Commission Regulation (EU) 2019/220 of 6 February 2019 amending Regulation (EC) No 865/2006 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

COMMISSION REGULATION (EU) 2019/220

of 6 February 2019

amending Regulation (EC) No 865/2006 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

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[(1)], and in particular Article 19(4) thereof,

Whereas:

(1) The purpose of Commission Regulation (EC) No 865/2006[(2)] 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,

HAS ADOPTED THIS REGULATION:

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2019/220. (See end of Document for details)*

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, 6 February 2019.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) 2019/220. (See end of Document for details)*

ANNEX

ANNEX VCodes to be included in the description of specimens and units of measure to be used in permits and certificates pursuant to Article 5(1) and (2):

Description	Trade term code	Preferred unit	Alternative unit	Explanation
baleen	BAL	kg	no.	whalebone
bark	BAR	kg		tree bark (raw, dried or powdered; unprocessed)
body	BOD	no.	kg	substantially whole dead animals, including fresh or processed fish, stuffed turtles, preserved butterflies, reptiles in alcohol, whole stuffed hunting trophies, etc.
bone	BON	kg	no.	bones, including jaws
calipee	CAL	kg		calipee or calipash (turtle cartilage for soup)
carapace	CAP	no.	kg	raw or unworked whole shells of Testudines species
carving	CAR	kg	no.	carved products other than ivory, bone or horn — for example coral and wood (including handicrafts). N.B: Ivory carvings should be specified as such (see below - 'IVC'). Also, for species from which more than one type

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				of product may be carved (e.g. horn and bone), the trade term code should indicate the type of product in trade (e.g. bone carving 'BOC' or horn carving - 'HOC'), where possible.
carving — bone	BOC	kg	no.	bone carving
carving — horn	HOC	kg	no.	horn carving
carving — ivory	IVC	kg	no.	ivory carvings, including e.g. smaller worked pieces of ivory (knife handles, chess sets, mahjong sets etc.). NB: Whole carved tusk should be reported as tusks (see 'TUS' below). Jewellery made from carved ivory should be reported as 'jewellery — ivory' (see IJW below).
caviar	CAV	kg		unfertilized dead processed eggs from all species of Acipenseriformes; also known as roe
chips	CHP	kg		chips of timber, especially *Aquilaria* spp., *Gyrinops* spp. and *Pterocarpus santalinus*
claw	CLA	no.	kg	claws — e.g. of Felidae, Ursidae or Crocodylia

				(NB: 'turtle claws' are usually scales and not real claws)
cloth	CLO	m^2	kg	cloth — if the cloth is not made entirely from the hair of a CITES species, the weight of hair of the species concerned should instead, if possible, be recorded under 'HAI'
coral (raw)	COR	no.	kg	raw or unworked coral and coral rock (also live rock and substrate) [as defined in Resolution Conf. 11.10 (Rev. CoP15)]. Coral rock should be recorded as '*Scleractinia* spp.' NB: the trade should be recorded by number of pieces only if the coral specimens are transported in water. Live rock (transported moist in boxes) should be reported in kg; coral substrate should be reported as number of pieces (since these are transported in water as the substrate to which non-