COMMISSION REGULATION (EC) No 834/2004

of 28 April 2004

amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein

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(3) thereof,

Whereas:

(1) Council 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 annexes to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter 'the CITES Convention'.

(2) Annex A of Council Regulation (EC) No 338/97 includes the species listed in Appendix I to the Convention for which the Member States have not entered a reservation and consequently Varanus nebulosus should be included on that Annex.

(3) Amendments to Appendix III to the Convention made in accordance with the provisions of Article XVI of the Convention should be reflected in Annex C of Council Regulation (EC) No. 338/97 and in the 'Notes on interpretation of Annexes A, B, C and D'. In particular, it is necessary to list Argentina, Australia, Indonesia, Mexico, New Zealand and Peru as range States of species included in Appendix III to the Convention.

(4) The annotation relating to some coral species needs to be adapted in order to incorporate some of the terms of CITES Resolution Conf. 11.10 concerning definitions of coral sand and coral fragments, in accordance with the definition of 'specimens' given by Article 2(t) of Regulation (EC) No 338/97; the annotation regarding Aloe spp. needs to make an explicit reference to the species listed in Annex A; and the annotation to Guaiacum spp. needs to be changed in order to designate the parts and derivatives decided upon at the 12th Conference.

(5) The Scientific Review Group has established, on the basis of the criteria set out in Article 3(4)(a) of Regulation (EC) No 338/97, that certain species must be withdrawn from the list of animals whose importation into the Community should, on account of the volume involved, be monitored, whilst certain other species must be added to that list.

(6) Regulation (EC) No 338/97 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 established pursuant to Article 18 of Regulation (EC) No 338/97,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) 338/97 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twenty-first 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, 28 April 2004.

For the Commission
Margot WALLSTRÖM
Member of the Commission

[1] OJ L61, 3.3.1997, p. 1. Regulation as last amended by Commission Regulation (EC) No 1497/2003 (OJ L 215, 27.8.2003, p. 3).