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Commission Regulation (EC) No 252/2005 of 14 February 2005 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 252/2005

of 14 February 2005

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

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, point 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.

(2) A list of species, for which the introduction into the Community is suspended, was last 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[(2)].

(3) The enlargement of the European Union to 25 Member States from 1 May 2004 requires that all pre-existing suspensions in respect of species originating from the new Member States be deleted from that list.

(4) 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 Council Regulation (EC) No 338/97 will be seriously jeopardised if their introduction into the Community from certain countries of origin is not suspended, these species and their countries of origin being the following:

— *Blastomussa* spp., *Cynarina lacrymalis*, *Plerogyra* spp., *Trachyphyllia geoffroyi* from Indonesia (all specimens except maricultured specimens attached to artificial substrates)

— *Chamaeleo gracilis* from Benin (wild and ranched specimens)

— *Euphorbia bulbispina* and *Euphorbia guillauminiana* from Madagascar

— *Geochelone pardalis* from Mozambique (ranched specimens)

— *Mantella aurantiaca*, *Pachypodium rosulatum*, *Pachypodium sofiance* from Madagascar

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— *Naja* spp. from Lao People's Democratic Republic

— *Psittacus erithacus* from Nigeria

— *Ursus arctos* from the province of British Columbia, Canada (hunting trophies).

(5) The Scientific Review Group has also concluded that the suspension of the introduction into the Community of the species *Psittacus erithacus* from the Democratic Republic of the Congo is no longer warranted by virtue of its conservation status.

(6) The Scientific Review Group has concluded that the introduction into the Community of *Chrysemys picta* and *Oxyura jamaicensis* presents an ecological threat to wild species of fauna and flora indigenous to the Community and should therefore be suspended.

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

(8) Article 41 of 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[(3)], contains provisions for the implementation by the Member States of the restrictions established by the Commission.

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

(10) 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 third 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, 14 February 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

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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
Felidae				
Lynx lynx	Wild	Hunting trophies	Azerbaijan, Moldova, Ukraine	a
ARTIODACTYLA				
Bovidae				
Ovis ammon nigrimontana	Wild	Hunting trophies	Kazakhstan	
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				
Zaglossus bruijni	Wild	All	All	b
PRIMATES				
Loridae				

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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
Galago senegalensis	Wild	All	Djibouti	b
Galagoides demidoff (synonym *Galago demidovii*)	Wild	All	Burkina Faso, Central African Republic, Kenya, Senegal	b
Galagoides zanzibaricus (synonym *Galago zanzibaricus*)	Wild	All	Malawi	b
Callitrichidae				
Callithrix argentata	Wild	All	Paraguay	b
Callithrix geoffroyi (synonym *C. jacchus geoffroyi*)	Wild	All	Brazil	b
Saguinus labiatus	Wild	All	Colombia	b
Cebidae				
Alouatta fusca	Wild	All	All	b
Alouatta seniculus	Wild	All	Trinidad and Tobago	b

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Ateles belzebuth	Wild	All	All	b
Ateles fusciceps	Wild	All	All	b
Ateles geoffroyi	Wild	All	All	b
Ateles paniscus	Wild	All	Peru	b
Callicebus torquatus	Wild	All	Ecuador	b
Cebus albifrons	Wild	All	Guyana	b
Cebus capucinus	Wild	All	Belize, Venezuela	b
Cebus olivaceus	Wild	All	Peru	b
Chiropotes satanas	Wild	All	Brazil, Guyana	b
Lagothrix lagotricha	Wild	All	All	b
Pithecia pithecia	Wild	All	Guyana	b
Cercopithecidae				
Allenopithecus nigroviridis	Wild	All	All	b
Cercocebus torquatus	Wild	All	Ghana	b
Cercopithecus ascanius	Wild	All	Burundi	b
Cercopithecus cephus	Wild	All	Central African Republic	b
Cercopithecus dryas (including *C. salongo*)	Wild	All	Democratic Republic of the Congo	b
Cercopithecus erythrogaster	Wild	All	All	b
Cercopithecus erythrotis	Wild	All	All	b
Cercopithecus hamlyni	Wild	All	All	b
Cercopithecus mona	Wild	All	Togo	b
Cercopithecus petaurista	Wild	All	Togo	b
Cercopithecus pogonias	Wild	All	Cameroon, Equatorial Guinea, Nigeria	b