Commission Regulation (EC) No 605/2006 of 19 April 2006 amending Regulation (EC) No 349/2003 suspending the introduction into the Community of specimens of certain species of wild fauna and flora

COMMISSION REGULATION (EC) No 605/2006

of 19 April 2006

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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(2) thereof,

After consulting the Scientific Review Group,

Whereas:

(1) Article 4(6) of Regulation (EC) No 338/97 provides that the Commission may establish restrictions to the introduction of certain species into the Community in accordance with the conditions laid down in points (a) to (d) thereof. Furthermore, implementing measures for such restrictions have been laid down in Commission Regulation (EC) No 1808/2001 of 30 August 2001 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 of the protection of species of wild fauna and flora by regulating trade therein[(2)].

(2) A list of species for which the introduction into the Community is suspended was established in Commission Regulation (EC) No 349/2003 of 25 February 2003 suspending the introduction into the Community of specimens of certain species of wild fauna and flora[(3)].

(3) On the basis of recent information, the Scientific Review Group has concluded that the conservation status of certain species listed in Annexes A and B to Regulation (EC) No 338/97 will be seriously jeopardised if their introduction into the Community from certain countries of origin is not suspended. The introduction of the following species should therefore be suspended: *Ursus thibetanus* from the Russian Federation; *Cryptoprocta ferox*, *Scaphiophryne gottlebei*, *Euphorbia banae* and *E. kondoi* from Madagascar; *Panthera leo* from Ethiopia; *Balaeniceps rex*, *Grus carunculatus* and *Chamaeleo fuelleborni* from the United Republic of Tanzania; *Poicephalus gulielmi* from Congo; *Accipiter melanoleucus*, *A. ovampensis*, *Aviceda cuculoides*, *Hieraaetus ayresii*, *H. spilogaster*, *Macheiramphus alcinus*, *Spizaetus africanus*, *Urotriorchis macrourus*, *Falco chicquera*, *Asio capensis*, *Bubo lacteus*, *B. poensis*, *Glaucidium perlatum*, *Scotopelia peli* and *Python regius* from Guinea; *Sagittarius serpentarius* and *Varanus exanthematicus* from Togo; *Agapornis pullarius* from the Democratic Republic

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 605/2006. (See end of Document for details)*

of the Congo; *Cuora galbinifrons* from China; *Heosemys spinosa*, *Leucocephalon yuwonoi*, *Siebenrockiella crassicollis*, *Liasis fuscus*, *Euphyllia cristata*, *E. divisa*, *E. fimbriata*, *Hydnophora microconos* and *Scolymia vitiensis* from Indonesia; *Geochelone pardalis* from Uganda and Zambia; *Uromastyx geyri* from Mali and Niger; *Cordylus mossambicus, C. vittifer*, *Tridacna maxima* and *T. squamosa* from Mozambique; *Dendrobates pumilio* from Nicaragua; *Hippopus hippopus* from Vanuatu; *Hippopus hippopus*, *Tridacna gigas* and *T. maxima* from Tonga and Vietnam; *Tridacna crocea*, *T. derasa*, *T. maxima* and *T. squamosa* from Fiji and Vanuatu; *Tridacna crocea* from Tonga; *Tridacna maxima* from the Federated States of Micronesia and the Marshall Islands; *Tridacna tevoroa* from Tonga and *Catalaphyllia jardinei* from the Solomon Islands.

(4) The Scientific Review Group has also concluded that, on the basis of the most recent available information, the suspension of the introduction into the Community of the following species should no longer be required: *Galago senegalensis* from Djibouti; *Galagoides demidoff* from Kenya and Senegal; *Callithrix argentata* from Paraguay; *Saguinus labiatus* from Colombia; *Callicebus torquatus* from Ecuador; *Cebus albifrons* from Guyana; *Cebus capucinus and Aratinga solstitialis* from Venezuela; *Cebus olivaceus* from Peru; *Allenopithecus nigroviridis* from all range States; *Colobus guereza* from Equatorial Guinea; *Lophocebus albigena* from Kenya; *Papio hamadryas* and *Hippopotamus amphibius* from Liberia; *Cynogale bennettii* from Singapore; *Ara ararauna* from Trinidad and Tobago; *Neophema splendida* from Australia; *Poicephalus gulielmi* from Democratic Republic of the Congo; *Geochelone chilensis*, *Homopus areolatus*, *H. boulengeri*, *H. femoralis*, *H. signatus*, *Kinixys natalensis* and *Psammobates spp.* from all range States; *Geochelone denticulata* from all range States except for Bolivia and Ecuador; *Geochelone elegans* from all range States except for Pakistan; *Kinixys belliana* from all range States except for Mozambique and Benin; *Kinixys erosa* from all range States except for Togo; *Kinixys homeana* from all range States except for Benin; *Manouria emys* from all range States except for Bangladesh, India, Indonesia, Myanmar and Thailand; *Testudo horsfieldii* from all range States except for China, Pakistan and Kazakhstan; *Manouria impressa* from all range States except for Vietnam; *Phelsuma cepediana* and *P. trilineata* from Madagascar; *Phelsuma edwardnewtonii* from Mauritius; *Varanus albigularis* from Lesotho; *Varanus rudicollis* from the Philippines; *Ptyas mucosus* from Indonesia and *Dactylorhiza incarnata* from Norway.

(5) Regulation (EC) No 338/97 as last amended by Regulation (EC) No 1332/2005 provides *inter alia* for the transfer of *Cacatua sulphurea* and *Pyxis arachnoides* from Annex B to Annex A and the deletion from the Annexes of *Agapornis roseicollis*, therefore, import suspensions in respect of those species should no longer be required.

(6) The countries of origin of the species which are subject to new restrictions to introduction into the Community pursuant to this Regulation have all been consulted.

(7) The Annex to Regulation (EC) No 349/2003 should therefore be amended accordingly and, for clarity purposes, replaced.

(8) 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

The Annex to Regulation (EC) No 349/2003 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 20th day following 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, 19 April 2006.

For the Commission

Stavros DIMAS

Member of the Commission

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 605/2006. (See end of Document for details)*

ANNEX

SPECIMENS OF SPECIES INCLUDED IN ANNEX A TO REGULATION (EC) NO 338/97 WHOSE INTRODUCTION INTO THE COMMUNITY IS SUSPENDED

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
FAUNA				
CHORDATA				
MAMMALIA				
CARNIVORA				
Canidae				
Canis lupus	Wild	Hunting trophies	Belarus, Kyrgyzstan, Turkey	a
Ursidae				
Ursus arctos	Wild	Hunting trophies	British Columbia	a
Ursus thibetanus	Wild	Hunting trophies	Russian Federation	a
Felidae				
Lynx lynx	Wild	Hunting trophies	Azerbaijan, Moldova, Ukraine	a
ARTIODACTYLA				
Bovidae				
Ovis ammon nigrimontana	Wild	Hunting trophies	Kazakhstan	a
AVES				
FALCONIFORMES				
Accipitridae				
Leucopternis occidentalis	Wild	All	Ecuador, Peru	a

SPECIMENS OF SPECIES INCLUDED IN ANNEX B TO REGULATION (EC) NO 338/97 WHOSE INTRODUCTION INTO THE COMMUNITY IS SUSPENDED

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
FAUNA				
CHORDATA				
MAMMALIA				
MONOTREMATA				
Tachyglossidae				

a Namely animals born in captivity but for which the criteria of Chapter III of Regulation (EC) No 1808/2001 are not met, as well as parts and derivatives thereof.

Zaglossus bruijni	Wild	All	All	b
PRIMATES				
Loridae				
Arctocebus aureus	Wild	All	Central African Republic, Gabon	b
Arctocebus calabarensis	Wild	All	Nigeria	b
Nycticebus pygmaeus	Wild	All	Cambodia, Laos	b
Perodicticus potto	Wild	All	Togo	b
Galagonidae				
Euoticus pallidus (synonym *Galago elegantulus pallidus*)	Wild	All	Nigeria	b
Galago matschiei (synonym *G. inustus*)	Wild	All	Rwanda	b
Galagoides demidoff (synonym *Galago demidovii*)	Wild	All	Burkina Faso, Central African Republic	b
Galagoides zanzibaricus (synonym *Galago zanzibaricus*)	Wild	All	Malawi	b
Callitrichidae				
Callithrix geoffroyi (synonym *C. jacchus geoffroyi*)	Wild	All	Brazil	b
Cebidae				
Alouatta fusca	Wild	All	All	b
Alouatta seniculus	Wild	All	Trinidad and Tobago	b
Ateles belzebuth	Wild	All	All	b
Ateles fusciceps	Wild	All	All	b

a Namely animals born in captivity but for which the criteria of Chapter III of Regulation (EC) No 1808/2001 are not met, as well as parts and derivatives thereof.