Commission Implementing Regulation (EU) No 792/2012 of 23 August 2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and amending Commission Regulation (EC) No 865/2006

COMMISSION IMPLEMENTING REGULATION (EU) No 792/2012

of 23 August 2012

laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and amending Commission Regulation (EC) No 865/2006

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(1) thereof,

Whereas:

(1) Provisions are required 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), hereinafter 'the Convention'.

(2) In order to ensure the uniform implementation of Regulation (EC) No 338/97 and 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[(2)], it is necessary to lay down models to which permits, certificates and other documents foreseen in those Regulations must correspond.

(3) At the 15th session of the Conference of the Parties to the Convention, held in Doha (Qatar) from 13 to 25 March 2010, a number of Resolutions were modified concerning, inter alia, the harmonisation in permits and certificates and amendments of source codes. It is therefore necessary to take those Resolutions into account and amend the models accordingly. Changes are also required in order to render those documents clearer for their users and national administrations.

(4) Uniform conditions for the use of those forms therefore need to be defined through models, instructions and explanations, to be used in conjunction with Regulation (EC) No 865/2006.

(5) Those uniform conditions should be adopted in accordance with the examination procedure provided for in Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general

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principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers[3]. It is therefore necessary that they are included in an Implementing Regulation that is distinct from Regulation (EC) No 865/2006.

(6) Regulation (EC) No 865/2006 should therefore be amended accordingly.

(7) 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:

Article 1

General provision

The design and technical specifications with regard to forms for permits, certificates and other documents provided for in Regulation (EC) No 338/97 and Regulation (EC) No 865/2006 are described in this Regulation. The design and technical specifications are specified for the following documents:

(1) import permits;

(2) export permits;

(3) re-export certificates;

(4) personal ownership certificates;

(5) sample collection certificates;

(5a) **[**F1musical instrument certificates;**]**

(6) import notifications;

(7) travelling exhibition certificates;

(8) **[**F2continuation sheets for personal ownership certificates, for travelling exhibition certificates and for musical instrument certificates;**]**

(9) certificates provided for in paragraphs 2(b), 3 and 4 of Article 5 of Regulation (EC) No 338/97, and in Articles 8(3) and 9(2)(b) thereof;

(10) labels referred to in Article 7(4) of Regulation (EC) No 338/97.

Textual Amendments

F1 Inserted by Commission Implementing Regulation (EU) 2015/57 of 15 January 2015 amending Implementing Regulation (EU) No 792/2012 as regards the rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and in Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97.

F2 Substituted by Commission Implementing Regulation (EU) 2015/57 of 15 January 2015 amending Implementing Regulation (EU) No 792/2012 as regards the rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species

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

Article 2

Forms

[[F2]1 The forms on which import permits, export permits, re-export certificates, personal ownership certificates, sample collection certificates and musical instrument certificates and applications for such documents are drawn up shall conform, except as regards spaces reserved for national use, to the model set out in Annex I.**]**

2 The forms on which import notifications are drawn up shall conform, except as regards spaces reserved for national use, to the model set out in Annex II. They may contain a serial number.

3 The forms on which travelling exhibition certificates and applications for such documents are drawn up shall conform, except as regards spaces reserved for national use, to the model set out in Annex III.

4 The forms on which continuation sheets for personal ownership certificates and for travelling exhibition certificates are drawn up shall conform to the model set out in Annex IV.

5 The forms on which the certificates provided for in paragraphs 2(b), 3 and 4 of Article 5 of Regulation (EC) No 338/97 and in Articles 8(3) and 9(2)(b) thereof and applications for such certificates are drawn up shall conform to the model set out in Annex V to this Regulation, except as regards spaces reserved for national use.

Member States may, however, provide that, instead of the pre-printed text, boxes 18 and 19 are to contain only the relevant certification or authorisation, or both.

6 The form of the labels referred to in Article 7(4) of Regulation (EC) No 338/97 shall conform to the model set out in Annex VI to this Regulation.

Textual Amendments

F2 Substituted by Commission Implementing Regulation (EU) 2015/57 of 15 January 2015 amending Implementing Regulation (EU) No 792/2012 as regards the rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and in Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97.

Article 3

Technical specifications with regard to forms

1 The paper used for the forms referred to in Article 2 shall be free of mechanical pulp and dressed for writing purposes, and shall weigh at least 55 g/m^2.

2 The size of the forms referred to in Article 2(1) to (5) shall be 210 x 297 mm (A4) with a maximum tolerance as to length of 18 mm less and 8 mm more.

3 The colour of the paper used for the forms referred to in Article 2(1) shall be as follows:

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a white for form 1, the original, with a guilloche pattern background, printed in grey on the front, so as to reveal any falsification by mechanical or chemical means;

b yellow for form 2, the copy for the holder;

c pale green for form 3, the copy for the exporting or re-exporting country in the case of an import permit, or the copy for return by customs to the issuing management authority in the case of an export permit or re-export certificate;

d pink for form 4, the copy for the issuing management authority;

e white for form 5, the application.

4 The colour of the paper used for the forms referred to in Article 2(2) shall be as follows:

a white for form 1, the original;

b yellow for form 2, the copy for the importer.

5 The colour of the paper used for the forms referred to in Article 2(3) and (5) shall be as follows:

a yellow for form 1, the original, with a guilloche pattern background, printed in grey on the front, so as to reveal any falsification by mechanical or chemical means;

b pink for form 2, the copy for the issuing management authority;

c white for form 3, the application.

6 The colour of the paper used for the continuation sheets and labels referred to in Article 2(4) and (6) respectively shall be white.

7 The forms referred to in Article 2 shall be printed and completed in one of the official Union languages as specified by the management authorities of each Member State. They shall, where necessary, contain a translation of their contents in one of the official working languages of the Convention.

8 Member States shall be responsible for the printing of the forms referred to in Article 2, which, in the case of the forms referred to in Article 2(1) to (5), may be part of a computerised permit/certificate issuing process.

Article 4

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

(1) Articles 2 and 3 are deleted;

(2) Annexes I to VI are deleted.

Article 5

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

It shall apply from 27 September 2012.

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

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ANNEX I

EUROPEAN UNION

1 ORIGINAL	1. Exporter/Re-exporter	**PERMIT/CERTIFICATE** ☐ IMPORT ☐ EXPORT ☐ RE-EXPORT ☐ OTHER:	**No** 2. Last day of validity:		
	3. Importer	**Convention on International Trade in Endangered Species of Wild Fauna and Flora**			
		4. Country of (re)-export			
		5. Country of import			
1	6. Authorized location for live specimens of Annex A species	7. Issuing Management Authority			
	8. Description of specimens (incl. marks, sex/date of birth for live animals)	9. Net mass (kg)	10. Quantity		
		11. CITES Appendix	12. EU Annex	13. Source	14. Purpose
		15. Country of origin			
		16. Permit No	17. Date of issue		
		18. Country of last re-export			
		19. Certificate No	20. Date of issue		
	21. Scientific name of species				
	22. Common name of species				
	23. Special conditions This permit/certificate is only valid if live animals are transported in compliance with the CITES Guidelines for the Transport and Preparation for Shipment of Live Wild Animals or, in the case of air transport, the Live Animals Regulations published by the International Air Transport Association (IATA)				
	24. The (re-)export documentation from the country of (re-)export ☐ has been surrendered to the issuing authority ☐ has to be surrendered to the border customs office of introduction	25. The ☐ importation ☐ exportation ☐ re-exportation of the goods described above is hereby permitted. Signature and official stamp: Name of issuing official: Place and date of issue:			
	26. Bill of Lading / Air Waybill Number:				
	27. For customs use only Quantity / net mass (kg) actually imported or (re)-exported / Number of animals dead on arrival	Signature and official stamp: Customs document Type: Number: Date:			

Instructions and explanations

[F2 1. Full name and address of the actual (re-)exporter, not of an agent. In the case of a personal ownership certificate or of a musical instrument certificate, the full name and address of the legal owner. In the case of a musical instrument certificate, if the applicant is different from the legal owner, the full name and address of both the owner and of the applicant should