COMMISSION REGULATION (EC) No 1497/2003

of 18 August 2003

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], as last amended by Commission Regulation (EC) No 2476/2001 [2], and in particular Article 19(3), thereof,

Whereas:

(1) At the 12th session of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as the Convention), held in Santiago (Chile) from 3 to 15 November 2002, amendments were made to the Appendices to the Convention by way of the transfer of certain species or certain populations of species to Appendix I from Appendix II and vice versa, the transfer of certain species from Appendix III to Appendix II, the addition of species to Appendices I and II that were not previously listed in any of the Appendices, the deletion of certain species from Appendix II, and the addition, deletion or amendment of certain annotations accompanying the listing of certain species.

(2) Additions and deletions have been made to Appendix III to the Convention subsequent to the 12th session of the Conference of the Parties to the Convention in accordance with the provisions of Article XVI of the Convention.

(3) Member States have not entered a reservation in respect of any of these amendments.

(4) The amendments to Appendices I, II and III to the Convention therefore necessitate amendments to Annexes A, B and C of Regulation (EC) No 338/97 in accordance with Article 3(1)(a), (2)(a) and 3(a) of that Regulation.

(5) It has been established that *Oxyura jamaicensis* and *Chrysemys picta* constitute a threat to wild species of fauna and flora indigenous to the Community and those two species should therefore be included in Annex B of Regulation (EC) No 338/97 in accordance with Article 3(2)(d) of that Regulation.

(6) It has further been established that *Padda fuscata* is subject to levels of international trade that might not be compatible with its survival and that this species should therefore be included in Annex B to Regulation (EC) No 338/97 in accordance with Article 3(2)(c)(i) of that Regulation.

(7) It has been established that a number of species currently included in Annex D to Regulation (EC) No 338/97 are not imported into the Community in such numbers as to warrant monitoring and that these species should be deleted from that Annex in accordance with Article 3(4)(a) of that Regulation.

(8) It has further been established that a number of other species not currently included in any of the Annexes to Regulation (EC) No 338/97 are being imported into the Community in such numbers as to warrant monitoring and that these species should be included in Annex D on the basis of Article 3(4)(a) of that Regulation.

(9) In view of the extent of the amendments it is appropriate to replace the whole of the Annex to Regulation (EC) No 338/97 consisting of the Annexes A, B, C and D and the notes on the interpretation of those Annexes.

(10) 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 Annexes to Regulation (EC) No 338/97 and the notes on the interpretation of those Annexes are hereby replaced by the text in the Annex to this Regulation.

Article 2

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

[1] OJ L 61, 3.3.1997, p. 1.
[2] OJ L 334, 18.12.2001, p. 3.

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

Done at Brussels, 18 August 2003.

For the Commission
Margot WALLSTRÖM
Member of the Commission

ANNEX

'Annex

Notes on interpretation of Annexes A, B, C and D

1. Species included in these Annexes A, B, C and D are referred to:

   (a) by the name of the species; or

   (b) as being all of the species included in a higher taxon or designated part thereof.

2. The abbreviation "spp." is used to denote all species of a higher taxon.

3. Other references to taxa higher than species are for the purposes of information or classification only.

4. Species printed in bold in Annex A are listed there in consistency with their protection as provided for by Council Directive 79/409/EEC [1] (Birds Directive) or Council Directive 92/43/EEC [2] ("Habitats Directive").

5. The following abbreviations are used for plant taxa below the level of species:

   (a) "ssp" is used to denote subspecies;

   (b) "var(s)" is used to denote variety (varieties); and

   (c) "fa" is used to denote forma.

6. The symbols "(I)", "(II)" and "(III)" placed against the name of a species or higher taxon refer to the Appendices of the Convention in which the species concerned are listed as indicated in notes 7 to 9. Where none of these annotations appears, the species concerned are not listed in the Appendices to the Convention.

7. (I) against the name of a species or higher taxon indicates that the species or higher taxon concerned is included in Appendix I to the Convention.

8. (II) against the name of a species or higher taxon indicates that the species or higher taxon concerned is included in Appendix II to the Convention.

9. (III) against the name of a species or higher taxon indicates that it is included in Appendix III to the Convention. In this case the country with respect to which the species or higher taxon is included in Appendix III is also indicated by a two-letter code as follows: BO (Bolivia), BR (Brazil), BW (Botswana), CA (Canada), CO (Colombia), CR (Costa Rica), GH (Ghana), GT (Guatemala), HN (Honduras), IN (India), MY (Malaysia), MU (Mauritius), NP (Nepal), TN (Tunisia), UY (Uruguay) and ZA (South Africa).

10. Hybrids may be specifically included in the Appendices but only if they come from distinct and stable populations in the wild. Hybrid animals that have in their previous four generations of the lineage one or more specimens of species included in Annexes A or B shall be subject to the provisions of this Regulation just as if they were full species, even if the hybrid concerned is not specifically included in the Annexes.

11. The symbol "=" followed by a number placed against the name of a species or higher taxon denotes that the name of that species or taxon shall be interpreted as follows:

    =301 Also referenced as *Phalanger maculatus*

    =302 Also referenced as *Vampyrops lineatus*

    =303 Formerly included in family Lemuridae

    =304 Formerly included as subspecies of *Callithrix jacchus*

    =305 Includes generic synonym *Leontideus*

    =306 Formerly included in species *Saguinus oedipus*

    =307 Formerly included as *Alouatta palliata*

    =308 Formerly included as *Alouatta palliata (villosa)*

    =309 Includes synonym *Cercopithecus roloway*

    =310 Formerly included in genus *Papio*

    =311 Includes generic synonym *Simias*

    =312 Includes synonym *Colobus badius rufomitratus*

[1] OJ L 103, 25.4.1979, p. 1. Directive as last amended by Commission Directive 97/49/EC (OJ L 233, 13.8.1997, p. 9).
[2] OJ L 206, 22.7.1992, p. 7. Directive as last amended by Council Directive 97/62/EC (OJ L 305, 8.11.1997, p. 42).

=313 Includes generic synonym *Rhinopithecus*

=314 Also referenced as *Presbytis entellus*

=315 Also referenced as *Presbytis geei* and *Semnopithecus geei*

=316 Also referenced as *Presbytis pileata* and *Semnopithecus pileatus*

=317 Formerly included as *Tamandua tetradactyla* (in part)

=318 Includes synonyms *Bradypus boliviensis* and *Bradypus griseus*

=319 Includes synonym *Cabassous gymnurus*

=320 Includes synonym *Priodontes giganteus*

=321 Includes generic synonym *Coendou*

=322 Includes generic synonym *Cuniculus*

=323 Formerly included in genus *Dusicyon*

=324 Includes synonym *Dusicyon fulvipes*

=325 Includes generic synonym *Fennecus*

=326 Also referenced as *Selenarctos thibetanus*

=327 Formerly included as *Nasua nasua*

=328 Also referenced as *Aonyx microdon* or *Paraonyx microdon*

=329 Formerly included in genus *Lutra*

=330 Formerly included in genus *Lutra*; includes synonyms *Lutra annectens, Lutra enudris, Lutra incarum* and *Lutra platensis*

=331 Includes synonym *Galictis allamandi*

=332 Formerly included in *Martes flavigula*

=333 Includes generic synonym *Viverra*

=334 Includes synonym *Eupleres major*

=335 Formerly included as *Viverra megaspila*

=336 Formerly included as *Herpestes fuscus*

=337 Formerly included as *Herpestes auropunctatus*

=338 Also referenced as *Felis caracal* and *Lynx caracal*

=339 Formerly included in genus *Felis*

=340 Also referenced as *Felis pardina* or *Felis lynx pardina*

=341 Formerly included in genus *Panthera*

=342 Excludes the domesticated form referenced as *Equus asinus*, which is not subject to the provisions of this Regulation

=343 Formerly included in species *Equus hemionus*

=344 Also referenced as *Equus caballus przewalskii*

=345 Also referenced as *Choeropsis liberiensis*

=346 Also referenced as *Cervus porcinus calamianensis*

=347 Also referenced as *Cervus porcinus kuhlii*

=348 Also referenced as *Cervus porcinus annamiticus*

=349 Also referenced as *Cervus dama mesopotamicus*

=350 Excludes the domesticated form of *Bos gaurus* referenced as *Bos frontalis* which is not subject to the provisions of this Regulation

=351 Excludes the domesticated form of *Bos mutus* referenced as *Bos grunniens* which is not subject to the provisions of this Regulation

=352 Includes generic synonym *Novibos*

=353 Excludes the domesticated form of *Bubalus arnee* referenced as *Bubalus bubalis*

=354 Includes generic synonym *Anoa*

=355 Also referenced as *Damaliscus dorcas dorcas*

=356 Formerly included in species *Naemorhedus goral*

=357 Also referenced as *Capricornis sumatraensis*

=358 Includes synonym *Oryx tao*

=359 Includes synonym *Ovis aries ophion*

=360 Formerly included as *Ovis vignei*

=361 Also referenced as *Rupicapra rupicapra ornata*

=362 Also referenced as *Boocercus eurycerus*; includes generic synonym *Taurotragus*

=363 Also referenced as *Pterocnemia pennata*

=364 Also referenced as *Sula abbotti*

=365 Also referenced as *Ardeola ibis*

=366 Also referenced as *Egretta alba* and *Ardea alba*

=367 Also referenced as *Ciconia ciconia boyciana*

=368 Also referenced as *Hagedashia hagedash*

=369 Also referenced as *Lampribis rara*

=370 Includes *Phoenicopterus roseus*

=371 Includes synonyms *Anas chlorotis* and *Anas nesiotis*

=372 Also referenced as *Spatula clypeata*

=373 Also referenced as *Anas platyrhynchos laysanensis*

=374 Probably a hybrid between *Anas platyrhynchos* and *Anas superciliosa*

=375 Also referenced as *Nyroca nyroca*

=376 Includes synonym *Dendrocygna fulva*

=377 Also referenced as *Cairina hartlaubii*

=378 Also referenced as *Aquila heliaca adalberti*

=379 Also referenced as *Chondrohierax wilsonii*

=380 Also referenced as *Falco peregrinus babylonicus* and *Falco peregrinus pelegrinoides*

=381 Also referenced as *Crax mitu mitu*

=382 Also referenced as genus *Crax*

=383 Formerly included in genus *Aburria*

=384 Formerly included in genus *Aburria*; also referenced as *Pipile pipile pipile*

=385 Formerly included as *Arborophila brunneopectus* (in part)

=386 Formerly included in species *Crossoptilon crossoptilon*

=387 Formerly included in species *Polyplectron malacense*

=388 Includes synonym *Rheinardia nigrescens*

=389 Also referenced as *Tricholimnas sylvestris*

=390 Also referenced as *Choriotis nigriceps*

=391 Also referenced as *Houbaropsis bengalensis*

=392 Also referenced as *Turturoena iriditorques*; formerly included as *Columba malherbii* (in part)

=393 Also referenced as *Nesoenas mayeri*

=394 Formerly included as *Treron australis* (in part)