - opinions for applications for import/export permits
 - preparation of amendments to the Appendices
 - international cooperation, statements, scientific meetings etc.



Appendices

- Appendix I
 - species threatened with extinction which are or may be affected by trade
- Appendix II
 - species whose conservation status permits strictly regulated commercial use subject to scientific control
- Appendix III
 - species identified by any Party as subject to special regulation within its country



Export and re-export:

- Appendix I
 - Export permit or re-export certificate
- Appendix II
 - Export permit or re-export certificate
- Appendix III
 - Export permit if it is an export from the state which has included the species in App. III
 - Certificate of origin, if it is an export from another country
 - Other certificate in the case of re-export

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Import:

- Appendix I (taken from the wild)
 - Export documents of the country of export and
 - Import permit
- Appendix I (captive bred), II and III
 - Export documents of the country of export

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CITES is finally implemented in the European Union by the

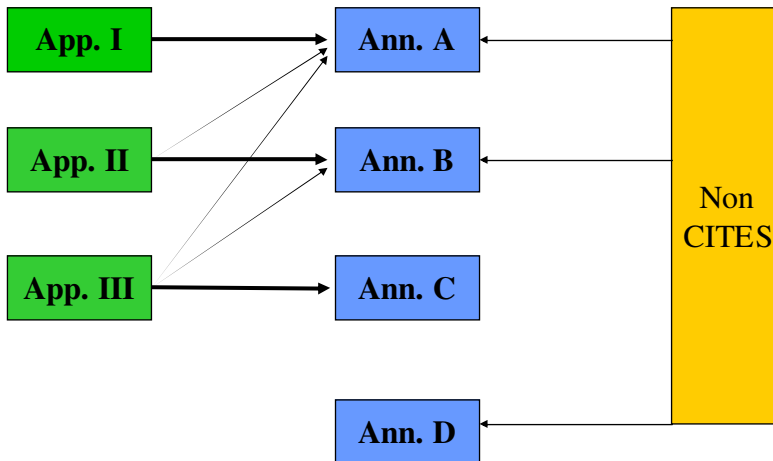
- **Council Regulation (EC) No. 338/97**
on the protection of species of wild fauna and flora by regulating trade therein
- **Commission Regulation EC No. 865/2006**
laying down detailed rules concerning the implementation of Council Regulation (EC) No. 338/97

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- Directly binding for all EU-Member States
- No border controls inside of the EU
- Other Appendices (Annexes A, B, C and D)
- Partly stricter protection of species
- Import permits also necessary for Annex B
- Provisions concerning the commercial use of Annex A and B inside of the EU (e. g. prohibition of sale)
- Commission Regulation No. 865/06 contains most of the Resolutions of the Conferences of the Parties

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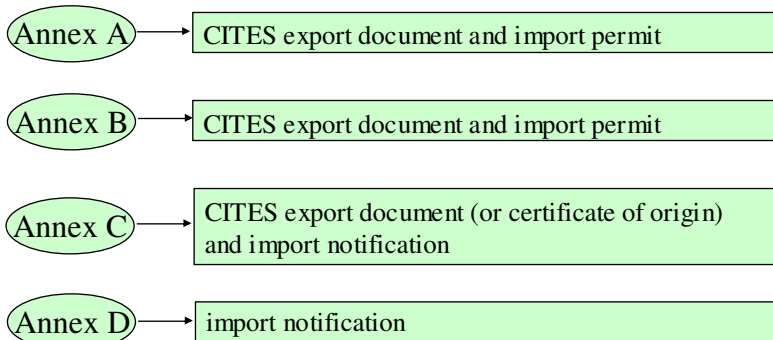


Import permit

- issued by the CITES Management Authority

Import notification

- issued by the customs office



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Inapplicable for Annex A species !!

Import of specimens from species included in the Annexes B, C or D without commercial intentions (also hunting trophies) by a person normally residing in the EU (at least 185 days/year)

- The specimens are the property of the importer
- The specimens are contained in the personal luggage
- or
- The specimens are hunting trophies hunted by the owner of the trophies and imported at a later date (here post shipment as well)

Annex B → only CITES export permit required (no import permit)

Annex C
and
Annex D → no documents required

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Non-Parties with notified Management and Scientific Authorities

- e.g. Tajikistan
 - Trade is possible under the conditions
 - comparable document with stamp and signature of the issuing Authority
 - sufficient identification of the species involved
 - certification that the export will not be detrimental to the survival of the species respectively of the population
 - in the case of re export: certification that the CITES MA of the country of origin had issued a CITES export permit

Non-Parties without notified Management and Scientific Authorities

- e.g. Turkmenistan
 - **No trade is possible! (Res. Conf. 9.5)**

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Hunting relevant protected species from Asia – imports into Germany

- Canis lupus - Annex A Council Regulation (EC) No. 338/97
 - imports from Kazakhstan, Mongolia, Russian Federation
- Ursus arctos - Annex A Council Regulation (EC) No. 338/97
 - imports from the Russian Federation
- Ovis ammon - Annex B Council Regulation (EC) No. 338/97
 - imports from Kyrgyzstan, Kazakhstan, Mongolia, Tajikistan, Russian Federation
- Saiga tatarica - Annex B Council Regulation (EC) No. 338/97
 - imports from Kazakhstan (1999), Russian Federation (1998)

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Requirements for the import of hunting trophies

Canis lupus

Ursus arctos



Annex A Council Regulation (EC) No. 338/97

- CITES export permit, issued by the Country of export
- CITES import permit, issued by the EU-Member State of the importer

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Proceeding for the import of hunting trophies

Annex A Council Regulation (EC) No. 338/97

Canis lupus

- **Import for commercial purposes forbidden by law**
- Application for import permit with copy of the CITES export permit
- Positive statement by the Scientific Authority respectively positive opinion by the Scientific Review Group (SRG) of the EU
- Presentation of the original and yellow copy of the import permit and original of the CITES export permit at the EU customs office

Ursus arctos

Current Situation

- positive opinion by the SRG:
 - Canis lupus: **RU, KZ, MN**
 - Ursus arctos: **RU**
- negative opinion by the SRG
 - Canis lupus: **KG**
 - Ursus arctos: **KZ**

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Requirements for the import of hunting trophies for the personal use (no commercial intentions)

Ovis ammon (and Annex B subspecies)

Saiga tatarica



Annex B Council Regulation (EC) No. 338/97

- CITES export permit, issued by the Country of export
 - presentation of the original and one copy at the EU customs office

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- www.cites.org
- www.cites.bfn.de
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- www.europa.eu.int/eur-lex/lex/de

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Many thanks for your attention

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