COMMISSION REGULATION (EC) No 776/2004

of 26 April 2004

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(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) 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.

(4) On the basis of further recent information, the Scientific Review Group has also concluded that the suspension of the introduction into the Community of the *Lama guanicoe* from Chile is no longer warranted by virtue of its conservation status.

(5) The countries of origin of the species subject to the new restrictions referred to in paragraph 3 have been consulted.

(6) 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.

(7) Regulation (EC) No 349/2003 should therefore be amended accordingly.

(8) The necessity to avoid the disturbance of trade justifies that this Regulation enters into force on the third day following its publication.

(9) 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, 26 April 2004.

For the Commission
Margot WALLSTRÖM
Member of the Commission

[1] OJ L 61, 3. 3. 1997, p. 1. Regulation as last amended by Commission Regulation (EC) No 1497/2003 (OJ L 251, 27.8.2003, p. 3).
[2] OJ L 51, 26.2.2003, p. 3.
[3] OJ L 250, 30.8.2001, p. 1.

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	Kyrgyzstan, Turkey	a
Canis lupus	Wild	Hunting trophies	Belarus	a
Felidae				
Lynx lynx	Wild	Hunting trophies	Azerbaijan, Moldova, Lithuania, Ukraine	a
ARTIODACTYLA				
Bovidae				
Ovis ammon nigrimontana	Wild	Hunting trophies	Kazakhstan	a
AVES				
FALCONIFORMES				
Accipitridae				
Leucopternis occidentalis	Wild	Hunting trophies	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				
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

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
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
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

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
Cercopithecus preussi (synonym C. lhoesti preussi)	Wild	All	Cameroon, Equatorial Guinea, Nigeria	b
Colobus guereza	Wild	All	Equatorial Guinea	b
Colobus polykomos	Wild	All	Côte d'Ivoire, Ghana, Nigeria, Togo	b
Lophocebus albigena (synonym Cercocebus albigena)	Wild	All	Kenya, Nigeria	b
Macaca arctoides	Wild	All	India, Malaysia, Thailand	b
Macaca assamensis	Wild	All	Nepal	b
Macaca cyclopis	Wild	All	All	b
Macaca fascicularis	Wild	All	Bangladesh, India	b
Macaca maura	Wild	All	Indonesia	b
Macaca nemestrina	Wild	All	China	b
Macaca nemestrina pagensis	Wild	All	Indonesia	b
Macaca nigra	Wild	All	Indonesia	b
Macaca ochreata	Wild	All	Indonesia	b
Macaca sylvanus	Wild	All	Algeria, Morocco	b
Papio hamadryas	Wild	All	Guinea-Bissau, Liberia, Libya	b
Procolobus badius (synonym Colobus badius)	Wild	All	All	b
Procolobus verus (synonym Colobus verus)	Wild	All	Benin, Côte d'Ivoire, Ghana, Sierra Leone, Togo	b
Trachypithecus phayrei (synonym Presbytis phayrei)	Wild	All	Cambodia, China, India	b
Trachypithecus vetulus (synonym Presbytis senex)	Wild	All	Sri Lanka	b
XENARTHRA				
Myrmecophagidae				
Myrmecophaga tridactyla	Wild	All	Belize, Uruguay	b
RODENTIA				
Sciuridae				
Ratufa affinis	Wild	All	Singapore	b
Ratufa bicolor	Wild	All	China	b
CARNIVORA				
Canidae				
Chrysocyon brachyurus	Wild	All	Bolivia, Peru	b
Mustelidae				
Lutra maculicollis	Wild	All	Tanzania	b
Viverridae				
Cynogale bennettii	Wild	All	Brunei, China, Indonesia, Malaysia, Singapore, Thailand	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
Eupleres goudotii	Wild	All	Madagascar	b
Fossa fossana	Wild	All	Madagascar	b
Felidae				
Leptailurus serval	Wild	All	Algeria	b
Oncifelis colocolo	Wild	All	Chile	b
Prionailurus bengalensis	Wild	All	Macao	b
Profelis aurata	Wild	All	Togo	b
PERISSODACTYLA				
Equidae				
Equus zebra hartmannae	Wild	All	Angola	b
ARTIODACTYLA				
Hippopotamidae				
Hexaprotodon liberiensis (synonym Choeropsis liberiensis)	Wild	All	Côte d'Ivoire, Guinea, Guinea-Bissau, Nigeria, Sierra Leone	b
Hippopotamus amphibius	Wild	All	Democratic Republic of the Congo, Gambia, Liberia, Malawi, Niger, Nigeria, Rwanda, Sierra Leone, Togo	b
Camelidae				
Lama guanicoe	Wild	All, except: — specimens that form part of the registered stock in Argentina, provided that permits are confirmed by that Secretariat before being accepted by the Member State of import — products obtained from the shearing of live animals carried out under the approved management programme, appropriately marked and registered non-commercial exports of limited quantities of wool for industrial testing, up to 500 kg annually	Argentina	b
Moschidae				
Moschus chrysogaster	Wild	All	China	b
Moschus berezovskii	Wild	All	China	b
Moschus fuscus	Wild	All	China	b
Moschus moschiferus	Wild	All	China, Russia	b
Cervidae				
Cervus elaphus bactrianus	Wild	All	Uzbekistan	b
Bovidae				
Saiga tatarica	Wild	All	Kazakhstan, Russia	b
AVES				
Ciconiiformes				
Balaenicipitidae				
Balaeniceps rex	Wild	All	Zambia	b
ANSERIFORMES				
Anatidae				
Anas bernieri	Wild	All	Madagascar	b
FALCONIFORMES				
Accipitridae				
Accipiter brachyurus	Wild	All	Papua New Guinea	b
Accipiter gundlachi	Wild	All	Cuba	b