Commission Regulation (EU) No 750/2013 of 29 July 2013 amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein

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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(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 (CITES), hereinafter 'the Convention'.

(2) At the 16th meeting of the Conference of the Parties to the Convention, held in Bangkok, Thailand, in March 2013, certain amendments were made to the Appendices to the Convention.

(3) The family Platysternidae spp. has been included in Appendix I to the Convention (the only species in the family *Platysternon megacephalum* was previously listed in Appendix II).

(4) The following species have been deleted from Appendix I to the Convention: *Thylacinus cynocephalus*, *Onychogalea lunata*, *Caloprymnus campestris*, *Chaeropus ecaudatus*, *Macrotis leucura*, *Lophura imperialis* and *Campephilus imperialis*.

(5) The following species have been transferred from Appendix II to Appendix I to the Convention: *Trichechus senegalensis*, *Geochelone platynota*, *Chitra chitra, Chitra vandijki* and *Pristis microdon*.

(6) The following taxa have been transferred from Appendix I to Appendix II to the Convention: *Vicugna vicugna* (population of Ecuador; with annotation) and *Tympanuchus cupido attwateri*.

(7) The following species have been included in Appendix II to the Convention: *Naultinus* spp. (previously listed in Appendix III), *Trimeresurus mangshanensis*, *Clemmys guttata*, *Emydoidea blandingii*, *Malaclemys terrapin*, *Cyclemys* spp., *Geoemyda japonica*, *Geoemyda spengleri* (previously listed in Appendix III), *Hardella thurjii*, *Mauremys japonica*, *Mauremys nigricans* (previously listed in Appendix

III), *Melanochelys trijuga*, *Morenia petersi*, *Sacalia bealei* (previously listed in Appendix III), *Sacalia quadriocellata* (previously listed in Appendix III), *Vijayachelys silvatica*, *Dogania subplana*, *Nilssonia formosa*, *Nilssonia leithii*, *Palea steindachneri* (previously listed in Appendix III), *Pelodiscus axenaria* (previously listed in Appendix III), *Pelodiscus maackii* (previously listed in Appendix III), *Pelodiscus parviformis* (previously listed in Appendix III), *Rafetus swinhoei* (previously listed in Appendix III), *Epipedobates machalilla*, *Carcharhinus longimanus* (with annotation), *Sphyrna lewini* (with annotation; previously listed in Appendix III), *Sphyrna mokarran* (with annotation), *Sphyrna zygaena* (with annotation), *Lamna nasus* (with annotation; previously listed in Appendix III), *Manta* spp. (with annotation), *Yucca queretaroensis*, *Operculicarya decaryi*, *Diospyros* spp. (with annotation; populations of Madagascar; most of these species were previously listed in Appendix III), *Dalbergia cochinchinensis* (with annotation), *Dalbergia granadillo* (with annotation), *Dalbergia retusa* (with annotation; populations of Guatemala and Panama were previously listed in Appendix III), *Dalbergia stevensonii* (with annotation; populations of Guatemala were previously listed in Appendix III), *Dalbergia* spp. (with annotation; populations of Madagascar), *Senna meridionalis*, *Adenia firingalavensis*, *Adenia subsessilifolia*, *Uncarina grandidieri*, *Uncarina stellulifera*, *Osyris lanceolata* (with annotation; populations of Burundi, Ethiopia, Kenya, Rwanda, Uganda and the United Republic of Tanzania) and *Cyphostemma laza*.

(8) The following species have been deleted from Appendix II to the Convention: *Pteropus brunneus*, *Caracara lutosa*, *Sceloglaux albifacies*, *Rheobatrachus silus*, *Rheobatrachus vitellinus*, *Tillandsia kautskyi*, *Tillandsia sprengeliana*, *Tillandsia sucrei*, *Dudleya stolonifera* and *Dudleya traskiae*.

(9) The taxa *Rupicapra pyrenaica ornata* and *Papilio hospiton* have been transferred from Appendix I to Appendix II to the Convention. Those taxa are included in Annex II (species of Community interest requiring the designation of special areas of conservation) and Annex IV (species of Community interest requiring strict protection) to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora[(2)]. Both taxa should therefore remain in Annex A to this Regulation.

(10) The following species listed in Appendix II to the Convention are subject to a zero annual export quota which has been established for specimens removed from the wild and traded for commercial purposes: *Batagur borneoensis*, *Batagur trivittata*, *Cuora aurocapitata*, *Cuora flavomarginata*, *Cuora galbinifrons*, *Cuora mccordi*, *Cuora mouhotii*, *Cuora pani*, *Cuora trifasciata*, *Cuora yunnanensis*, *Cuora zhoui*, *Heosemys annandalii*, *Heosemys depressa*, *Mauremys annamensis* and *Orlitia borneensis*. *Chelodina mccordi* has been maintained in Appendix II with an annotation for a zero export quota from the wild.

(11) Annotation #3 for the listings in Appendix II to the Convention of the species *Panax ginseng* and *Panax quinquefolius* has been amended.

(12) Annotation #9 for the listing in Appendix II to the Convention of the species *Hoodia* spp. has been amended.

(13) Annotation #12 for the listing in Appendix II to the Convention of the species *Aniba rosaeodora* has been amended.

(14) The annotation for the listings in Appendix II to the Convention of the species *Aquilaria* spp. and *Gyrinops* spp. has been replaced by a new annotation #14.

(15) None of the Member States has entered a reservation in respect of any of those amendments.

(16) At the 16th meeting of the Conference of the Parties to the Convention, new nomenclatural references for animals were adopted.

(17) After the 16th meeting of the Conference of the Parties to the Convention, the following species has been included in Appendix III to the Convention: *Hynobius amjiensis*.

(18) The provisions of Regulation (EC) No 338/97 are only designed to apply to live specimens of invasive alien species and this should be clarified in the annotations relating to those species.

(19) In order to implement into EU law the amendments made to Appendices I, II and III to the Convention, the Annex to Regulation (EC) No 338/97 should be amended accordingly.

(20) Regulation (EC) No 338/97 should therefore be amended accordingly. In view of the extent of the amendments it is appropriate, for clarity purposes, to replace the Annex to that Regulation in its entirety.

(21) 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, 29 July 2013.

For the Commission

The President

José Manuel BARROSO

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 750/2013. (See end of Document for details)*

ANNEX

ANNEX Notes on interpretation of Annexes A, B, C and D1.Species included in Annexes A, B, C and D are referred to:

(a) by the name of the species; or

(b) as being all of the species included in a higher taxon or designated part thereof.

2.

The abbreviation ‘spp.’ is used to denote all species of a higher taxon.

3.

Other references to taxa higher than species are for the purposes of information or classification only.

4.

Species printed in bold in Annex A are listed there in consistency with their protection as provided for by Council Directive 2009/147/EC[(3)] or Council Directive 92/43/EEC[(4)].

5.The following abbreviations are used for plant taxa below the level of species:

(a) ‘ssp.’ is used to denote subspecies;

(b) ‘var(s).’ is used to denote variety (varieties); and

(c) ‘fa.’ is used to denote forma.

6.

The symbols ‘(I)’, ‘(II)’ and ‘(III)’ placed against the name of a species or higher taxon refer to the Appendices to the Convention in which the species concerned are listed as indicated in notes 7, 8 and 9. Where none of these annotations appears, the species concerned are not listed in the Appendices to the Convention.

7.

(I) against the name of a species or higher taxon indicates that the species or higher taxon concerned is included in Appendix I to the Convention.

8.

(II) against the name of a species or higher taxon indicates that the species or higher taxon concerned is included in Appendix II to the Convention.

9.

(III) against the name of a species or higher taxon indicates that it is included in Appendix III to the Convention. In this case the country with respect to which the species or higher taxon is included in Appendix III is also indicated.

10.

‘Cultivar’ means, following the definition of the eighth edition of the *International code of nomenclature for cultivated plants*, an assemblage of plants that (a) has been selected for a particular character or combination of characters, (b) is distinct, uniform, and stable in these characters, and (c) when propagated by appropriate means, retains those characters. No new taxon of a cultivar can be regarded as such until its category name and circumscription has been formally published in the latest edition of the *International code of nomenclature for cultivated plants*.

11.